

ORDINANCE O2024-19

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING SECTIONS 3.36.010, SCHEDULE, AND 15.26.010, PERMIT RELATED FEES, AND ADDING CHAPTER 3.44, GOVERNMENT BUILDING FACILITIES FEE, TO THE MANTECA MUNICIPAL CODE

WHEREAS, California law allows local government to establish and charge a fee on residential and non-residential development in order to fund the need for public facilities to service population growth; and

WHEREAS, the type of improvements that public facility fees can pay for include city buildings; and

WHEREAS, cities in California charge new development fees to help offset the cost of population growth impacts on public facilities like government buildings; and

WHEREAS, sections 3.36.010 and 15.26.010 of the Manteca Municipal Code impose upon new development the requirement to pay a Government Building Facilities; and

WHEREAS, the City desires to update its Government Building Facilities Fee program in order to comply with recently enacted state law; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

**SECTION 1: Amendment**, Section 3.36.010 is hereby amended to read as follows:

**3.36.010 Schedule.**

Category	Major Equipment Purchase Fee
Commercial	(Per Sq. Ft.)
Retail stores	\$ 0.10
Hotels, motels	0.09
Markets	0.11
Professional offices	0.08
Restaurants	0.12
Other commercial use (auto steam cleaners, car washes, mortuaries, and others)	0.12
Institutions—This category includes hospitals, care homes, schools and churches	0.07
Industrial—This category includes utility companies, such as PG&E, telephone companies, etc.	0.07

**SECTION 2: Amendment**, Section 15.26.010 is hereby amended to read as follows:

**15.26.010 Permit related fees.**

- A. In the case of permits for the erection or construction of a new dwelling unit, commercial structures or industrial structures, the following fees shall be assessed. "Dwelling unit, commercial structures or industrial structures," for purposes of fire facility fees, means all that area covered by a common roof and, in the case of permitted detached structure, all the area covered by roofs.

Permit	Fees (Effective Jan. 1, 2020)
Major equipment purchase	\$350.00 per unit
Fire Facility Fee	(Effective Feb. 4, 2020)
Residential	
Single-Family	\$0.31 per square foot
Multifamily	\$0.37 per square foot
Non-Residential	
Commercial	\$0.23 per square foot
Office	\$0.30 per square foot
Industrial	\$0.10 per square foot
Assisted Living	\$2,262.77 per bed
Mobile Home Parks/Modular/Campsites	\$751.76 per unit

- A. For all mobile home parks, modular buildings and campsites where building square footage of a structure is not available, the fire facility fee shall be six hundred dollars per unit. "Unit," as used in this subsection, means that space designed to be occupied by one self-contained (i.e., one mobile home, one modular building use or one campsite).
- B. All fire facility fees are due and payable at the time the property which is subject to a building permit has been determined by the building official or designee as ready for occupancy.
- C. The fire facility fee set forth in this section shall not apply to projects that hold valid vested tentative maps as of the effective date of Ordinance No. 1173 or persons who possess building permits issued prior to the effective date of Ordinance No. 1173; for these projects and permit holders, the fee in existence prior to this amendment shall remain in effect.

**SECTION 3:** Addition, Chapter 3.44, Government Building Facilities Fee is hereby added to read as follows:

**Chapter 3.44 Government Building Facilities Fee**

### **3.44.010 Findings and Intent**

The city council hereby finds and declares that:

- a. New development projects in the city have had and will continue to have significant citywide impacts on the availability and adequacy of government buildings and facilities.
- b. It is the city's intent and desire to provide government buildings and facilities necessary to serve residential and nonresidential development within the city.
- c. The imposition of impact fees is one of the customary methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development in order to promote and protect the public health, safety, and welfare.
- d. The provisions of this chapter are enacted pursuant to the City of Manteca General Plan and Section 66000 et seq. of the California Government Code (the "Mitigation Fee Act").

### **3.44.020 Purpose**

The council of the city declares that the fees required to be paid are imposed pursuant to the powers of the city for the purpose of generating revenue for government building facilities, which are necessary to serve new development and ensure that new development pays for its fair share of government buildings and facilities.

### **3.44.030 Fee Established**

- a. A government building facilities fee is established to pay for City-owned general government building facilities.
- b. Pursuant to Government Code Section 66001, the City Council shall, in a Council resolution adopted after a duly noticed public hearing, set forth the amount of the government building facilities, describe the benefit and impact area on which the government building facilities fee is imposed, list the public facilities to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between the use of the government building facilities fee and the need for the public facilities and the types of future development projects on which the government building facilities impact fee is imposed, and set forth time for payment.

### **3.44.040 Use of Fee Revenues**

The revenues raised by payment of the government building facilities fee shall be accounted for in the City's Government Facilities Fund. Separate and special accounts within the fund shall be used to account for revenues, along with any interest earnings on such accounts, and fee expenditures. These monies shall be used for the following purposes:

- a. To pay for design, engineering, right-of-way acquisition and construction of the government building facilities designated in the Government Building Facilities Fee Capital Improvement Plan, which shall be adopted by resolution of the City Council and may be amended from time to time pursuant to Government Code section 66002;
- b. To reimburse developers who have designed and constructed government building

facilities, or portions thereof, as designated in the Government Building Facilities Fee Capital Improvement Plan; and/or

c. To pay for and/or reimburse costs of program development and ongoing administration of the government building facilities fee program.

#### **3.44.050 Exemptions**

The following developments shall be exempt from the requirements of this chapter:

- a. Governmental or public facilities.
- b. Public elementary schools and secondary schools.
- c. Alterations or renovations of an existing building or structure where no new dwelling units or new nonresidential space is created.
- d. The replacement of a destroyed or partially destroyed or damaged building or structure where no additional dwelling units or new nonresidential space is created.

#### **3.44.060 Determination of Required Fees**

- a. The Development Services Director shall be responsible for determining the fees required by this chapter. This determination shall be made at the time of application for the building permit or at the time of approval for a change in use.
- b. The government building facilities fee may be modified automatically on an annual basis in accordance with the change in the Engineering News Record (“ENR”) construction cost index for the San Francisco area. This adjustment shall not require any action of the city council.

#### **3.44.070 Payment of Fees**

a. Fees required by this chapter shall be paid at the time of issuance of a building permit for a development, unless an applicant for a residential development project requests to enter into an agreement with the city, pursuant to Government Code, section 66007, to pay the fees at the time of final inspection or when the certificate of occupancy is issued, whichever occurs first. An agreement to defer payment until the issuance of a certificate of occupancy or the time of the final inspection must be executed and recorded before the city will issue a building permit for the development project. Unless otherwise required by state law, the fees imposed shall be paid in an amount equal to the fees in effect at an applicant submits a complete application for a building permit for such development.

b. If new development changes or intensifies the existing use on the project site, thereby requiring the payment of a new or additional government building facilities fee, the fee amount associated with the existing use on the project site, at the current rates then in effect, shall be credited against the new total fee due, as determined by the City Manager; provided, however, that in no event shall the city refund the fees previously paid.

#### **3.44.080 Developer Construction of Facilities**

If a developer is required, as a condition of approval of a permit, to construct a government building facility that has been designated to be financed with government building

facilities impact fees, a credit against the fee otherwise levied by this chapter on the development project in an amount not to exceed the cost of such public facility as estimated by the City in adopting the fee shall be offered by the City and, if the fee is less than such amount, the developer shall be entitled to reimbursement. The reimbursement amount shall be from fee revenues only.

### **3.44.090 Impact Fee Adjustments**

Any person subject to a fee required by this chapter may apply to the City Manager, or the City Manager's designee, for a reduction, adjustment or waiver of that fee based upon the applicant's contention that (1) the amount of the fee is not reasonably related to the impacts of the applicant's development project on government building facilities; (2) the fee is not roughly proportionate to the development's impact on the need for government building facilities; or (3) the fee requires the developer to pay more than is necessary to address the impacts of the new development on government building facilities.

- a. Application. An applicant shall file a written request to adjust fees with the Development Services Director not later than 10 days after the city notifies the developer of the amount of the fee to be charged. Additional time, as determined by the City Manager, will be allowed when significant additional information is required of the developer. The application shall provide evidence illustrating that the payment of the fee authorized by this chapter and imposed by implementing resolution bears no reasonable relationship and/or is not roughly proportionate to the impacts of the development on the need for government building facilities within the city and shall state in detail the factual basis for the request for reduction, adjustment or waiver. If an applicant desires to receive a building permit prior to the city's issuance of a final determination on the adjustment application, the applicant shall deposit the fee with the application. Such fee or portion thereof will be refunded if the application is successful.
- b. Decision of the Development Services Director. The Development Services Director shall issue a decision on the application within 30 days after the application is filed. The Development Services Director shall consider evidence from the applicant, from the city department imposing the fee or charge, and from other persons who may have personal knowledge of relevant information concerning the fee or charge. The Development Services Director's decision shall state his or her determination regarding the amount of the government building facilities fee that may reasonably be imposed on the new development and include a brief description of the basis for the decision. The decision of the Development Services Director is final and may be appealed or protested pursuant to Government Code Section 66020.

**SECTION 4: 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 environmental impacts of such facilities would be evaluated in accordance with CEQA and City practice.

**SECTION 5: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 6: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR:   
GARY SINGH

ATTEST:   
CASSANDRA CANDINI-TILTON  
CITY CLERK

STATE OF CALIFORNIA }  
COUNTY OF SAN JOAQUIN } SS:  
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public

meeting of the City Council on the 20<sup>th</sup> day of August, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the 3<sup>rd</sup> day of September, 2024, by the following vote:

AYES: Breitenbucher, Halford, Morowit, Nuño, Singh

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

  
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CASSANDRA CANDINI-TILTON  
City Clerk