

RESOLUTION NO. 2014-129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ESTABLISHING AND SETTING A SCHEDULE FOR THE WILFRED DOWDELL PUBLIC SAFETY EQUIPMENT MITIGATION FEE AND FINDING ADOPTION OF THE FEE EXEMPT FROM CEQA

WHEREAS, the General Plan of the City of Rohnert Park requires that new development pay its proportionate share of the cost of capital improvements made necessary by that new development; and

WHEREAS, the Final Environmental Impact Report (FEIR) for the Wilfred Dowdell Specific Plan Area (SPA) included Mitigation 3.10-2; and

WHEREAS, Mitigation 3.10-2 requires that “The Project applicant shall provide funds for the purchase of equipment needed to outfit the additional Public Safety Officer required as a result of Project development. The amount shall be determined and agreed upon by the Chief of Public Safety and the Finance Director of the City of Rohnert Park”; and

WHEREAS, Exhibit A, which is attached to this Resolution and incorporated by this reference is a financial analysis that provides an accounting of the costs required to equip an additional public safety officer and an allocation of those costs to the property within the Wilfred Dowdell SPA; and

WHEREAS, the analysis included in Exhibit A has been reviewed and agreed upon by the Chief of Public Safety and the Finance Director of the City of Rohnert Park as an accurate reflection of the attributable costs; and

WHEREAS, notice of the public hearing before the City Council on this adoption of the Wilfred Dowdell Public Safety Equipment Mitigation Fee was published twice in the newspaper for at least ten (10) days pursuant to Government Code Section 6062(a) and was mailed to interested persons who requested the information fourteen (14) days in advance;

WHEREAS, the analysis in Exhibit A was made available for public review for at least fourteen (14) days prior to the public hearing on this Resolution;

WHEREAS, on October 14, 2014 the City Council of the City of Rohnert Park conducted a duly noticed public hearing to receive and consider public comments on the staff report and presentation regarding the establishment of the Wilfred Dowdell Public Safety Equipment Mitigation Fee and the analysis included in Exhibit A; and

WHEREAS, the City Council hereby finds and determines as follows:

- A. Exhibit A complies with California Government Code Section 66001 by establishing the basis for imposition of fees on new development. In particular, Exhibit A :
 - i. identifies the purpose of the fee;
 - ii. identifies the use to which the fee will be put;
 - iii. shows a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
 - iv. shows a reasonable relationship between the need for the mitigation and the type of development project on which the fee is imposed because the mitigation is required to accommodate the increased need for public safety services generated by new development; and
 - v. shows a reasonable relationship between the amount of the fee and the cost of the mitigation or portion of the mitigation attributable to the development on which the fee is imposed because the proposed fees are proportional to the new population generated by each type of development.
- B. The fees collected pursuant to this Resolution shall be used to finance the mitigation described in the FEIR for the Wilfred Dowdell Specific Plan and Exhibit A.
- C. After considering the specific mitigation description and cost estimates identified in Exhibit A, the City Council approves such descriptions and cost estimates, and finds them reasonable as the basis for calculating and imposing the Wilfred Dowdell Public Safety Equipment Mitigation Fee.
- D. The mitigation and fee methodology identified in Exhibit A are consistent with the City's General Plan, including recent updates to the General Plan, because it implements the General Plan policy that requires that new development pay its proportionate share of the cost of capital improvements made necessary by that new development.
- E. The Public Safety Equipment Mitigation Fee is categorically exempt from environmental review pursuant to the California Environmental Quality Act guidelines section 15061(b) (3). The intent of the Wilfred Dowdell Public Safety Equipment Mitigation Fee is to provide one means of mitigating potential environmental impacts which have been identified in environmental analyses of other planning efforts, including the General Plan EIR. It is also statutorily exempt pursuant to CEQA Guidelines Section 15273 which provides that CEQA does not apply to the establishment or approval of rates, tolls, fares and other charges by public agencies when they are for the purpose of meeting operating expenses and these fees offset the city's costs of outfitting additional public safety officers to service the new population in the Wilfred Dowdell Specific Plan Area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it does hereby authorize and approve:

1. **Establishment of Fee; Schedule.** The Wilfred Dowdell Public Safety Equipment Mitigation Fee for various parcels within the Specific Plan Area is hereby established and set forth in Exhibit A. The parcels all have identical land use in the City's General Plan including recent updates to the General Plan. In the future, the General Plan Land Use Framework should be consulted as necessary to support accurate determination of fees.
2. **Use of Fee.** The funds generated by the imposition of the Wilfred Dowdell Public Safety Equipment Mitigation Fee shall be solely used: (a) for the purposes described in Exhibit A; (b) for reimbursing the City for the development's fair share of those costs already incurred by the City as a result of the development; or (c) for reimbursing developers who funded public safety equipment mitigation beyond that needed to mitigate the impacts of the developers' project or projects. The Wilfred Dowdell Public Safety Equipment Mitigation Fee shall be deposited, accounted for, and expended in accordance with Government Code Section 66006 and all other applicable provisions of law.
3. **Automatic Increase.** The Wilfred Dowdell Public Safety Equipment Mitigation Fee shall automatically increase on July 1 in each year hereafter in accordance with any increases in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the fiscal year ending on such July 1.
4. **Fee Review.** Annually, as part of the budget process, the City Manager shall review the estimated cost of the described mitigation, the continued need for the mitigation and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. The City Manager shall report his or her findings to the City Council at a noticed public hearing and recommend any adjustment to this fee or other action as may be needed.
5. **Judicial Action to Challenge this Resolution.** Any judicial action or proceeding to attack, review, set aside, void or annul this resolution shall be brought within 120 days of the date of adoption of this resolution.
6. **Severability.** If any provision or clause, or paragraph of this resolution or the imposition of the Wilfred Dowdell Public Safety Equipment Mitigation Fee for any project with Wilfred Dowdell Specific Plan Area or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this resolution or other fees levied by this resolution which can be given effect without the invalid provisions or application of fees, and to this end the provisions of the resolution are declared to be severable.
7. **Administration.** The Wilfred Dowdell Public Safety Equipment Mitigation Fee shall be administered in accordance with procedures outlined in Section 3.28 of the Rohnert Park Municipal Code, except that the Wilfred Dowdell Public Safety Equipment Mitigation

Fee shall be deposited in a dedicated account and shall not be comingled with the Public Facilities Fee Fund.


8. **Effective Date.** Pursuant to Government Code 60017, this Resolution shall take effect sixty (60) days after its adoption.
9. **Recitals.** The recitals to this Resolution are true and correct and material to the adoption of this Resolution.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute documents pertaining to this Resolution and the Wilfred Dowdell Public Safety Equipment Mitigation Fee for and on behalf of the City of Rohnert Park.

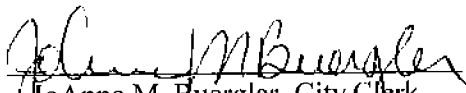
DULY AND REGULARLY ADOPTED this 14th day of October, 2014.



CITY OF ROHNERT PARK


Joseph T. Callinan, Mayor

ATTEST:


JoAnne M. Buergler, City Clerk

BELFORTE: ABSENT MACKENZIE: AYE STAFFORD: AYE ALANOTU: AYE CALLINAN: AYE
AYES: (4) NOES: (0) ABSENT: (1) ABSTAIN: (0)

Exhibit A

Wilfred Dowdell Public Safety Equipment Mitigation Fee Financial Analysis

Introduction and Purpose

The Environmental Impact Report (EIR) for the Wilfred Dowdell Specific Plan Area (SPA) includes Mitigation Measure 3.10-2 which reads:

“The Project applicant shall provide funds for the purchase of equipment needed to outfit the additional Public Safety Officer required as a result of Project development. The amount shall be determined and agreed upon by the Chief of Public Safety and the Finance Director of the City of Rohnert Park.”

The mitigation applies across the Wilfred Dowdell SPA, which includes multiple parcels that will develop and that will need to contribute their “fair share” of the cost of mitigation. The purpose of this Exhibit is to demonstrate the methodology used to calculate the fair share of the costs of the equipment needed to outfit an additional public safety officer and demonstrate that these calculations meet the requirements of the Mitigation Fee Act (Government Code 66000 et. seq.).

Definition and Cost of the Mitigation

The equipment necessary to outfit an additional public safety officer includes:

- Officer’s vehicle which allows response to fire emergencies consistent with the City’s public safety practices,
- Officer’s uniforms, and
- Officer’s firearm.

The cost of this equipment is outlined in Table 1 below.

Table 1 - Public Safety Equipment and Costs (ENR CCI 10897.21)

Public Safety Officer's Equipment		Cost
	Vehicle	\$ 40,000
	Uniforms	\$ 382
	Duty Belts	\$ 300
	Turnouts	\$ 3,000
	Firearm	\$ 400
	Total	\$ 43,682

Administrative Allowance

The City actively administers its mitigation fee programs. Administrative activities include:

- Annual accounting and reporting as required by Act;
- Updating participating land uses based on development plans;
- Updating program costs based on inflation;
- Reviewing and updating fee allocation factors to reflect changes in property configurations and zoning; and
- Updating the fee calculation exhibit and establishing new fees to reflect changes in costs, land use and/or demographic changes.

Active administration of the program provides a benefit to new development by ensuring that the charges are consistent, predictable, equitable and based on current understanding of costs and land uses. Because administrative activity can vary from time to time, the City uses an administrative allowance in order to budget for these activities. The City's allowance of 3% is based on the 2005 AACE International Transactions¹. These transactions document that the "Program Management" costs for a wide range of water and wastewater programs, undertaken over the 30 year period from 1973 to 2002, ran from a low of 1.5% to a high 9.7% with a historical average of 3.2%.² The City's allowance is slightly lower than the documented historical range for this type of cost.

Land Uses Supporting the Mitigation

The requirement to outfit a public safety officer is a localized mitigation required in the Wilfred Dowdell SPA and all properties within the SPA must contribute to satisfying the mitigation. The approved land uses within the Wilfred Dowdell SPA include 25.10 acres all designated for regional commercial development on the City's land use diagram. Because the land uses are identical, the impacts to public safety are also identical for each acre of property.

Cost Allocation Factors

Because the land uses are identical, the relative impacts to public safety services are proportional to the acreage of any given parcel. Larger parcels will allow for more development, with more impacts. Smaller parcels will result in smaller developments with fewer impacts. Because of the uniformity of the land uses, costs can be equitably apportioned by acreage of parcel.

Fee Calculation

Table 2 illustrates the fee calculation for the Public Safety Equipment Mitigation Fee. Because all property within the SPA is currently zoned for region commercial use, the fee per acre is identical.

¹ AACE is the Association for the Advancement of Cost Engineering

² "Controlling Non-Construction Costs", Tables 2 and 3. Peter R. Bredeheoft Jr. 2005 AACE International Transactions.

Table 2 – Calculation of the Wilfred Dowdell Public Safety Equipment Mitigation Fee

Mitigation Cost	\$	43,682
Administrative Allowance	\$	1,310
Total Mitigation Cost	\$	44,992
Mitigation Fee per Acre (1)		\$1,792.51

Assessor's Parcel Number		Owner Name	Acres	Fee Per Acre	Fee Per Parcel
045-055-007	por	Cobt LLC	3.49	\$1,792.51	\$ 6,255.86
045-055-007	por	Cobt LLC	1.09	\$1,792.51	\$ 1,953.84
045-075-001		Tesconi Properties LLC	2.51	\$1,792.51	\$ 4,499.20
045-075-002		Amy's Kitchen Restaurant Holdings LLC	1.25	\$1,792.51	\$ 2,240.64
045-075-003		Amy's Kitchen Restaurant Holdings LLC	1.25	\$1,792.51	\$ 2,240.64
045-075-005		Sebastopol Co-Op LLC	5.06	\$1,792.51	\$ 9,070.10
045-075-006		Sebastopol Co-Op LLC	5.08	\$1,792.51	\$ 9,105.95
045-075-008		Thomas & Helen Roberts	3.78	\$1,792.51	\$ 6,775.69
045-075-009		Thomas & Helen Roberts	1.26	\$1,792.51	\$ 2,258.56
045-075-010		Thomas & Helen Roberts	0.16	\$1,792.51	\$ 286.80
045-075-011		Amy's Kitchen Restaurant Holdings LLC	0.05	\$1,792.51	\$ 89.63
045-075-012		Amy's Kitchen Restaurant Holdings LLC	0.12	\$1,792.51	\$ 215.10
Total			25.10		\$44,992.00

Notes:

(1) Cost per are is the Total Cost/Total Acres

Nexus Findings for the Public Safety Equipment Mitigation Fee

Purpose of Fee: The Public Safety Equipment Mitigation Fee funds the outfitting of one public safety officer in accordance with Mitigation 3.2-10 of the Final Environmental Impact Report for the Wilfred Dowdell Specific Plan Area.

Use of Fee: Revenue from the fee will be used to purchase the equipment necessary to outfit one public safety officer including a vehicle, uniforms and turnout and a fire arm.

Relationship between Use of Fee and Type of Development: The development of non-residential land uses within the SPA will result in an increased population of workers and customers and visitors. The City will use fee revenue to provide the equipment necessary to support the provision of public safety services to new workers, customers and visitors.

Relationship between Need for Improvements and the Type of Development: The Wilfred Dowdell SPA Final EIR determined that outfitting one public safety officer was necessary to mitigate the impacts of the type of development in the SPA. The Final EIR and its mitigation

measure established the relationship between the need for improved public safety outfitting and new development.

Relationship between Amount of Fee and Cost Attributed to Development upon which Fee Is Imposed: Parcel size, in acreage, is used to measure the relative impact of new development. This is appropriate because all parcels carry the same land use designation and can be expected to develop in a relatively similar fashion. Hence the size of the parcel is a reasonable indicator of its impact.

Summary

The Final EIR for the Wilfred Dowdell SPA determined that outfitting a public safety officer was necessary to mitigate the impacts of new development within the SPA. The Wilfred Dowdell Public Safety Equipment Mitigation Fee provides a mechanism to satisfy this mitigation. Because all property within the Specific Plan Area carries the same designation on the City's land use map, it can be expected to develop in a similar fashion and cause similar impacts. This allows the cost of mitigation to be allocated by gross acre of property since impacts will be proportional to the size of property.