

RESOLUTION R2024-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, ADOPTING THE GOVERNMENT BUILDING FACILITIES NEXUS FEE STUDY AND ASSOCIATED FEE CAPITAL IMPROVEMENT PLAN AND SETTING CHARGES FOR THE GOVERNMENT BUILDING FACILITIES FEE

WHEREAS, the Manteca Municipal Code (“MMC”) imposes upon new residential and nonresidential development the requirement to pay a Government Building Facilities Fee (MMC Chapter 3.44); and

WHEREAS, MMC Section 3.44.030 empowers the City Council to establish the amount of the Government Building Facilities Fee by resolution in accordance with a nexus study that demonstrates the reasonable relationship between the fee’s use and the type of development project on which the fee will be imposed and that demonstrates the reasonable relationship between the need for additional government building facilities and the type of development projects on which the fee will be imposed; and

WHEREAS, new development projects attract new residents and employees to the City, generating an increased demand for government building facilities; and

WHEREAS, the City has determined that existing government building facilities are reaching capacity and that the City requires a cost-effective and efficient way of serving future residents and employees while maintaining adopted levels of service; and

WHEREAS, the City desires to charge the Government Building Facilities Fees upon development projects to ensure that new development contributes its fair share to public facilities in the City consistent with the City’s adopted standards; and

WHEREAS, the City contracted with Harris & Associates to perform a study for the Government Building Facilities Fees demonstrating the reasonable relationship between the need for the fee and the type of development on which the fee will be imposed and has determined the amount of the fee based on the reasonable relationship between the fee and the type of development project on which the fee will be imposed; and

WHEREAS, Harris & Associates prepared and submitted a Comprehensive Development Impact Fee Nexus Study, dated August 2024, attached hereto as Exhibit A and incorporated herein by reference (the “Nexus Study”); and

WHEREAS, the Nexus Study substantiates a methodology that will charge each new development project only for the costs necessary to mitigate the impacts expected to be caused by that development project; and

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WHEREAS, there is a reasonable relationship and an essential nexus between the Government Buildings Facilities Fees and the development projects on which the Fees will be imposed because the Fees will only fund costs necessitated by each new development; and

WHEREAS, the Government Building Facilities Fees will not exceed the estimated reasonable cost of providing the land and facilities for which the Fees are imposed; and

WHEREAS, the Government Building Facilities Fees will not be levied, collected or imposed for general revenue purposes, but are levied specifically to fund facilities of the types set forth in the Nexus Study; and

WHEREAS, the Nexus Study establishes that the Government Buildings Facilities Fee has an “essential nexus” to the City’s legitimate land use interest of providing government building facilities necessary to serve new growth and the amount of the Fee is roughly proportionate to the City’s costs of constructing government building facilities to serve new development; and

WHEREAS, the Nexus Study identifies the City’s existing level of service for government building facilities, identifies the proposed new level of service, and includes an explanation of why the new level of service is appropriate; and

WHEREAS, the Nexus Study includes information that supports the City’s actions, as required by subdivision (a) of Section 66001 of the Government Code; and

WHEREAS, the Nexus Study includes a Government Building Facilities Fee Capital Improvement Plan (“CIP”), which serves as its capital improvement plan pursuant to subdivision (a)(6) of Section 66016.5 of the Government Code for the Government Building Facilities Fees and is attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the CIP indicates the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the Government Building Facilities Fees and includes a level of service that is consistent with the General Plan and supported by General Plan policies, as articulated in the Nexus Study; and

WHEREAS, the Nexus Study reviewed the assumptions of the nexus study supporting the existing Government Building Facilities Fee and evaluated the amount of revenues collected under the existing fee; and

WHEREAS, the Nexus Study was presented to the City Council; and

WHEREAS, the Government Building Facilities Fees are consistent with the City’s General Plan, including the City’s Housing Element, because (1) they will help ensure that the City maintains appropriate growth measures to ensure that the City can

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provide facilities and infrastructure necessary to serve new development (Goal GM-1); (2) they require new development to meet level of service standards for necessary services and facilities (GM-1.1); and (3) they are consistent with the City's obligation to affirmatively further fair housing because the fees do not exceed the calculated impacts of single family and multi-family residential development projects, the fees for multi-family residential development are either decreasing or modestly increasing, and the City's updated fees will be similar to or less than the fees charged by neighboring jurisdictions; and

WHEREAS, the City's General Plan Land Use Policy LU-5.1 calls for the City to "Encourage the development and intensification of employment centers, including high quality, professional office campuses, business parks, and industrial parks, along with related mixed-use development and open spaces;" and

WHEREAS, the City's General Plan Fiscal Sustainability Policy EF-1.1 calls for the City to "Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides fiscal balance between those that produce revenues and those that require public expenditures;" and

WHEREAS, the City's General Plan Land Use Policy LU-5.1 calls for the City to "Encourage the development and intensification of employment centers, including high quality, professional office campuses..." and

WHEREAS, the City's General Plan Land Use Policy LU-4.2 calls for the City to "Attract and retain a broad base of businesses and industries to provide a variety of jobs allowing career growth potential, while focusing on high-wage and/or high-sales tax producers; and

WHEREAS, the City seeks to provide a reduction from the maximum allowable fees in the non-residential land use category of Office to promote these types of development projects and meet the General Plan Policies and Goals; and

WHEREAS, pursuant to Government Code Sections 66016, 66016.5, 66018, 66019, and 6062a, the City must adopt the updated Government Building Facilities Fees only after notice and public hearing; and

WHEREAS, pursuant to Government Code Sections 66002, 66016.5, 66018, 66019, 6062a, a notice of a public hearing on the proposed fee schedule and the adoption of the Nexus Study was published on August 31, 2024, and September 10, 2024, in the Manteca Bulletin, a newspaper of general circulation; and

WHEREAS, pursuant to Government Code Sections 66019 and 66016.5, notice of the time and place of the meeting, including a general explanation of the matters to be considered and a statement that required data is available was mailed at least thirty

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(30) days prior to the meeting to those members of the public who filed a written request with the City; and

WHEREAS, at least ten (10) days prior to the public hearing referenced above, the City made available for public inspection information required under Government Code Section 66000, et seq.; and

WHEREAS, the Government Buildings Facilities Fee is an “exempt charge”, within the meaning of Section 1 of Article XIII C of the California Constitution because it is a charge imposed as a condition of property development; and

WHEREAS, on October 1, 2024, the City Council held a noticed public hearing to consider the City’s proposed new Government Building Facilities Fees at which time all interested persons were given an opportunity to comment.

WHEREAS, the City Council has considered all information related to this matter, including any supporting reports by City Staff and any information provided by the public, prior to the close of the public hearing, pursuant to Government Code section 66019.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. Findings. The City Council finds and determines as follows:
 - a. The above recitals are correct and are material to this Resolution and are incorporated into this Resolution as findings of the City Council.
 - b. The Government Building Facilities Fees proposed bear a reasonable relationship to the need for government building facilities created by new development
2. Environmental Review. The City Council finds that the adoption of the amendments to the Government Building Facilities Fees are not considered a project under Public Resources Code Section 21065 and CEQA Guidelines Section 15378 because the amendments do not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and the amendments create government funding mechanisms which do not involve any commitment to any specific project. They are also exempt from CEQA as there is no possibility for causing a significant effect on the environment, per Section 15061(b)(3).

No specific projects are associated with these amendments to the Government Buildings Facilities Fee. The proposed project is policy-oriented and would establish a government building facilities standard and create a funding mechanism for future government building facilities. When and if specific projects are developed and proposed for implementation, the

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environmental impacts of such facilities would be evaluated in accordance with CEQA and City practice.

3. Adoption of the CIP. The City Council hereby approves and adopts the CIP, attached hereto as Exhibit B, including the level of service set forth in the CIP.
4. Adoption of Nexus Study. The City Council finds and determines that the Nexus Study, as set forth in Exhibit A, complies with California Government Code section 66000 et seq., and is consistent with the General Plan, and hereby approves and adopts the Nexus Study.
5. Rates for Government Building Facilities Fees. The City Council hereby adopts the rates for the Government Building Facilities Fee as shown in Exhibit C – Government Building Facilities Fee Schedule, attached hereto and incorporated by this reference.
6. Exemption. Pursuant to Government Code Section 65852.2(f)(2), the Government Building Facilities Fees shall not apply to accessory dwelling units of less than 750 square feet.
7. Effective Date. This Resolution shall take effect on October 3, 2024. In accordance with Government Code Section 66019, the updated Government Building Facilities Fees, set forth in Exhibit C shall be in full force and effect 60 days after the adoption of this Resolution and shall be published or posted as required by law.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the ___ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR: _____
GARY SINGH
Mayor

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk