

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
ADOPTING RATES FOR THE EAST WHISMAN PRECISE PLAN DEVELOPMENT IMPACT FEE AND
AMENDING THE CITY OF MOUNTAIN VIEW MASTER FEE SCHEDULE TO INCLUDE SUCH FEE

WHEREAS, on November 5, 2019, the City Council adopted the East Whisman Precise Plan (“Precise Plan”), which allows new residential land use and expanded commercial land use, open spaces, and multi-modal connectivity in the East Whisman Area (“East Whisman”); and

WHEREAS, the Precise Plan identifies key public improvements needed in East Whisman to serve projected development in the area; and

WHEREAS, the Precise Plan includes a Funding Strategy that details how new public improvements in East Whisman could be funded to serve new development in the area; and

WHEREAS, the Funding Strategy identified the need for development fees as a key element to fund public improvements needed to serve new development in the Precise Plan area; and

WHEREAS, on April 22, 2022, a nexus study prepared by Willdan Financial Services, entitled “East Whisman Precise Plan Development Impact Fee Nexus Study” and dated April 22, 2022, was placed on file and made available for public inspection on the City website and at the location identified in the notice of availability of the nexus study and public hearing mailed on April 22, 2022 to all interested parties requesting notice and all property owners in the Precise Plan area; and

WHEREAS, minor text changes were made to the nexus study, providing clarification and further explanation of the methodology used in response to questions and comments received during the public inspection period, which are reflected in the revised “East Whisman Precise Plan Development Impact Fee Nexus Study,” dated May 10, 2022 (“Nexus Study”); and

WHEREAS, the Nexus Study describes: (i) an East Whisman Transportation Facilities Impact Fee; (ii) an East Whisman Potable Water Facilities Impact Fee; (iii) an East Whisman Sewer Facilities Impact Fee; and (iv) an East Whisman Recycled Water Facilities Impact Fee (collectively herein, the “Fees” and referred to together as the “East Whisman Precise Plan Development Impact Fee”).

WHEREAS, the Nexus Study: (i) meets the requirements of Section 66016.5 of the Government Code; (ii) describes development impact fees (“Fees”) to be collected within the Precise Plan area for potable water facilities, transportation facilities, sewer facilities, and

recycled water facilities that would be necessary to fund public improvements associated with the development of the Precise Plan area; (iii) supports that the Fees do not exceed the amount permitted by law; (iv) includes data indicating the amount of cost, or the estimated cost, required to provide public facilities and the revenue sources anticipated to fund those public facilities, including General Fund revenues; and (v) provides the City Council with a basis for making the findings required by Section 66001(a) of the Government Code with respect to the adoption of Fees; and

WHEREAS, at least 30 days prior to the date this Resolution was heard, notice of the filing of the Nexus Study was provided to any persons or organizations who had requested such notice pursuant to Sections 66016.5 or 66019 of the Government Code or other applicable law; and

WHEREAS, notice of the hearing on the proposed fees was published twice in a newspaper of general circulation, in the manner set forth in Government Code Section 6062a as required by Government Code, Section 66018; and

WHEREAS, at a public hearing held at its May 24, 2022 Regular Meeting (“Public Hearing”), the City Council considered the Nexus Study and the proposed Impact Fee; and

WHEREAS, following the Public Hearing, the City Council, by resolution, adopted the Nexus Study; and

WHEREAS, following the Public Hearing, the City Council introduced an ordinance adding Chapter 47 to the City Code to govern the Fees; and

WHEREAS, the City Council has received and considered the Nexus Study, the Council report, and any and all public comments, oral and written, received prior to or during Public Hearing; and

WHEREAS, the City Council desires to adopt rates for the Fees; and

WHEREAS, the City Council adopts a Master Fee Schedule as a part of its annual budget, fixing and establishing fees, rates, and charges for goods and services provided by the City of Mountain View; and

WHEREAS, the City Council desires to add the Fees to the City’s Master Fee Schedule; and

WHEREAS, the adoption of the rates and the addition of the Fees to the Master Fee Schedule are not subject to the California Environmental Quality Act (CEQA) in that, pursuant to CEQA Guidelines, Section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause a significant effect on the environment, is not identified as a “project” under CEQA;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that the following fees are hereby adopted as set forth in the schedules attached hereto and incorporated herein as:

1. The City Council finds as follows:

a. Nature of Fee

The East Whisman Precise Plan Development Impact Fee includes the East Whisman Transportation Facilities Impact Fee, the East Whisman Potable Water Facilities Impact Fee, the East Whisman Sewer Facilities Impact Fee, and the East Whisman Recycled Water Facilities Impact Fee. The amounts of each of these fees is set forth in Exhibit A to this Resolution.

b. Purpose

The four proposed fees are designed to recover from new development in the East Whisman Precise Plan Area the cost of providing Transportation Facilities, Potable Water Facilities, Sewer Facilities, and Recycled Water Facilities, respectively, that are necessary to serve such new development. The fees do not allocate to new development any portion of facility cost that remediates existing deficiencies, rather than allowing service to new development.

c. Use of Fee

The fees will be used, respectively, to fund Transportation Facilities, Potable Water Facilities, Sewer Facilities, and Recycled Water Facilities that are either identified in the East Whisman Project-Level Transportation Analysis, East Whisman Precise Plan Utility Impact Study, and City of Mountain View Recycled Water Feasibility Study Update, or are identified as providing Transportation, Potable Water, Sewer, or Recycled Water services to the Precise Plan Area. Proceeds of each of the four fees will be separately accounted for, and each fee will be used only for its respective service.

d. Reasonable Relationship

New residential and nonresidential development will generate trips and will require water and wastewater service. As described in more detail in the Nexus Study, the proposed fees will enable the City to accommodate these trips and to provide water and wastewater services to the new development. The City will accommodate the water service demands in the EWPP area with a combination of potable and nonpotable facilities. It will accommodate the trip demands in the EWPP area with a combination of vehicular, bicycle, pedestrian, and multi-modal facilities. Consequently, there is a reasonable relationship between the use of the proposed fees and the types of development on which the fees will be imposed.

e. Need

The facilities that will be funded are each either: (i) needed to connect new development in the EWPP area to the City's existing infrastructure network; or (ii) needed to expand the capacity of existing infrastructure so that it can accommodate service demands or trips from the new development. Each new development project is charged only for the share of the cost of the new facilities that is proportionate to the trips generated, or water or sewer service demanded by the project. Costs associated with remediating existing deficiencies in service or providing service to future development outside of the EWPP area have not been included in the fees. Trip generation and service demand has been calculated for each type of development based on the development's land use characteristics. Consequently, there is a reasonable relationship between the need for the identified public facilities and the types of development on which the fees are imposed.

f. Proportionality

The amount of the fee had been calculated on a per trip (transportation) or volumetric (water, sewer) basis. Therefore, each development will pay only for the cost of accommodating the number of trips, or the volume of water or sewer service, that the development is anticipated to generate. Consequently, there is a reasonable relationship between the fee amounts and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed.

g. Automobile Trips

Housing developments in the EWPP area that have the characteristics set forth in Section 66005.1(a) of the Government Code will not generate fewer automobile trips than housing developments in the EWPP area that lack one or more of those characteristics. This is because the EWPP area is a compact area, to be extremely well-served by transit, bicycle, and pedestrian infrastructure (as well as walkable shopping opportunities), that is being developed with relatively high-occupancy residential buildings that have relatively low on-site parking availability. Therefore, all housing developments in the EWPP area (including those that may not technically satisfy all the criteria set forth in Section 66005.1(a) of the Government Code) are anticipated to generate a relatively low level of automobile trips. The Nexus Study and the improvements to be funded by the impact fees take into account this shift to alternative transportation methods.

h. Housing Developments

The fees adopted by this Resolution for housing development projects are not directly based on the square footage of each dwelling unit included in the housing development. Instead, fees are scaled based on the anticipated number of residents of each dwelling unit, as estimated based on the number of bedrooms in the dwelling unit.

This measure was chosen because:

i. Dwelling unit square footage is not an appropriate metric of water or sewer use because: (i) the indoor water and sewer use of a dwelling is not proportional to the floor area of the unit but to the number of individuals who use the bathroom, kitchen, and laundry facilities of the unit; (ii) a dwelling unit does not generate trips based on its size but on its occupancy; and (iii) the common area landscaping water use of a development is based on the square footage of landscaping, not the interior square footage of the dwelling unit, and common area open space is required on a per person/per unit basis rather than a per square foot basis

ii. A fee based on projected occupancy (based on number of bedrooms) bears a reasonable relationship to the burden posed by the development upon the City's water, sewer, and transportation capacity because (for the reasons described, above) trip generation and water and sewer service demand are best estimated based on occupancy.

iii. This fee structure supports smaller developments and ensures that smaller developments are not charged disproportionate fees because dwelling units with less bedrooms (and, therefore, a lower projected occupancy) will generate a lower fee than dwelling units with more bedrooms. Furthermore, each development will pay only for the number of dwelling units it contains, meaning that a small building with less dwelling units will pay less than a larger building with more dwelling units of the same size.

2. **Setting of East Whisman Development Impact Fee Rates.** The rates for the East Whisman Transportation Facilities Impact Fee, the East Whisman Potable Water Facilities Impact Fee, the East Whisman Sewer Facilities Impact Fee, and the East Whisman Recycled Water Facilities Impact Fee are established as set forth in Exhibit A to this Resolution, which is incorporated herein by reference. The fees shall be administered pursuant to Article 2 of Chapter 37 of the City Code.

3. **Environmental Review.** Prior to the approval of any transportation, potable water, recycled water, or sewer project to be funded with East Whisman Development Impact Fees, all necessary environmental review required by CEQA shall be completed. Adoption of these fees in no way limits the City's discretion in completing environmental review of the planned improvements. The planned improvements may be modified to provide for the use of additional Federal, State, and local funds; to account for unexpected revenues, whether greater or lesser; to modify, add, or delete a project or program from the plan, consistent with the Mitigation Fee Act; to maintain consistency with the City's General Plan; or to take into consideration unforeseen circumstances, including, without limitation, circumstances that may come to light as a result of subsequent CEQA environmental review.

4. **Effective Date.** This resolution shall take effect on the latest of: (i) the sixtieth (60th) day following the adoption of the ordinance adding Chapter 47 to the City Code; and (ii) the sixtieth (60th) day following the adoption of this Resolution.

RG/4/RESO
926-05-24-22r-1

Exhibit: A. Fee Schedule for Public Works Department

FEE SCHEDULE FOR EAST WHISMAN DEVELOPMENT IMPACT FEES
AS ADOPTED MAY 24, 2022

EAST WHISMAN DEVELOPMENT IMPACT FEE—PUBLIC WORKS DEPARTMENT

State Code § (if any)	Title of Fee	Amount of Fee	Fee Basis	Effective Date	
§ 66000 <i>et seq</i>	EAST WHISMAN DEVELOPMENT IMPACT FEE			8/13/2022	
	Office / R & D				
	Transportation	\$5.35	Per square foot net new gross floor area		
	Potable Water	\$0.30			
	Recycled Water	\$4.18			
	Sewer	\$0.92			
	Retail				
	Transportation	\$13.06	Per square foot net new gross floor area		
	Potable Water	\$0.30			
	Recycled Water	\$4.18			
	Sewer	\$0.62			
	Hotel				
	Transportation	\$2,505	Per Room		
	Potable Water	\$231			
	Recycled Water	\$3,213			
	Sewer	\$618			
	Residential				
	<i>Studio</i>				
	Transportation	\$1,278	Per Dwelling Unit		
	Potable Water	\$193			
	Recycled Water	\$900			
	Sewer	\$517			
	<i>1-Bedroom</i>				
	Transportation	\$1,496	Per Dwelling Unit		
	Potable Water	\$223			
	Recycled Water	\$1,028			
	Sewer	\$609			
	<i>2-Bedroom</i>				
	Transportation	\$2,281	Per Dwelling Unit		
	Potable Water	\$344			
Recycled Water	\$1,607				

	Sewer	\$923		
	<i>3-Bedroom</i>			
	Transportation	\$2,762	Per Dwelling Unit	
	Potable Water	\$416		
	Recycled Water	\$1,928		
	Sewer	\$1,117		
	<i>Per Additional Bedroom</i>			
	Transportation	\$392	Per Dwelling Unit	
	Potable Water	\$58		
	Recycled Water	\$257		
	Sewer	\$157		