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How to Get What Your City Wants/Needs: Fees, Exactions and Dedications

Notes

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HOW TO GET WHAT YOUR CITY WANTS/NEEDS

FEES, EXACTIONS AND DEDICATIONS

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Notes



CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

ORDINANCE NO. 1764

**AN ORDINANCE AMENDING THE PLEASANTON
MUNICIPAL CODE TO ADD A NEW CHAPTER 3.22,
PUBLIC FACILITIES FEE FOR RESIDENTIAL,
COMMERCIAL, OFFICE AND INDUSTRIAL
DEVELOPMENT, AND REPEALING CHAPTER 3.24
OF THE MUNICIPAL CODE RELATING TO THE
RESIDENTIAL CONSTRUCTION TAX**

WHEREAS, the continuing growth of the City of Pleasanton, combined with the expectation of high quality services by people who live and work in the City, has been a catalyst for review of the City's existing and future public facilities; and

WHEREAS, public facilities and land are needed for public safety, community services, and general government uses; and

WHEREAS, new development is asked to contribute to the provision of such facilities to enable the City to provide necessary public services to new residents, businesses and their employees; and

WHEREAS, in September of 1997, staff undertook a study of the City's four existing public facilities fees (e.g. the Residential Construction Tax, two Growth Management fees, and the Capital Improvement fee) to consider replacing them with a single Public Facilities Fee; and

WHEREAS, the City Council held a workshop in March of 1998 to review the information gathered to that date regarding the Public Facilities Fee Study and to provide staff additional direction; and

WHEREAS, the Fee Study has been presented to the City's Planning Commission, Parks and Recreation Commission, and Economic Vitality Commission; and


Ordinance No. 1764

ADOPTED at a regular meeting of the City Council of the City of Pleasanton on November 3, 1998 by the following vote:

A ES: Councilmembers - Ayala, Dennis, Michelotti, and Mayor Tarver
NOES: None
ABSENT: Councilmember Pico
ABSTAIN: None


BEN C. TARVER, MAYOR

ATTEST:


Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

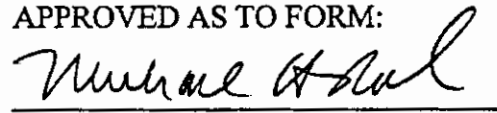

Michael H. Roush, City Attorney

Exhibit "A"

FINDINGS SUPPORTING ADOPTION OF THE PUBLIC FACILITIES FEE

1. The City Council finds that as a result of increasing regional growth in the San Francisco - Bay Area, significant residential, commercial and industrial development is expected to occur within the City of Pleasanton between now and build-out. This anticipated development, including development currently approved or submitted for approval, cumulatively will generate an increase in demand for public safety, community services and general government facilities by new residents, businesses and their employees. This increased demand will generate requests for public services which will exceed the capacity of current public facilities to provide.
2. Unless certain actions are taken, the above factors will result in adverse impacts such as: danger to people and property due to increased response time to public safety calls; lack of recreational opportunities for seniors, youth, other residents, and employees; and unacceptable constraints on commercial development in the downtown due to lack of parking facilities. The City Council finds that the cumulative impact of all new development under the General Plan (including development currently approved or submitted for approval) will result in unacceptable decreases in public services. To prevent these undesirable consequences, public facilities must be provided at a rate which will accommodate the expected growth in the City.
3. The City Council acknowledges that the demand for public facilities is shared by new development as well as by existing development. The proposed Public Facilities Fee apportions the cost of the necessary public improvements among the different categories of new and existing users according to the reasonably estimated demand that each group of users places upon public facilities.
4. In the absence of imposing a Public Facilities Fee, existing and future sources of revenue will be inadequate to fund the necessary public facilities identified in the Public Facilities Master Plan, the need for which has been partially generated by new development.
5. It is the intent of the City Council to adopt a fair and equitable method of securing some of the necessary revenues to fund the acquisition of property and construction of the necessary public facilities to accommodate the need for public safety, community services, and general governmental services.

6. With regard to the methodology for levying the Public Facilities Fee, the City Council further finds that:

- A. The public facilities necessary to serve existing and new residences, businesses and their employees at buildout have been cataloged in the Public Facilities Fee Technical Report ("Technical Report"), dated September 1998, attached to the Staff Report dated October 20, 1998. The City Council finds the list of public facilities to be reasonably necessary to meet the future demands for services at build-out based upon current and projected use patterns and demands.
- B. The estimated costs for the public facilities have been based upon current construction costs for similar facilities for which the City has recently received construction bids, or construction costs calculated on a square footage basis provided by other cities for their similar facilities. The City Council finds that these methods for estimating the costs of construction are reasonably based.
- C. The Land Use Element of the Pleasanton General Plan specifies the permitted uses of land within the City and places limits on the intensity and density of such uses. The City Council has reviewed the relationship between land uses and densities permitted under the General Plan and the rate and amount of actual development of property within the City. The City Council has identified trends in growth and development which enable the Council to project, with accuracy, the magnitude and extent of future development based upon the City's General Plan at projected build-out.
- D. The City Council has also examined the extent to which different land uses generate demands for public facilities, and has taken into consideration, among other evidence, the Technical Report. The Technical Report utilizes "service units" to measure the demand generated by existing and projected new residents, businesses and their employees on public facilities between now and buildout. Service units ratios are then assigned to different types of public facility categories according to an estimate of needs generated. The City Council finds that the service units are a reasonable estimation of actual demands for public facilities between new and existing development based upon historic, current, and projected demands.
- E. The estimated costs for the public facilities have been allocated to existing and new service units, and the necessary base fee for each category of public facilities has been calculated. The base fee has been calculated according to

Ordinance No. 1764

WHEREAS, informational workshops regarding the Study have also been provided to the community, the Chamber of Commerce, and the Downtown Association; and

WHEREAS, information and comments raised by residents, businesses, and City officials have shaped the proposed Public Facilities Fee; and

WHEREAS, the City Council held a noticed public hearing on October 20, 1998 to consider the proposed Public Facilities Fee; and

WHEREAS, the City Council has reviewed and considered the staff report, and all oral and written testimony.

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The City Council adopts the findings set forth in Exhibit "A", attached hereto and incorporated herein by this reference, as well as the provisions of the Public Facilities Fee Technical Report, attached to the Staff Report dated October 20, 1998 and incorporated herein by reference.

Section 2: The Pleasanton Municipal Code is hereby amended by adding a new Chapter 3.22, Public Facilities Fees, to read as set forth in Exhibit "B", attached hereto and incorporated herein by this reference.

Section 3: The Pleasanton Municipal Code is hereby amended by deleting Chapter 3.24, Construction Tax, in its entirety.

Section 4: A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

Section 5: This ordinance shall be effective sixty (60) days after the date of its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on October 20, 1998.

(1) an estimated number of residents per residential unit equivalent for detached, attached and multi-family dwelling units; and (2) the estimated number of employees per 1,000 square feet of office, research & development, light manufacturing, service commercial, warehouse, retail, restaurant, and hotel and motel uses. The City Council finds that such a calculation is reasonably based upon the projected numbers of residents for each new residential unit, and upon the projected number of employees for different types of commercial, office, and industrial uses derived from current density data.

- F. While the City is committed and will continue to pursue all available sources of funds to construct the public facilities, it acknowledges that based upon the reasonable cost estimates, sufficient funding is not available absent the Public Facilities Fee to support the demand for public services generated by new development.
- G. It is a policy of the City, as set forth in the General Plan, that new development pay for the cost of improvements necessitated by the impacts of that new development. The City Council finds that the apportionment of new development's share of the costs of the necessary public facilities fulfills this General Plan goal.

7. The public facilities which will be constructed with funds generated by the Public Facilities Fee will significantly benefit the contributor by mitigating adverse impacts, such as: over-extended public safety facilities where health and safety may be at risk due to slow response times to emergencies, or lack of staff available to respond to calls for service; insufficient community facilities leading to overcrowding of recreational facilities, lack of recreation and open space to serve all employees and residents, or shortages of community meeting rooms; and inadequate general governmental facilities leading to delays in processing applications, or difficulties in maintaining community facilities. The inability or failure to reduce these adverse impacts caused by insufficient public facilities will negatively impact all residents, businesses, and employees in the City.

8. The City Council further finds that the Public Facilities Fee to be charged pursuant to this ordinance does not exceed the estimated reasonable costs of acquiring and constructing the facilities cataloged in the Technical Report. The City Council additionally finds that the method of allocation adopted by this ordinance, which is based upon service units for the land uses permitted under the City's General Plan, assures that the applicable fee bears a fair and reasonable relationship to each such development's burden on, and benefit from, the proposed public facilities to be funded by this ordinance.

Exhibit "B"

Chapter 3.22

Public Facilities Fee

Sections:

3.22.010	Purpose
3.22.020	Terms and Definitions
3.22.030	Applicability
3.22.040	Amount of Fee
3.22.050	Payment of Fee
3.22.060	Credits
3.22.070	Exemptions
3.22.080	Use of Funds
3.22.090	Refunds
3.22.100	Appeals
3.22.110	Expiration of Fee
3.22.120	Supplementary provisions
3.22.130	Severability

3.22.010 Purpose

City Council finds that the cumulative impact of all new development under the General Plan will result in unacceptable decreases in public services. To prevent these undesirable consequences, public facilities must be provided at a rate which will accommodate the expected growth in the City. The City Council acknowledges that the demand for public facilities is shared by new development as well as by existing development. The proposed Public Facilities Fee apportions the cost of the necessary public improvements among the different categories of new and existing users according to the reasonably estimated demand that each group of users places upon public facilities.

3.22.020 Terms and Definitions

For the purposes of this chapter, the following terms shall have the meanings indicated in this section:

A. "Public facilities" means those improvements necessary to provide public safety, community facilities, and general municipal facilities identified in the Municipal

Facilities Master Plan dated December 7, 1990 and the Public Facilities Technical Report dated September 1998, and other improvements in connection therewith, as may be determined by the City Council from time to time, which are not otherwise provided by, or required of, development within the City pursuant to PMC Title 18 (Zoning), Title 19 (Subdivisions), and Title 20 (Building and Construction). Public facilities shall also include architectural, administrative, engineering, legal, planning, environmental and other services required in connection with the implementation of this chapter and the construction of the foregoing improvements.

B. "Developer" means an individual or entity submitting an application for a building permit or other entitlement for development.

C. "Development" means:

1. New residential unit, including conversion of existing unit to >1 unit.
2. New commercial, office, and industrial development.
3. Additions to existing commercial, office and industrial development greater than 200 gross square feet.

D. "Future growth" means the total amount of potential new development in the City permitted under the General Plan. Future growth is expressed in terms of gross square footage for industrial and commercial development, and in terms of the number of dwelling units for residential development.

E. "Gross floor area" has the same meaning as set forth in PMC section 18.18.100.

3.22.030 Applicability

Except as otherwise expressly provided in this Chapter, the public facilities fee required under this Chapter is payable with respect to each development within the City for which a building permit or other entitlement for development is issued on or after the effective date of the fee as adopted in the Master Fee Schedule.

3.22.040 Amount of Fee

A. The amount of the fee shall be determined by the Building Department prior to issuance of the building permit, based upon the Master Fee Schedule.

B. In the event a developer is not satisfied with the calculation of the fee by the Building Department, s/he may request that the type of land use and the amount of the public facilities fee required of the development be determined by the Planning and Community Development Director.

C. The developer shall be notified in writing of the Planning and Community Development Director's determination about the type of land use and the public facilities fee applicable to the development. Such determination shall be made within 30 days of the Planning and Community Development Director's receipt of the report and any other additional reasonably materials requested to assist in making the determination. The developer may appeal the determination of the Planning and Community Development Director to the City Council in accordance with the provisions of Section 3.22.100 of this Chapter.

D. The amount of the fee shall be subject to an annual inflation adjustment on January 1 of each year based upon the Engineering News Record Construction Cost Index for the San Francisco - Bay Area.

E. The amount of the fee shall be reviewed at least every four years.

3.22.050 Payment of Fee

A. The full amount of the fee shall be paid at the time of issuance of the building permit.

B. No City official may issue a building permit, certificate of occupancy, or certify a final inspection, as the case may be, for a development until the public facilities fee with respect to such development required by this Chapter is paid in accordance with this section.

C. The City shall not accept prepayments of the public facilities fee, unless prepayment is authorized in a development or other agreement.

3.22.060 Credits

If the developer desires to construct a public facility, the developer and the City may enter into an agreement regarding a credit against public facilities fees due.

3.22.070 Exemptions

Unless a development or other agreement provides otherwise, the following projects shall be exempt, in whole or in part, from the public facilities fee otherwise required by this Chapter:

A. Residential development consisting of the repair or replacement, on a one-to-one basis.

B. Commercial or industrial development consisting of the repair or replacement of structures, provided, that such repair or replacement does not result in any conversion or change in land use, or any enlargement of gross floor area beyond that of the previous structure.

3.22.080 Use of Funds

The fees paid pursuant to this Chapter shall, except for temporary investments, be placed in a separate fund in a manner to avoid commingling of the fees with other revenues or funds of the City, and shall be used solely for the purpose of acquiring and constructing the public facilities identified by the City Council in the Master Plan for Capital Facilities or facilities included in the City's capital improvement plan. Any interest income earned on the fund shall also be deposited therein and shall only be expended for the purposes set forth in this section.

3.22.090 Refunds

Refunds may be made where:

A. Development has ceased, the building permit has expired and no extensions have been granted, or if granted, the extension(s) has expired; as to a development for which the fee required under this Chapter has been collected; provided that the claim for such a refund is filed no later than six months after the expiration date of the building permit, or any extension thereof as may have been approved by the City, as the case may be; or

B. A refund is specifically authorized by resolution of the City Council adopted pursuant to Government Code section 66001(d). Such amounts shall be refunded by the City to the then-current record owners of the development on a prorated basis. The City may effect such refunding by direct payment, or by providing credit towards future public facilities fees, or by any other means consistent with the intent of Government Code section 66001.

3.22.100 Appeals

A developer may appeal to the City Council any determination made pursuant to this chapter. All appeals shall be in a form prescribed by the Director of Planning and Community Development and shall be filed within 15 days of the date of mailing to the developer any written notice of the applicable determination. Any appeal not filed within such period shall be deemed waived. The City Council shall set the matter for hearing within 45 days of the date of receipt by the City Clerk of the notice of the appeal.

3.22.110 Expiration of Fee

The fees required by this Chapter shall expire when the public facilities are completed and all debt service related to such public improvements are paid and satisfied.

3.22.120 Supplementary provisions

It is the intent of the City Council that the fees required by this Chapter shall be supplementary to the fees, dedications or conditions imposed upon development pursuant to the provisions of the Subdivision Map Act, California Environmental Quality Act, and other state laws and City ordinances, policies or conditions which may authorize the imposition of fees, dedications or conditions thereon.

3.22.130 Severability

The provisions of this Chapter shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the City to impose the fee provided in this Chapter. If any sentence, clause, section or part of this Chapter, or any fee imposed upon any person or entity is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall affect only such sentence, clause, section or part of this Chapter, and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Chapter, or its effect on other persons or entities. It is declared to be the intention of the City Council that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part of this Chapter had not been included herein; or had such person or entity been expressly exempted from the application of this Chapter. To this end, the provisions of this Chapter are severable.

Notes

PUBLIC FACILITIES FEE TECHNICAL REPORT

I. INTRODUCTION

The Public Facilities Fee is used to partially fund new facilities by charging new and existing development their pro rata share of facility costs. The foundation for levying a Public Facilities Fee is that residents, businesses and their employees create the need for and benefit from the availability of public services. Hence, new development is asked to contribute to the provision of facilities needed to perform these services.

The City of Pleasanton desires facilities (e.g., buildings and/or land) to provide services to the public. Buildings for public safety, community services and general government are needed to provide facilities for community activities, public meeting spaces, workspace for City employees, and the ability to locate fire facilities throughout the community. Likewise, land is desired for a new city hall, community center and other government activities. Overall, the adequacy of these facilities affects the level and consistency of public services the City can provide as well as the overall quality of life in the community.

For the purpose of this report, public facilities include City buildings and/or land used to provide services to the City's residents and employees. Those facilities financed by the In-Lieu Park Dedication Fee (Quimby Act) or other fees (e.g., water, sewer) are not covered by the Public Facilities Fee. However, the City has drawn a distinction between acquisition and development of park land in the application of the Public Facilities Fee. Specifically, the In-Lieu Park Dedication Fee will only be applied to offset the cost of park acquisition, whereas, the Public Facilities Fee will only be used for parks to offset the cost of community park development (see Exhibit A-1). This is to ensure that residential developers are not "double charged" for either park land acquisition or development.

Currently, in addition to the In-Lieu Park Dedication Fee, the City of Pleasanton levies four fees to offset the cost of capital improvements — Residential Construction Tax, Capital Improvement Fee, Growth Management Public Facilities Fee, and Growth Management Public Needs Fee. To comply with government code section 66000, et. seq., these four existing fees have been reorganized into one fee — the Public Facilities Fee (not including the Traffic Impact Fee which is under a separate technical report).

This report presents the data and logic used to develop the City of Pleasanton's proposed Public Facilities Fee. It includes all new projects which were proposed in the Public Facilities Master Plan or that have been envisioned since it was developed.

This report conforms to the requirements of Government Code Section 66000, et seq., and is organized to present the:

1. Purpose of the impact fee and identification of the public facilities for which the fee is to be used; and
2. Basis for the calculation of the fee.

II. PURPOSE OF THE FEE AND IDENTIFICATION OF THE PUBLIC FACILITIES FOR WHICH THE FEE IS TO BE USED

A. PURPOSE OF PUBLIC FACILITIES FEE

City government constructs, maintains and acquires various Public Facilities in order to provide services to the community. The public facilities fee is proposed to partially fund public facilities by charging new and existing development their pro-rata share of facility costs. Public facilities which can be partially funded by this fee are identified on Exhibit A-I in this report. They are grouped into the following five categories:

1. Fire
2. Public Works
3. Park/Facility Improvements
4. Community Services
5. General Government

In addition to the aforementioned categories, the fee also funds a portion of the City's annual payments on its existing debt service by charging new development their pro-rata share of future debt service obligations. A complete listing of eligible debt service obligations is identified on Exhibit B-I.

B. IDENTIFICATION OF PUBLIC FACILITIES AND COST ESTIMATES

Exhibit A-I shows the projected costs of public facilities. Cost estimates for each facility are based on the City's previous experience in constructing, acquiring and maintaining Public Facilities, as well as interviews with key project coordinators within the City. The costs are shown in 1998 dollars.

Only those existing and planned projects necessary to meet future growth are included in Exhibit A-I. The justification and background for each project appears in Exhibit C-I of this report. Overall, these projects represent a blueprint of the City's short- and long-range capital needs through build-out of the community.

III. PROPOSED PUBLIC FACILITIES FEE

This section presents the basis for calculation of the Public Facilities Fee. It is organized in four sections as follows:

- A. Type of development on which fee is imposed.
- B. Service units.
- C. Allocation of public facility costs between existing and new development through build-out.
- D. Calculation of the Public Facilities Fee for residential and non-residential development.

A. TYPE OF DEVELOPMENT ON WHICH FEE IS IMPOSED

The fee is proposed to be assessed to all types of new development in the City of Pleasanton which will result in the addition of new residents or jobs.

The fee schedule is differentiated among residential and non-residential land use types to reflect the differences in level of service usage among types of new development. The level of usage resulting from residential development is based on the number of new persons living in the units and can be projected for housing product types, as listed below, for which average household size data is available. The level of service usage resulting from non-residential development is based on the number of jobs at the site and can be projected for land use types, as listed below, for which employee per square foot data is available.

The fee schedule is differentiated among the following types of land uses:

<u>Residential</u>	<u>Non-Residential</u>
Detached	Office
Attached	Research and Development
Multi-Family (3 plus units)	Light Manufacturing
	Service Commercial
	Warehouse
	Retail
	Restaurant
	Hotel/Motel

Within types of residential land uses, Residential Detached means a primary dwelling unit surrounded on all sides by yard space and not located above or below another dwelling unit. Residential Attached means any single family attached dwelling unit, not exceeding two units per building (e.g., townhouse or duplex). Multi-Family means those units having three or more units per building.

B. SERVICE UNITS

To determine the allocation of costs between existing and new development, the City has estimated a service unit population for 1998 and General Plan build-out. According to the City's General Plan, the year 2018 is when build-out is assumed to occur, however, this target date may vary according to General Plan modifications and/or local building trends.

Service units are the measure of the total population living in the City of Pleasanton as projected by the City's Planning Department for 1998 and build-out. Service units are a measure of the aggregate population that uses City services, or the aggregate user population, which includes jobs as well as residents. Jobs include both full- and part-time activities that individuals perform to receive income.

Service units are calculated by adding both residents and jobs. Because people who work in Pleasanton are less likely to use City facilities as much as residents who live in the City seven days a week, the service unit concept incorporates an employee ratio of either two jobs to one resident (2:1), or ten jobs to one resident (10:1).

The 2:1 employee ratio is based on the premise that persons who are present in Pleasanton during their work shifts will utilize Fire and Public Works services about 50% as much as residents who live in the City seven days a week. Likewise, the 10:1 employee ratio is based on the premise that persons who work in Pleasanton will utilize Community Services and General Government activities about 10% as much as residents who live in the City. This 10:1 ratio is the same ratio utilized during the policy discussion of a business contribution to parks in 1995. As a result of these discussions, the Council adopted a report based on the 10:1 ratio and settled business commitments to park acquisition and improvements at \$2 million dollars. As a result of this action, the employee ratio concept has not been applied to the "park improvements category" (see Exhibit A-1) of this report.

Tables II-A through II-C demonstrate the calculation of service units by project category, as well as the calculation of service units on a percent wide basis for existing and projected populations.

- [1] Resident population is based on projections from the City of Pleasanton General Plan and the California Department of Finance (see Exhibit D-1).
- [2] Employee population is based on projections from the City's Planning Department and General Plan (see Exhibit D-1).
- [3] Resident equivalent is a means of converting usage of public facilities by employees to equivalent residential users. As explained in this report, ten employees are considered equivalent to one resident in terms of usage of Community Services and General Government facilities, and two employees are considered equivalent to one resident in terms of Public Works and Fire facilities.
- [4] For the purpose of calculating the service units in the Fire category, staff has reduced those commercial properties that participate in the Fire Station #2 Assessment District (NP Fire). They are: Stoneridge Mall, Stoneridge Mall Periphery, Commerce Circle/Johnson Drive, Pleasanton Park, Hacienda Business Park, Bernal Corporate Park (see Exhibit D-1).

As Table II-A displays, the existing 1998 **resident population** accounts for a 81.79% of the total resident population at build-out, while the amount attributable to new development accounts for 18.21%.

Table II-B shows the calculation of the **employee population** by utilizing the employee ratio concept. As previously discussed, the employee ratio incorporates a 2:1 ratio for Fire and Public Works activities, and a 10:1 ratio for Community Services and General Government activities. The employee ratio has not been applied to the Park/Facility Improvements category.

Table II-C calculates the total sum of **resident population** and **employee population** to arrive at a **service unit** total. This figure then provides the basis for allocation of project costs to existing and new development on a percent-wide basis. As shown, the **percent of service units** attributable to each category are as follows:

<u>Category</u>	<u>Existing</u>	<u>New</u>
Fire	0%	100% [1]
Public Works	74.14%	25.86%
Park/Facility Improvements	81.79%	18.21% [2]
Community Services	79.63%	20.37%
General Government	79.63%	20.37%

- [1] 100% of the Fire Station Relocation will be absorbed by future development outside of the North Pleasanton Fire District because new development service units represent 20% of all development in Pleasanton and therefore new development is asked to pay for one of the five fire stations at build-out.
- [2] Because the City Council has previously set a policy of no park facility obligations for non-residential developments, the park/facility improvements category will be absorbed entirely by the City's existing and projected residential populations only.

3. Base Fee Per Thousand Square Feet of Non-Residential Development

The base fees for non-residential development are based on square feet per employee ratios by type of non-residential land uses according to the Pleasanton General Plan. Square feet per employee ratios are then converted to **service units per thousand square feet** for purposes of the impact fee calculation. Square feet per employee ratios are converted to service units per thousand square feet by multiplying by a factor of 50% or 10% (as explained earlier, this refers to the employee ratio of two jobs to one resident [50%], or ten jobs to one resident [10%], depending upon the selected project category). The conversion is displayed on the following page:

IV. CONCLUSION

Development of this most recent draft technical report began in September, 1997. At that time, Department Heads were advised of the process and asked to provide input on planned projects through build-out and the proposed methodology for calculation of the fee. Following submission of ideas and concepts, a staff committee made up of Dolores Bengtson, Director of Parks and Recreation, Ms. Bengtson's replacement, Jim Wolfe, Randy Lum, Director of Public Works, Sue Rossi, Director of Finance, and Nelson Fialho, Assistant to the City Manager, met with Deborah Acosta, City Manager, and Michael Roush, City Attorney, on a regular basis to discuss the logic and assumptions behind the public facilities fee program.

In identifying proposed public facility projects, the Committee took into consideration those projects planned in the City's Public Facilities Master Plan, Capital Improvement Plan and General Plan, as well as those projects that have been envisioned since these documents were last prepared. The cost estimates for each project have been gathered from the most reliable sources available to the City, and are represented in 1998 dollars. While staff recognizes that inflation and other market trends may impact cost estimates in the future, staff plans to address this issue through regularly scheduled updates of the fee program. At this point, staff is recommending that these updates occur at least every four years, and sooner if necessary. Of course, all updates would be subject to City Council review and consideration.

This draft technical report has been submitted to the business and residential communities for review and comment. (Note: The City Council has also held a workshop to review the particulars of this report and to provide input as necessary.) Where appropriate, staff has incorporated their comments for final review and consideration. Notwithstanding any changes that would significantly alter the reports assumptions and methodology, staff recommends the fee become effective 30 days after the Council approves the ordinance enacting the fee.

ATTACHMENTS:

- Exhibit A Identification of Public Facilities Cost Estimates
- Exhibit B Debt Service Obligations
- Exhibit C Project Details
- Exhibit D Land Use Projections
- Exhibit E Fee Comparisons

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Revised: 7/31/98

Notes

Chapter 19.44

DEDICATIONS**19.44.010 Purpose.**

The ordinance from which this Chapter derives is enacted pursuant to the authority granted by section 66477 of the Government Code of the State. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this Chapter are in accordance with the recreation element of the General Plan of the City. (Ord. 1370 § 1, 1988)

19.44.020 Requirements.

At the time of approval of the planned development, real estate development, stock cooperatives, community apartment project (hereinafter collectively referred to as "subdivisions"), tentative map or parcel map, the City Council shall determine pursuant to Section 19.44.040 of this Chapter the land required for dedication or in-lieu fee payment. As a condition of approval of a project, final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for neighborhood and community park or recreational purposes at the time and according to the standards and formula contained in this Chapter. (Ord. 1370 § 1, 1988)

19.44.030 General Standard.

It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that five (5) acres of property for each one thousand (1,000) persons residing within this City be devoted to neighborhood and community park and recreational purposes. (Ord. 1370 § 1, 1988)

19.44.040 Formula For Dedication Of Land.

A. Where a park or recreation facility has been designated as "parks and recreation", on the General Plan map of the City, or which is in conformance with the policies of the General Plan for recreational uses, and is to be located in whole or in part within the pro-posed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the formula set forth in subsection B.

B. The formula for determining acreage to be dedicated is as follows:

<u>Dwelling Type</u>	<u>Assumed Density</u>	<u>Standard: Acres/DUs</u>
Single-family	3.09 persons/DU	.01545 acres/DU
Multi-family	2.05 persons/DU	.01025 acres/DU

1. For purposes of this subsection, the following definitions shall apply:

a. "Single-family dwelling unit" shall mean:

- (1) A dwelling unit occupying a separate, legal lot or parcel (example: a detached single-family home or paired or attached single-family home);
- (2) A primary dwelling unit located on the same site as a second family residential unit whether the second family residential unit is detached or attached to the primary unit; or
- (3) A dwelling unit which is part of a structure containing no more than two (2) dwelling units where both dwelling units are located on the same parcel of land (examples: duplexes, duets).

b. "Multiple-family dwelling unit" shall mean:

- (1) A dwelling unit which is part of a larger structure including three (3) or more units and which does not occupy its own separate or individual lot or parcel;
- (2) A dwelling unit which is part of a larger structure including three (3) or more units which occupies its own separate or individual lot or parcel, and which is separated from adjacent units by a building wall extending from ground to roof (example: townhomes);
- (3) A dwelling unit which is part of a larger structure including two (2) or more units which may be owned separately (but does not occupy ground space), and which is separated from adjacent units by a building wall extending from floor to ceiling (example: condominiums);
- (4) A secondary dwelling unit on the site of an existing single-family dwelling unit, a "second family residential unit" as defined in State law regardless of whether such residence is attached to the primary dwelling unit (examples: second units, "granny flats", in-law apartments, accessory apartments); or
- (5) Mobile homes in which two (2) or more units are located on the same parcel of land (example: mobile homes located in mobile home or trailer parks in which the land is owned in common by a single owner).

C. Dedication of the land shall be made in accordance with the procedures contained in Section 19.44.100 of this Chapter.

D. For the purposes of this Section, the number of new dwelling units shall be based upon the number of parcels indicated on the map when in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one dwelling unit per parcel, the number of proposed dwelling units in the area so zoned shall equal the maximum allowed under that zoning unless plans have been

approved by the City Council which show a different number. In the case of a condominium project, the number of new dwelling units shall be the number of condominium units. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

E. The subdivider shall, without credit:

1. Provide half street improvements and utility connections as required which shall include, but not be limited to, curbs, gutters, street paving, traffic-control devices, street trees, and sidewalks to land which is dedicated pursuant to this Section.
2. Provide improved drainage through the site;
3. Provide a fence or wall, if located next to an existing or a planned residential area; and
4. Provide other minimal improvements which the City Engineer and Director of Parks and Community Services determines to be essential to the acceptance of the land for recreational purposes.

F. A preliminarily plan showing location details to the satisfaction of the Director of Parks and Community Services shall be submitted prior to subdivision of land or approval of a project. Also, the Director of Parks and Community Services shall approve the site for suitability of the land to be dedicated and the improvements to be made pursuant to this Section. (Ord. 1631 § 1, 1994; Ord. 1605 § 1, 1993; Ord. 1370 § 1, 1988)

19.44.050 Formula For Fees In Lieu Of Land Dedication.

A. General Formula: If there is no park or recreation facility designated as "parks and recreation" on the General Plan map or which is not in conformance with the General Plan policies and to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of that land which would be required to be dedicated, plus costs of off-site improvements, prescribed for dedication in Section 19.44.040 of this Chapter and in an amount determined in accordance with the provisions of Section 19.44.070 of this Chapter, such fee to be used for a local park which bears a reasonable relationship to serve the present and future residents of the area being subdivided or approved for development. For the purposes of this Chapter, off-site improvements are defined as those improvements which would have been required if land had been dedicated using the provisions of Section 19.44.040 of this Chapter.

B. Fees In Lieu Of Land - Fifty Dwelling Units Or Less: If the proposed subdivision or project contains fifty (50) dwelling units or less, the subdivider or developer shall pay a fee equal to the land value, plus costs of off-site improvements, of the portion of the local park required to serve the needs of residents of the proposed subdivision or project as prescribed in Section 19.44.040 of this Chapter and in an amount determined in accordance with the provisions of Section 19.44.070 of this Chapter. However, nothing in this Section shall prohibit the dedication and acceptance of

land for park and recreation purposes in subdivisions or projects of fifty (50) dwelling units or less, where the subdivider or developer proposes such dedication voluntarily and the land is suitable to the Director of Parks and Community Services and accepted by the City Council.

C. **Use Of Money:** The money collected hereunder shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreational facilities reasonably related to serving the subdivision. (Ord. 1370 § 1, 1988)

19.44.060 Criteria For Requiring Both Dedication And Fee.

If a developer or subdivider dedicates more land than is required pursuant to this Chapter, the developer or subdivider shall not be given money or credit for said additional land. (Ord. 1370 § 1, 1988)

19.44.070 Amount Of Fee In Lieu Of Land Dedication.

A. When a fee is to be paid in lieu of land dedication, value of the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication pursuant to Section 19.44.040 of this Chapter, plus costs of off-site improvements, such as extension of utility lines. The fee shall be determined by the following formula:

$$\text{DUs} \times \frac{\text{Pop}}{\text{DU}} \times \frac{5 \text{ acres}}{1,000 \text{ people}} \times \frac{\text{FMV}}{\text{Buildable acre}} = \text{Subtotal}$$

Subtotal + Cost of off-site improvements = Total in-lieu fee pursuant to § 19.44.040

where

DUs = Number of dwelling units as defined in § 19.44.040

$\frac{\text{Pop}}{\text{DU}}$ = Population per dwelling unit

FMV = Fair market value, as determined by § 19.44.080

Buildable

Acre = A typical acre of the subdivision, with a slope less than 10%, and located in other than an area on which building is excluded because of flooding, easements or other restrictions.

B. Fees to be collected pursuant to this Section shall be approved by the Director of Parks and Community Services. (Ord. 1370 § 1, 1988)

19.44.080 Determination Of Fair Market Value.

For purposes of this Chapter, an annual fair market value shall be determined by the City Council. When a fee is to be paid in lieu of land dedication, the value of off-site improvements for single-family and multi-family units shall be as set forth in the Master Fee Schedule. (Ord. 1605 § 2, 1993; Ord. 1370 § 1, 1988)

19.44.090 Credit For Private Open Space.

A. No credit shall be given for private open space in the subdivision or project except as provided in this Section. Where private open space usable for active recreational purposes is provided in a proposed planned development or real estate development as defined in sections 11003 and 11003.1 of the Business and Professions Code, partial credit, as set forth in subsection B of this Section, shall be given against the requirement of land dedication or payment of fees in lieu thereof, if the City Council finds that it is in the public interest to do so and that all the following standards are met:

1. Yards, court areas, setbacks and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; and
2. Private park and recreation facilities shall be owned by a homeowners' association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a one hundred percent (100%) affirmative vote of the membership, operated under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities; and
3. Use of the private open space is restricted for park and recreation purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successor; and
4. The proposed private open space is reasonably adaptable for use for active recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and
5. Facilities proposed for the open space are in substantial accordance with the provisions of the recreation element of the General Plan; and
6. The open space for which credit is given is generally a minimum of three (3) acres and provides all of the local park basic elements listed below, or a combination of such and other recreation improvements that will meet the specific recreation needs of the future residents of the area:
 - a. Recreational open spaces, which are generally defined as parks areas for active recreation pursuits such as soccer, golf, baseball, softball and football, and have at least one acre of maintained turf with less than ten percent (10%) slope.
 - b. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.
 - c. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving or both. They must also include decks, lawned area, bathhouses or other facilities developed and used exclusively for swimming and diving

and consisting of no less than fifteen (15) square feet of water surface area for each three (3) of the population of the subdivision with a minimum of eight hundred (800) square feet of water surface area per pool together with an adjacent deck and/or lawn area twice that of the pool.

d. Recreation buildings and facilities designed and primarily used for the recreational needs of residents of the development.

B. Where the City Council gives a credit for private open space, the percentage of the maximum credit shall be calculated based on the proportion of neighborhood parkland to the overall neighborhood/community parkland in the City at the time the credit is requested; provided, however, that the credit shall at no time exceed fifty percent (50%). Nothing provided in this Section means that the City Council must give the maximum credit allowable.

C. The determination of the City Council as to whether credit shall be given and the amount of credit shall be final and conclusive. (Ord. 1695 § 1, 1996; Ord. 1370 § 1, 1988)

19.44.100 Procedure.

A. At the time of filing of the final approval of the subdivision, or subdivision map or parcel map, the subdivider shall dedicate the land or pay the fees as established at the time of subdivision approval, tentative map or parcel map approval. In-lieu fees will be established using current land values at the time of final map approval with the formula set forth in Section 19.44.070 of this Chapter. The in-lieu fee shall be based on the fair market value of the land as determined in Section 19.44.080 of this Chapter.

B. Open space covenants for private park or recreation facilities subject to Section 19.44.090 of this Chapter shall be submitted to the City Attorney prior to approval of the final subdivision or parcel map and shall be recorded contemporaneously with the final subdivision. (Ord. 1370 § 1, 1988)

19.44.110 Disposition Of Fees.

A. Fees determined pursuant to Section 19.44.070 of this Chapter shall be paid to the City and shall be deposited into the Subdivision Park Trust Fund, or its successor. Money in said Fund, including accrued interest, shall be expended solely for acquisition or development of park land or improvements related thereto.

B. Collected fees shall be appropriated by the City Council to which the land or fees are conveyed or paid for a specific project or community park to serve residents of the subdivision in a budgetary year within five (5) years upon receipt of payment or within five (5) years after the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later.

C. If such fees are not so committed, these fees, less an administrative charge, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision. (Ord. 1370 § 1, 1988)

19.44.120 Exemptions.

A. Subdivisions containing less than five (5) dwelling units or parcels and not used for residential purposes shall be exempted from the requirements of this Chapter, provided, however, that a condition shall be placed on the approval of such parcel map or project that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

B. The provisions of this Chapter do not apply to commercial or industrial subdivision, nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added. (Ord. 1370 § 1, 1988)

19.44.130 Subdivider-provided park and recreation improvements.

The value of park and recreation improvements provided by the subdivider to the dedicated land shall be credited against the fees or dedication of land required by this Chapter subject to the limitations of Section 19.44.060. The City Council reserves the right to approve such improvements prior to agreeing to accept the dedication of land and to require in-lieu fee payments should the land and improvements be unacceptable. (Ord. 1370 § 1, 1988)

19.44.140 Access.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the Director of Parks and Community Services if the Director determines that public street access is unnecessary for the maintenance of the park area or use thereof by residents. (Ord. 1370 § 1, 1988)

19.44.150 Sale of dedicated land.

If during the ensuing time between dedication of land for park purposes and commencement of first-stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), the land may be sold upon the approval of the City Council with the resultant funds being used for purchase of a more suitable site. (Ord. 1370 § 1, 1988)

Notes

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 96-106

**RESOLUTION DESIGNATING CRITERIA USED TO
ESTABLISH IN-LIEU PARK DEDICATION FEE**

WHEREAS, at its meeting of September 17, 1996, the City Council reviewed the staff report (SR 96:259) of the Director of Parks and Community Services regarding the criteria to be used in establishing the land value upon which the in-lieu park dedication fee will be based; and

WHEREAS, the Park and Recreation Commission has recommended approval of the proposed criteria;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON RESOLVES AS FOLLOWS:

Section 1: The following criteria shall be used to establish the land value upon which the in-lieu park dedication fee will be based:

- a. The basis of determining residential land values will be an annual Land Value and Analysis Study.
- b. The Land Value and Analysis Study shall include residential land sales within the last three years for land within the Pleasanton Urban Growth Boundary.
- c. Land to be included in the Land Value and Analysis Study shall include only raw land suitable for residential development and/or residential land in various stages of the development process (e.g., tentative map approval, final map approval).
- d. An ad hoc committee shall review the Land Sale Study and Analysis and provide recommendations for Council consideration. The committee shall be comprised of two members of the Park and Recreation Commission, one representative from the development community, one member of the Economic Development Advisory Committee, one representative from the Chamber of Commerce, and two citizens at large appointed as provided in Section X of the City Council Rules and Operating Procedures.

- e. City Council shall establish a single per acre land value based on an average of those residential land sales considered relevant for establishing an in-lieu park dedication fee included in the Land Sales Study and Analysis.

Section 2: This resolution shall become effective immediately upon its passage and adoption.

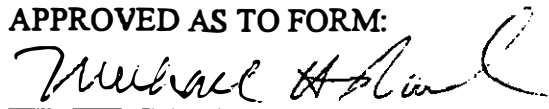
I HEREBY CERTIFY THAT THE FOREGOING WAS DULY AND REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PLEASANTON, AT A MEETING HELD ON SEPTEMBER 17, 1996 BY THE FOLLOWING VOTE:

AYES: Councilmembers - Dennis, Michelotti, Mohr, Pico, and Mayor Tarver
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Peggy L. Eziero, City Clerk

APPROVED AS TO FORM:


Michael H. Roush, City Attorney

Recording requested by
and after recording return to:

Trident Associates, LLC
2291 Via De Mercados, Suite E
Concord, CA 94520
Attn: Louis R. Baldacci

REIMBURSEMENT AGREEMENT FOR IMPROVEMENTS
(Sanitary Sewer Pump Station)

THIS AGREEMENT ("Agreement") is entered into this ____ day of _____, 1999, by and between the CITY OF PLEASANTON, a municipal corporation ("City") and TRIDENT ASSOCIATES, LLC ("Developer").

RECITALS

A. Developer is or has been the owner of that certain real property located in the City of Pleasanton, County of Alameda, State of California, commonly known as "Castlewood Heights", Tract 6581, consisting of approximately 18.6 acres ("Property"), described more particularly in Exhibit A, attached hereto and incorporated herein by this reference.

B. Developer received approval for the Development Plan designated as PUD-91-03, pursuant to Ordinance No. 1565, adopted by the City Council of the City ("City Council") on July 7, 1992. Developer then obtained a vesting tentative map for a 29-lot single-family, detached residential development designated as Tract 6581 ("Project"), approved by the Planning Commission ("Planning Commission") pursuant to Resolution No. PC-92-91, adopted on October 28, 1992, and as extended pursuant to Resolution No. PC-98-94, adopted on December 9, 1998. The City Council approved the final map on May 18, 1999.

C. In connection with the development of the Property, Developer intends to construct or cause to be constructed a sanitary sewer pump station and other related improvements as more fully described in Exhibit B, attached hereto and incorporated herein by this reference ("Improvements").

D. Such Improvements will benefit the Property and other nearby properties as more fully described below. The Improvements will contain supplemental size and capacity in order to benefit the Project and other anticipated development on nearby properties.

E. Pursuant to Condition No. 13 of the Conditions of Approval for Tract 6581, which are attached as an exhibit to Resolution No. PC-92-91, a copy of which is on file with the City Clerk, Developer is required to construct the Improvements (the "Conditions of Approval").

F. Pursuant to the Subdivision Map Act (Government Code § 66410 *et. seq.*) and the Conditions of Approval, Developer is entitled to reimbursement for that portion of the costs of the Improvements (including amount attributable to interest and administrative costs) which represent the supplemental size, capacity, and mitigation which will benefit other anticipated development on nearby properties, and which are in excess of the construction costs required for the Project ("Reimbursable Costs"). City agrees to administer the reimbursement of costs to Developer as set forth herein.

NOW, THEREFORE, in exchange for mutual consideration, the receipt and value of which is hereby acknowledged, the parties agree as follows:

Section 1. Improvements.

The Improvements to be constructed, installed and financed by Developer will benefit other properties in addition to the Property ("Benefited Properties"). The Benefited Properties for the Improvements include those properties listed in Exhibit C attached hereto and incorporated herein by this reference. Pursuant to §§ 66485 *et. seq.* of the Subdivision Map Act, Developer is entitled to recover the Reimbursable Costs of the Improvements from the property owners of the Benefited Properties. The construction of the Improvements and the related work to be performed by Developer, which is subject to reimbursement pursuant to this Agreement, are more fully described in Exhibit B.

Section 2. Reimbursable Costs.

Estimates of the costs for the construction of the Improvements and other related items are set forth in Exhibit B. Within sixty (60) days after completion of the Improvements, Developer shall submit to the City Engineer of the City ("City Engineer") the actual costs of the construction work and related items incurred for the Improvements, certified by the Developer ("Statement of Costs"). Thereafter, the City Engineer shall review the Statement of Costs for appropriateness using a standard of reasonableness based upon normal and accepted costs in the construction industry. If the City Engineer determines that any item in the Statement of Costs is inappropriate or excessive, the item may be adjusted accordingly. Developer shall be notified in advance of any such adjustment and shall have the opportunity to present additional evidence of costs. If the matter cannot be resolved to the satisfaction of both the City Engineer and the Developer, the City Manager of the City ("City Manager") shall make the final determination as to permissible costs based upon bids awarded by the City in similar public works projects and ~~for~~ ^{the} third party bids. Reimbursement from the Benefited Properties shall be based upon the Statement of Costs as approved by the City Engineer or as finally approved by the City Manager.

Section 3. Ownership of Improvements.

Developer shall dedicate the Improvements to the City upon their completion, and City shall own the Improvements after they are accepted by the City Council. Thereafter, Developer shall have the right to connect to the Improvements in accordance with City regulations and the right to reimbursement for the Reimbursable Costs for the Improvements as provided herein.

Section 4. Benefit Area.

The Benefited Properties include those properties listed on Exhibit C, and the areas to be benefited by the Improvements is depicted on the map attached hereto as Exhibit D attached hereto and incorporated herein by this reference ("Benefit Area").

Within the Benefit Area for the Improvements, it is anticipated that: (a) 29 units will be constructed in conjunction with the Project; (b) 71 existing units currently served by the Carriage Gardens station will be served by the Improvements; (c) 48 units will be in the Happy Valley Specific Plan area; and (d) development of the industrial area west of Highway 680 will create the equivalent of 23 residential units, as detailed in Exhibit B. The Developer's share will include both the 29 units for the Project as well as the 71 existing units at Carriage Gardens.

Subject to the limitations in Section 5, such total number of units has been used to determine the amount of pro rata Reimbursable Costs (plus interest per Section 8) due from each owner of Benefited Property ("Benefited Property Owners") per Section 7 within the Benefit Area. The number of units to be benefited by the Improvements may change from time to time, but any such changes will not affect the amount of pro rata Reimbursable Costs due from each Benefited Property Owner the Benefit Area. City will use its best efforts to obtain the pro rata Reimbursable Costs from the Benefited Property owners such that the Developer will be made whole with regard to the Reimbursable Costs.

Section 5. Reimbursement.

If a Property Owner, other than the Developer, records a final parcel map or subdivision map or receives a building permit for development of one of the Benefited Properties, the Property Owner shall pay its pro-rata share of Reimbursable Cost as set forth in Exhibit B.

Section 6. Developer's Share.

Developer's share of the costs of the Improvements shall be deemed contributed upon the completion of construction of the Improvements and the acceptance thereof by the City Council, subject to the receipt of the Reimbursable Costs as provided herein.

Section 7. Establishment of Fee.

The City shall collect from the Property Owners reimbursement fees in the amounts specified in Exhibit B, plus adjustments made each January 1st of each calendar year to reflect the addition of interest per Section 8. ("Reimbursement Fee(s)").

Section 8. Interest.

Simple interest at a rate of six percent (6%) shall be added to the Reimbursement Fee described in Section 7 herein each calendar year on January 1st, beginning the year following the City Council's acceptance of the Improvements.

Section 9. Time of Collection.

The City shall require the payment of the Reimbursement Fee as a condition of approval of a tentative map, final parcel map, final subdivision map, or the issuance of a building permit for any development of property within the Benefit Area. The City shall collect the Reimbursement Fees at the time of approval of any final subdivision map or parcel map for buildable lots or upon the issuance of a building permit for any development of property within the Benefit Area.

Section 10. Distribution of Fees.

The Reimbursement Fees collected by the City pursuant to this Agreement shall be distributed in the ratio of ninety percent (90%) to Developer and ten percent (10%) to City (to compensate for City administration and overhead costs as previously calculated by the David M. Griffin and Associates administrative fee study).

Section 11. Time and Manner of Disbursement.

The Reimbursement Fees collected by City pursuant to this Agreement shall be disbursed to Developer within sixty (60) days of collection thereof.

The right to Reimbursement Fees shall be personal to Developer and shall continue notwithstanding the subsequent sale or transfer of the Property. Developer shall have the right, in its sole discretion, to assign its interest in the Reimbursement Fees to another person or entity at any time by providing City notice of such assignment, which shall become effective upon receipt by City.

Developer hereby directs that any Reimbursement Fees due to Developer pursuant to this Agreement shall be payable to Castle Companies, Inc. and mailed to:

Trident Associates, LLC
2291 Via De Mercados, Suite E
Concord, CA 94520
Attn: James Baldacci, Chief Financial Officer

Section 12. Condemnation of Site of Improvements.

If City is required to condemn any of the property upon which any of the Improvements are constructed, Developer shall reimburse City for all costs of such condemnation, including land costs and transaction costs, and attorneys' fees. The cost of such condemnation shall then be reimbursable to Developer in the same manner and extent as the Improvements pursuant to this Agreement, provided that these costs shall not be subject to review or reduction by the City Engineer.

Section 13. Term.

Ten (10) years after the date of acceptance of the Improvements by the City Council, the City shall cease collecting Reimbursement Fees and Developer shall not be entitled to the receipt of any further Reimbursement Fees pursuant to this Agreement.

Section 14. Amendments.

Any amendment, modification, suspension or cancellation of this Agreement must be in writing, signed by the appropriate authorities for City and Developer, in a form suitable for recording in the office of the Recorder of Alameda County, California.

Section 15. Disputes.

Disputes arising under this Agreement shall be filed with the City Manager, who shall be authorized to resolve such disputes. Any decision made by the City Manager with respect to this Agreement may be appealed to the City Council. Any such appeal to the City Council must be made in writing and addressed to the City Council. Final action of the City Council shall be required before legal action pursuant to this Agreement may be instituted. Notwithstanding the foregoing, either party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation or enforce by specific performance the obligations and rights of the parties hereto. In such event, the prevailing party shall be entitled to its reasonable attorneys' fees and costs, if any, in addition to any relief to which the party may be entitled.

Section 16. Applicable Law.

The laws of the State of California shall govern the interpretation and enforcement of this Agreement. Any action to enforce this agreement shall be filed in the Livermore-Pleasanton Municipal Court, or the Eastern Division of the Superior Court of the County of Alameda.

Section 17. Enforcement.

The City shall use its best efforts to prevent new and existing property owners of the Benefited Property from utilizing the Improvements without paying the Reimbursement Fees, and shall not issue necessary approvals, permits, licenses, nor consent for such without payment of the required Reimbursement Fee Cost. If, despite the City's good faith efforts, use of the Improvements by new or existing owners in the Benefit Area should occur without payment of the required Reimbursement Fee, City shall not be responsible for payment of the amount which would have been paid to Developer, provided that Developer shall be entitled, and is hereby authorized by the City, to pursue collection of such fees by means of a private right of action or any other lawful means, against the property owner or the party using the Improvement without payment of the Reimbursement Fee. City agrees to participate in and to cooperate with and assist Developer in any such action, upon request of Developer. In that event, Developer shall

indemnify and hold City harmless from any third party claims against the City in connection with the collection of the Reimbursement Fee pursuant to this Agreement.

Section 18. Successors-In-Interest.

Except as otherwise provided in the Agreement, for the term of this Agreement, all of the provisions, rights, powers, terms, covenants, and obligations contained in this Agreement shall be binding upon the parties and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, devisees, administrators, representatives, lessees, and all other persons or entities acquiring the Property, or any portion thereof, or any interest therein, whether by sale, operation of law or in any manner whatsoever, and shall inure to the benefit of the parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. All of the provisions of this Agreement shall be enforceable during the term hereof as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including, but not limited to, Section 1468 of the California Civil Code. Each covenant to do or refrain from doing some act on the Property hereunder. (a) is for the benefit of such properties and is a burden upon such property; (b) runs with such properties; and (c) is binding upon each party and each successive owner during its ownership of such properties or any portion thereof, and each person or entity having any interest therein derived in any manner through any owner of such properties, or any portion thereof, and shall benefit each party and its properly hereunder, and each other person or entity succeeding to an interest in such properties.

Section 19. Entire Agreement, Counterparts and Exhibits.

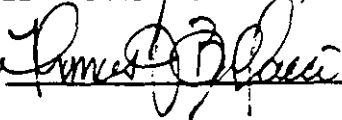
This Agreement and its Exhibits constitute the entire understanding and agreement of the parties. This Agreement and Exhibits integrate all of the terms and conditions mentioned herein or incidental hereto, and constitute the entire understanding of the parties with respect to the subject matter hereof; and all prior written agreement, understandings, representations, and statements are terminated and superseded by this Agreement.

THIS AGREEMENT executed the date and year first above written.

CITY OF PLEASANTON

By _____
Deborah Acosta, City Manager

TRIDENT ASSOCIATES, LLC

By 
Its: MANAGING MEMBER

ATTEST:

Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

Michael H. Roush, City Attorney

LMS (G:\LARISSA\AGREE_99\FORM\REIMB\CASTLPMP.SAM).

TABLE OF EXHIBITS

Exhibit A - Description of Property.

Exhibit B - Description of station improvements, estimated construction costs, and detail of pro-rata share.

Exhibit C - Benefited Properties.

Exhibit D - Map of Benefited Properties.

Description of Property

Tract 6581, "Castlewood Heights", City of Pleasanton, County of Alameda

Exhibit A

EXHIBIT B

Description of Sewer Pump Station:

6" PVC Force Main
Sewer Pump Station

Estimate of Construction Costs:

\$400,000.

Pro-Rata Share of Costs:

See attached chart.

Notes

3.40.010

Chapter 3.40**NORTH SYCAMORE AREA
DEVELOPMENT IMPACT FEE****Sections:**

3.40.010	Authority
3.40.020	Application
3.40.030	Definitions
3.40.040	Fee Requirement
3.40.050	Use Of Fee Revenue
3.40.055	Reimbursement
3.40.060	Credit Against Fee
3.40.070	Exemptions
3.40.080	Time Of Payment
3.40.085	Distribution Of Fees
3.40.090	Authority For Addition- al Mitigation
3.40.100	Refund Of Fee
3.40.110	Annual Review
3.40.120	Termination Of Fee Exhibit A

3.40.010 Authority:

This Chapter is enacted pursuant to Government Code section 66000 et seq., and the authority vested in the City of Pleasanton, a general law city in the State of California. (Ord. 1772 § 3, 1999)

3.40.020 Application:

This Chapter applies to special fees charged as a condition of development to defray the cost of specified public infrastructure facilities required to serve new development within the North Sycamore Specific Plan Area, as delineated by the boundaries of the adopted City of

Pleasanton North Sycamore Specific Plan, and certain adjacent areas. The fees charged under this Chapter do not replace subdivision map exactions or other measures required to mitigate site-specific impacts of a development project; other regulatory, development and processing fees; funding required pursuant to a development agreement or reimbursement agreement for amounts that may exceed a development's proportional share of infrastructure costs; assessments charged pursuant to special assessment or benefit assessment district proceedings; or property taxes, unless so specified. (Ord. 1772 § 3, 1999)

3.40.030 Definitions:

In this Chapter:

A. "North Sycamore Specific Plan Area" includes an approximate 135.2 acre area as set forth in the Pleasanton North Sycamore Specific Plan (figure II-4, Parcel Identification Map, parcel numbers 1 through 25) and as shown on Exhibit A at the end of this Chapter.

B. "Basic infrastructure program" is a capital improvement plan containing a list and schedule of public facilities that can be funded by the North Sycamore Area development impact fee. The basic infrastructure program is included in the technical report, a report prepared by Economic and Planning Systems, Inc., entitled "Infrastructure Financing Plan and Technical Report for the North Sycamore Specific Plan", dated December 1, 1998.

C. Properties subject to the North Sycamore Area development impact fee are defined as follows:

Within the North Sycamore Specific Plan ("NSSP") Area:

1. "Lower NSSP" includes those properties that are outside the Bonde Water Pressure Zone, or that are currently served by City water systems, and will not require the use of the planned water tank and pump station.

2. "Upper NSSP" includes those properties within the Bonde Water Pressure Zone that will require the use of the planned water tank and pump station. There are two (2) categories of upper NSSP uses:

a. "Upper NSSP/Drainage" includes those properties that will contribute to the NSSP drainage and wastewater facilities.

b. "Upper NSSP/No NSSP drainage" includes those properties that will tie into existing City drainage and wastewater systems and will not require the use of planned NSSP drainage and wastewater facilities.

Areas outside the North Sycamore Specific Plan Area:

3. "Lund Ranch" includes all properties within the area shown as "the Lund Ranch II", in figure A-1 (Cumulative Projects in the Study Area Vicinity) in the adopted North Sycamore Specific Plan document.

4. "Spotorno property" includes all properties within the area shown as "the Spotorno Property" in figure A-1 (Cumulative Projects in the Study Area Vicinity) in the adopted North Sycamore Specific Plan document.

5. "Golf course property" includes the following properties, shown in the Happy Valley Specific Plan, adopted by the City Council on June 16, 1998, by Resolution 98-85:

a. "Golf course residential".

b. "Golf course clubhouse and ancillary facilities".

D. "Lot share" refers to a residential unit, or residential unit equivalent, allowed in accordance with the NSSP designations or subsequent City approvals. The lot shares provide the basis for the allocation of basic infrastructure costs.

E. "Existing NSSP residential unit" refers to a residential unit within the NSSP area existing as of the date of the adoption of this Chapter.

F. "Substantial remodel" refers to the reconstruction and/or addition to an existing dwelling unit resulting in an increase in habitable square footage of fifty percent (50%) or more.

G. "Area development impact fee" is the North Sycamore Area development impact fee as established by this Chapter and by City Council resolution.

H. "Funding developers" refers to the current owners of property identified in the Parcel Identification Map of the North Sycamore Specific Plan as 18 (Pleasanton Unified School District), 23 (Harris), 20 (Castlewood), and the Lund Ranch II property (see Exhibit A at the end of this Chapter). (Ord. 1772 § 3, 1999)

3.40.040 Fee Requirement:

A. Type Of Development Subject To Fee: The properties for which the area development impact fee will be charged are:

1. Lower NSSP;
2. Upper NSSP:
 - a. Upper NSSP/Drainage;
 - b. Upper NSSP/No NSSP drainage;

3. Lund Ranch;
4. Spotorno property;
5. Golf course:
 - a. Golf course residential;
 - b. Golf course clubhouse and ancillary facilities.

B. Amount Of The Fee: The amounts and calculation of each area development impact fee shall be established by resolution of the City Council and shall be based upon the following considerations:

1. New development will pay only for the construction of those public facilities where there is a reasonable relationship between the facilities funded and the demands and needs generated by the new development.

2. Each type of new development shall contribute to the funding of the needed facilities in proportion to the need for the facilities created by that type of development.

3. The public facilities funded by the area development impact fee and the calculations resulting in the area development impact fee amount are documented in the technical report.

C. Applications Requiring Payment Of Fee:

1. Subdivision: A person who applies for a residential subdivision for properties identified in subsection 3.40.030C of this Chapter shall pay to the City, prior to the approval of the final map, an area development impact fee in the amount set forth in the City's adopted Master Fee Schedule¹.

2. Building Permit: A person who applies for a building permit for new commercial construction, for a new residential unit, or for a substantial remodel, within

the properties identified in subsection 3.40.030C of this Chapter shall pay to the City, upon issuance of the permit, an area development impact fee in the amount set forth in the Master Fee Schedule¹, unless the area development impact fee for that property has already been paid.

D. Fee Unit: The unit basis of the fee shall be:

1. Residential Fees: The area development impact fee for residential construction shall be charged for each new lot share with a specific area development impact fee amount set for each unit type referenced in this Chapter.

2. Fees For Nonresidential Uses: The area development impact fee for nonresidential construction shall be charged on a per residential lot share equivalent basis.

3. Fees For Other Uses: Uses not specified in the technical report or the area development impact fee resolution shall be calculated by the Planning Director on the basis of the facility costs and allocation methods used for the specified uses on a per residential lot share equivalent basis.

E. Formula For Calculating The Fees: The area development impact fee shall be determined by a formula that is based on the cost of the required infrastructure facilities, the proportion of those costs attributable to development in the North Sycamore Specific Plan Area and certain other areas as a whole, and each unit of development's proportional share of the North Sycamore Specific Plan Area costs as a whole. These formulas are included in the technical report, and shall be updated from time to time to reflect changes in construction costs, the amount of actual

1. The Master Fee Schedule is on file in the office of the City Clerk.

development to the extent that a development application provides for a different number of units than the number which was the basis for the fee formulas, the actual proportional share of costs as determined by additional engineering analysis, and other factors. (Ord. 1772 § 3, 1999)

3.40.050 Use Of Fee Revenue:

The area development impact fee shall fund public facilities identified in the basic infrastructure program that are attributable to the new development within the North Sycamore Specific Plan Area and certain other areas as determined in the technical report and any future additions and amendments to said report, all of which are incorporated in the Chapter by this reference.

A. The City shall deposit the fees collected under this Chapter in a special fund, the North Sycamore Area Development Impact Fee Account ("NSADIF Account"), designated for funding facilities listed in the basic infrastructure program.

B. The fees and all interest earned on accrued funds shall be used only to:

1. Fund the costs of the public facilities specified in the basic infrastructure program; or
2. Reimburse a funding developer or a property owner as provided in Section 3.40.055 of this Chapter. (Ord. 1772 § 3, 1999)

3.40.055 Reimbursement:

A. If a funding developer or property owner has been required or permitted to

install basic infrastructure improvements included in the basic infrastructure program at an estimated or a verified construction cost that exceeds the amount of the developer's/property owner's area development impact fee obligation, such funding developer or property owner shall be entitled to be reimbursed by other funding developers/property owners whose properties benefit by such improvements. Reimbursement shall be permitted for this cost difference before and after the City's final determination regarding the verification of the construction costs. Reimbursement shall not be available if the cost of the improvements is below the actual or estimated total fee obligation for a given project.

B. Should an individual funding developer proceed in advance of other funding developers and install, or agree to install, basic infrastructure improvements, the cost (verified or estimated) of which exceeds the first funding developer's area development impact fees associated with its development, then any subsequent funding developer shall pay to the first funding developer, the subsequent funding developer's proportionate share of such infrastructure costs; shares to be proportional to the total shares of all funding developers proceeding with development. For example, assume funding developer A has one hundred (100) units (shares), and that developer A has agreed to fund infrastructure costs of six million dollars (\$6,000,000.00). Funding developer B now wishes to proceed with fifty (50) units (shares). Developer B must reimburse developer A two million dollars (\$2,000,000.00) $(50/150 \times \$6,000,000.00)$.

Until paid in full, the amount of reimbursement that subsequent funding developers owe shall be increased (or decreased) annually on January 1 by the most recent CPI increase (or decrease).

C. Should an individual funding developer install, or agree to install, basic infrastructure improvements, the cost (verified or estimated) of which exceeds that funding developer's area development impact fees associated with its development, then any property owner (other than a subsequent funding developer) shall pay the area development impact fee as provided herein and that fee shall be used to reimburse the funding developer. If more than one funding developer is entitled to reimbursement, the reimbursement shall be split proportionately based on the number of funding developers' lots.

D. If a funding developer is entitled to reimbursement, either by a subsequent funding developer or by a property owner, prior to the construction costs being verified as provided in subsection E of this Section, then the reimbursement shall be based on the engineer's estimate of such costs as set forth in the technical report.

1. Should the verified construction costs be higher than the engineer's estimate, the funding developer shall be entitled to recover additional amounts from any subsequent funding developer who has paid the funding developer as provided in subsection B of this Section; should the verified construction costs be less than the engineer's estimate, the funding developer shall refund any money to any subsequent funding developer who has paid the funding developer as pro-

vided in subsection B of this Section;

2. Should the verified construction costs be higher than the engineer's estimate, the funding developer shall not be entitled to recover additional amounts from any property owner who has reimbursed the funding developer as provided in subsection C of this Section; should the verified construction costs be less than the engineer's estimate, the funding developer shall have no obligation to refund any money to any property owner who has already reimbursed the funding developer as provided in subsection C of this Section.

E. Construction costs shall be verified as follows: within sixty (60) days after a certificate of completion for the improvements has been filed, the funding developer or property owner who has installed the improvements shall present to the City Engineer a statement of the actual costs of the construction, including reasonable costs of financing the improvements, and related items ("statement of costs"). The City Engineer shall have the right to review all records and invoices related to the facilities to verify the statement of costs. If the City Engineer determines that any costs submitted are not appropriate, or are unreasonable, the City Engineer shall provide written notice of that decision to deny such costs. If agreement on the statement of costs cannot be resolved to the satisfaction of both the City Engineer and the funding developer or property owner, the City Manager shall make the final determination as to the statement of costs. (Ord. 1772 § 3, 1999)

3.40.060

3.40.060 Credit Against Fee:

A. If a funding developer or property owner constructs and dedicates to the City, or intends to construct and dedicate to the City, basic infrastructure improvements, without regard to whether the improvements are funded by an assessment district, fee benefit area, community facilities district, or other land-secured financing mechanism, such funding developer/property owner shall be entitled to a credit against the area development impact fee that the funding developer/property owner is otherwise obligated to pay.

B. The amount of the credit shall be based on the amount of the estimated construction cost. The credit shall be increased/decreased once the actual construction costs are verified as provided in Section 3.40.055 of this Chapter and the amount thereof refunded (or credited against future obligations) where the credit is increased or the amount thereof paid to the City (or added to future obligations) where the credit is decreased.

C. A property owner that has dedicated land without compensation for the rights of way required for basic infrastructure improvements shall receive a credit against the area development impact fee, should such owner decide to develop, for the value of the right of way so dedicated. The credit shall be calculated per square foot of land dedicated based on the values set forth in the Master Fee Schedule¹.

D. Following the City's acceptance of the basic infrastructure improvements for which the credit was provided, any credit balance shall be adjusted each January 1

based on the percentage change in the most recent CPI. (Ord. 1772 § 3, 1999)

3.40.070 Exemptions:

The following are exempt from the requirement to pay the area development impact fee:

A. Existing residential units are exempt unless there is a substantial remodel.

B. Where the area development impact fee was previously paid for a particular property and use, and deposited to the NSADIF Account. (Ord. 1772 § 3, 1999)

3.40.080 Time Of Payment:

The area development impact fee shall be paid to the City upon the approval of a final map or the issuance of a building permit, whichever is earlier, as provided in subsection 3.40.040C of this Chapter. The City has, or will have, established accounts and appropriated funds for the various facilities set forth in the basic infrastructure program and the proposed construction plan. (Ord. 1772 § 3, 1999)

3.40.085 Distribution Of Fees:

City shall retain an amount equal to two percent (2%) of all area development impact fees collected pursuant to this Chapter to compensate City for its costs and expenses to administer this Chapter. (Ord. 1772 § 3, 1999)

3.40.090 Authority For Additional Mitigation:

Fees collected pursuant to this Chapter

¹. The Master Fee Schedule is on file in the office of the City Clerk.

do not replace existing development fees, except as the Council may specifically provide, do not replace connection charges levied on a Citywide basis, or limit requirements or conditions to provide additional site-specific mitigation of site-specific impacts imposed upon development projects pursuant to Titles 18, 19, and 20 of this Code. (Ord. 1772 § 3, 1999)

3.40.100 Refund Of Fee:

A. During the annual review of the area development impact fee pursuant to Section 3.40.110 of this Chapter, the City Council shall make a finding with respect to any fee revenue not expended or committed five (5) years or more after it was paid. If the City Council finds that the fee revenue is not committed, it shall authorize a refund to the then owner of the

property for which the fee was paid, pursuant to Government Code section 66001. (Ord. 1772 § 3, 1999)

3.40.110 Annual Review:

The area development impact fee authorized by this Chapter and implemented by Council resolution(s), the accumulated fee funds and their appropriation, and supporting documentation, including the technical report, shall be reviewed annually by the City Council. (Ord. 1772 § 3, 1999)

3.40.120 Termination Of Fee:

The City shall cease collecting the area development impact fee established by this Chapter fifteen (15) years following the effective date hereof. (Ord. 1772 § 3, 1999)

A. SUMMARY OF PUBLIC FACILITIES FEE

As demonstrated in this report, the Public Facilities fee is proposed to be modified as shown on Table I below.

Table I
Public Facilities Fee

1998 EXISTING FEES		
TYPE	FEE BASE	FEE AMOUNT
Residential Construction Tax [1]	per bedroom	375.00
Capital Improvement Fee	per unit	525.00
Growth Management - Public Facilities	per unit	2,450.00
Growth Management -- Public Needs	per unit	750.00
TOTAL		4,100.00
PROPOSED PUBLIC FACILITIES FEE SCHEDULE		
TYPE	FEE BASE	FEE AMOUNT
<i>Residential</i>		
Res. Detached	per unit	2,966.05
Res. Attached (no more than 2 units)	per unit	2,215.03
Multi-family (3 plus units)	per unit	1,808.63
<i>Non-residential</i>		
Office	per 1000 SF	559.29
Research & Development	per 1000 SF	451.82
Light Manufacturing	per 1000 SF	342.89
Service Commercial	per 1000 SF	377.69
Warehouse	per 1000 SF	342.89
Retail	per 1000 SF	369.64
Restaurant	per 1000 SF	764.11
Hotel/Motel	per 1000 SF	267.30

[1] The Residential Construction Tax is currently \$125.00 per bedroom. The amount reflected above is based on a three-bedroom household.

**Tables II-A through II-C
Service Unit Population By Category
1998 to Build-out**

TABLE II-A	Existing	Projected	Net Population
Resident Population [1]	64,304	14,315	78,619
Share of Resident Population	81.79%	18.21%	100%
TABLE II-B			
Fire & Public Works			
Calculation of Resident Equivalents			
Employees [2]	54,824	35,340	90,164
Employee Ratio – 2:1	0.5	0.5	0.5
Resident Equivalents	27,412	17,670	45,082
Share of Resident Equivalents [3]	60.80%	39.20%	100.00%
TABLE II-C			
Fire & Public Works [4]			
Resident Population	64,304	14,315	78,619
Resident Equivalents	27,412	17,670	45,082
Service Units	91,716	31,985	123,701
Share of Service Units	74.14%	25.86%	100.00%
TABLE II-B			
Community Services & General Gov't			
Calculation of Resident Equivalents			
Employees [2]	54,824	35,340	90,164
Employee Ratio – 10:1	0.1	0.1	0.01
Resident Equivalents	5,482	3,534	9,016
Share of Resident Equivalents [3]	60.80%	39.20%	100.00%
TABLE II-C			
Community Services & General Gov't			
Resident Population	64,304	14,315	78,619
Resident Equivalents	5,482	3,534	9,016
Service Units	69,786	17,849	87,635
Share of Service Units	79.63%	20.37%	100.00%

C. ALLOCATION OF COSTS TO EXISTING AND NEW DEVELOPMENT

Table III uses the calculated percentage share attributable to new development (from table II-C) to allocate the cost of public facilities between existing and new development.

Table III
Allocation of Costs to Existing and New Development
(in 1998 dollars)

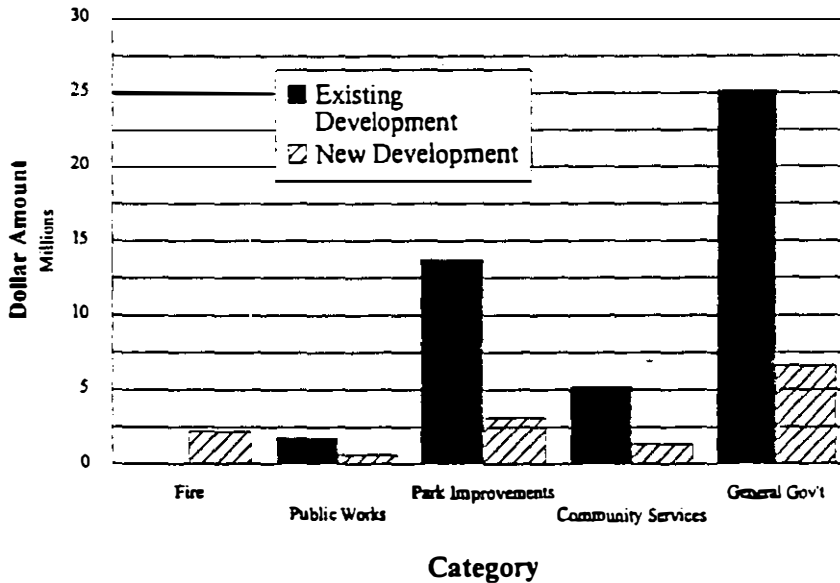
PUBLIC FACILITIES	ALLOCATED SHARE OF EXISTING & NEW DEVELOPMENT BY PERCENT [1]	ALLOCATION OF COSTS TO NEW & EXISTING DEVELOPMENT
Fire		
Existing Service Units	0.00%	0
New Service Units [2]	100.00%	2,200,000
TOTAL	100.00%	2,200,000
Public Works		
Existing Service Units	74.14%	1,834,965
New Service Units	25.86%	640,035
TOTAL	100.00%	2,475,000
Parks/Facilities		
Existing Service Units	81.79%	14,121,861
New Service Units	18.21%	3,144,139
TOTAL	100.00%	17,266,000
Community Services		
Existing Service Units	79.63%	5,335,210
New Service Units	20.37%	1,364,790
TOTAL	100.00%	6,700,000
General Government		
Existing Service Units	79.63%	25,839,935
New Service Units	20.37%	6,610,065
TOTAL	100.00%	32,450,000

[1] Allocation of new development is based on Table II and costs shown on Exhibit A-1.

[2] 100% of the Fire Station Relocation will be absorbed by future development because new development service units represent 20% of all development in Pleasanton and therefore new development is asked to pay for one of the five fire stations at build-out.

As displayed above, new development would pay \$2,200,000 towards the Fire Department category; \$640,035 for Public Works projects; \$3,144,139 towards Park/Facility Improvement projects, \$1,364,790 for Community Services projects and \$6,610,065 for General Government projects. Graph 1 provides a visual display of the comparative contributions of existing and new development towards Public Facilities.

**Cost Allocations to New and Existing Development for Public Facilities
with Capacity to Meet the Need for Future Growth**



D. CALCULATION OF FEES

Thus far in the report, the proportionate share of capital costs to be paid by impact fees has been determined based on the total new service units attributable to new development. In this section, the cost attributable to new development is further dis-aggregated into the Public Facilities base fee per resident equivalent. This base fee per resident equivalent is then translated into land use types for both residential and non-residential development.

1. Base Fee Per Resident Equivalent

The calculation of the public facilities base fee per resident equivalent is calculated by dividing the total cost allocation attributable to new service units by the projected service units for each category. Table IV shows the proposed base fee for each category of the public facilities fee.

Table IV
Calculation of Base Fee

PUBLIC FACILITIES	COST ALLOCATION TO SERVICE UNITS [1]	NEW SERVICE UNITS	PROPOSED BASE FEE PER RESIDENT EQUIVALENT
Fire	2,200,000	23,962	91.81
Public Works	640,035	31,985	20.00
Parks/Facilities	3,144,139	14,315	219.64
Community Services	1,364,790	17,849	76.46
General Government	6,610,065	17,849	370.33
		BASE TOTAL	778.26

[1] From Table III.

2. Base Fee Per Residential Unit

The base fee per residential unit is determined with the use of data on household sizes by type of dwelling unit. Referred to as unit ratios, it provides a numerical average of household sizes by type of housing unit. The following are the unit ratios for the City of Pleasanton, based on the 1990 US Census.

Detached — 3.12 average persons per unit
 Attached — 2.33 average persons per unit
 Multi-Family — 1.89 average person per unit

Table V presents the base fee per residential unit by type of dwelling unit, obtained by multiplying the aforementioned **unit ratios** by the **base fee**.

Table V
Public Facilities Base Fee
Residential Land Uses

PUBLIC FACILITIES	PROPOSED BASE FEE PER RESIDENT EQUIVALENT	BASE FEE PER RES. UNIT		
		DETACHED	ATTACHED	3 PLUS
Fire	\$91.81	\$ 286.45	\$ 213.92	\$174.67
Public Works	20.01	62.43	46.62	38.07
Parks/Facilities	219.64	685.28	511.76	417.86
Community Services	76.46	238.56	178.16	145.47
General Government	370.33	1,155.44	862.87	704.56
SUBTOTAL BASE FEE	\$778.26	\$2,428.16	\$1,813.34	\$1,480.64
Facility Debt Service	172.40	537.89	401.69	327.99
TOTAL PUBLIC FACILITIES BASE FEE	\$950.66	\$2,966.05	\$2,215.03	\$1,808.63

CONVERSION TABLE

Service Units Per 1,000 Square Feet

2:1 EMPLOYEE RATIO	OFFICE	RESEARCH & DEV'T	LIGHT MANU- FACTURING	SERVICE COMMERCIAL	WAREHOUSE	RETAIL	RESTAURANT	HOTEL/ MOTEL
SF Per Employee	260.00	360.00	590.00	490.00	590.00	510.00	170.00	1,060.00
Employees/1,000 SF	3.85	2.78	1.69	2.04	1.69	1.96	5.88	0.94
Service Units/1,000 SF	1.92	1.39	0.85	1.02	0.85	0.98	2.94	0.47
10:1 EMPLOYEE RATIO	OFFICE	RESEARCH & DEV'T	LIGHT MANU- FACTURING	SERVICE COMMERCIAL	WAREHOUSE	RETAIL	RESTAURANT	HOTEL/ MOTEL
SF Per Employee	260.00	360.00	590.00	490.00	590.00	510.00	170.00	1,060.00
Employees/1,000 SF	3.85	2.78	1.69	2.04	1.69	1.96	5.88	0.94
Service Units/1,000 SF	0.38	0.28	0.17	0.20	0.17	0.20	0.59	0.09

CONVERSION TABLE

Service Units Per 1,000 Square Feet

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2:1 EMPLOYEE RATIO	OFFICE	RESEARCH & DEV'T	LIGHT MANU- FACTURING	SERVICE COMMERCIAL	WAREHOUSE	RETAIL	RESTAURANT	HOTEL/ MOTEL
SF Per Employee	260.00	360.00	590.00	490.00	590.00	510.00	170.00	1,060.00
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Service Units/1,000 SF	0.38	0.28	0.17	0.20	0.17	0.20	0.59	0.09

ESTIMATE OF PRO RATA SHARE FOR CASTLEW(Preliminary - analysis include existing and proposed homes for HVSP)

DEVELOPMENT	UNITS	TOTAL APPLICABLE UNITS	RATIO OF PRO RATA SHARE PER DEVELOPMENT	RATIO OF PRO RATA SHARE PER UNIT	COST PER UNIT BASED ON CONSTRUCTION COST OF 400K	COST PER DEVELOPMENT
CASTLEWOOD ESTATES & CARRIAGE GARDENS PUMP STATION AREA	29 71	100	0.5848	2.0165E-02 (0.2357/29)	\$8,066.14	\$233,918.13
HAPPY VALLEY SPECIFIC PLAN	48	48	0.2807	5.8480E-03 (0.5531/57)	\$2,339.18	\$112,280.70
INDUSTRIAL AREA WEST OF HWY 680	5.4	23 (=5.4*4.26)	0.1345	2.4908E-02 (0.2112/5.4)	\$9,963.18	\$53,801.17
		171	1			\$400,000

Exhibit 3

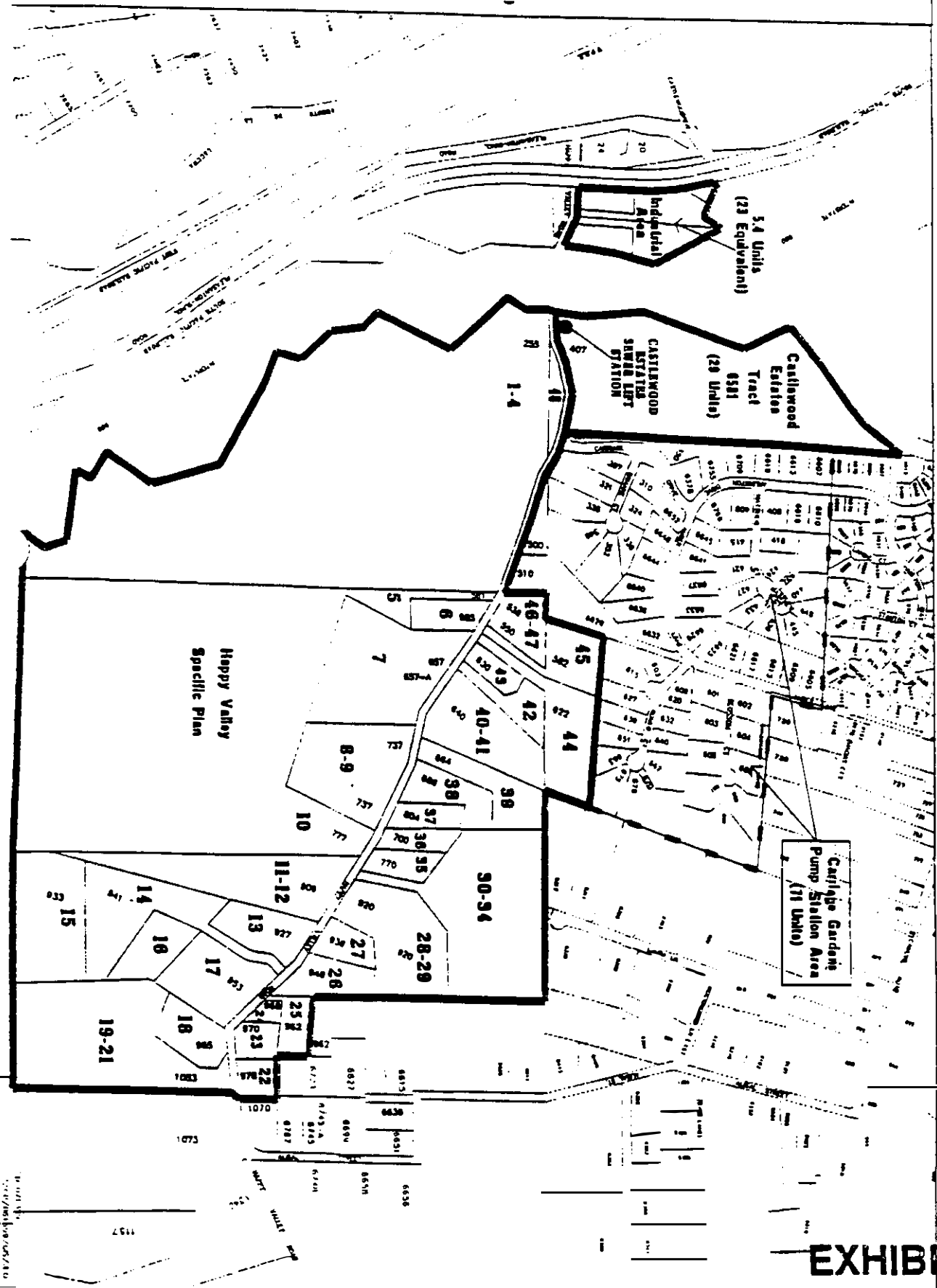
**LIST OF THE PROPERTIES WHICH WILL BENEFIT FROM
THE CASTLEWOOD PUMP STATION IMPROVEMENTS
HAPPY VALLEY PLAN AREA**

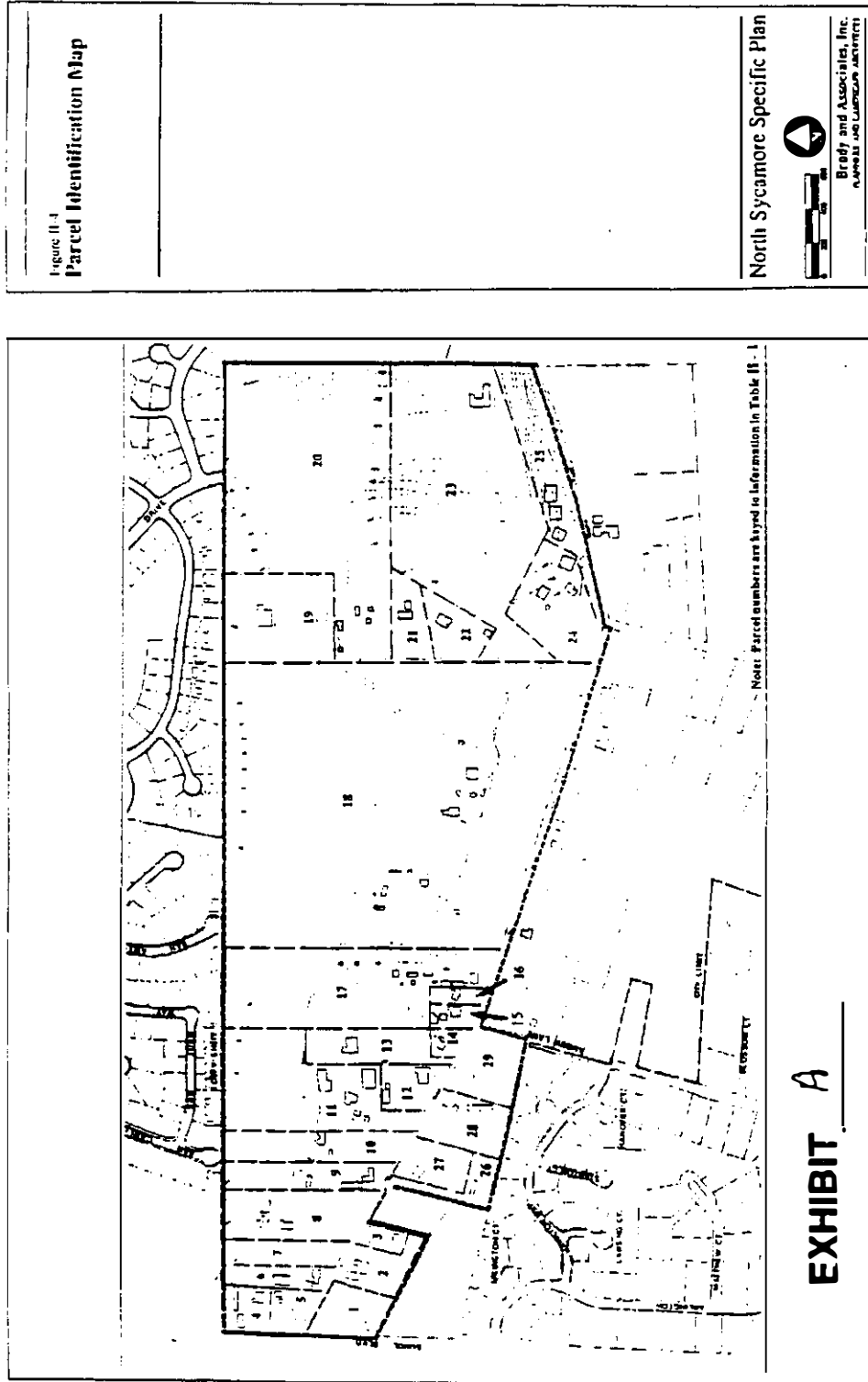
UNIT NUMBER	EXISTING	FUTURE	RESIDENCE ADDRESS	APN NUMBER
1-4	1	3	255 Happy Valley Road	949 0010 001 07
5	1	0	581 Happy Valley Road	949 0011 001 01
6	1	0	585 Happy Valley Road	949 0011 001 02
7	1	0	657 Happy Valley Road	949 0011 002 00
8-9	1	1	737 Happy Valley Road	949 0011 003 00
10	1	0	777 Happy Valley Road	949 0011 005 00
11-12	1	1	909 Happy Valley Road	949 0011 004 03
13	1	0	927 Happy Valley Road	949 0011 004 10
14	1	0	941 Happy Valley Road	949 0011 004 11
15	1	0	933 Happy Valley Road	949 0011 004 12
16	0	1	Address Not Assigned	949 0011 004 06
17	1	0	953 Happy Valley Road	949 0011 004 08
18	1	0	965 Happy Valley Road	949 0013 001 00
19-21	1	2	1053 Happy Valley Road	949 0013 002 00
22	1	0	976 Happy Valley Road	949 0007 010 06
23	0	1	970 Happy Valley Road	949 0007 010 05
24	1	0	968 Happy Valley Road	949 0007 010 03
25	1	0	962 Happy Valley Road	949 0007 009 06
26	1	0	948 Happy Valley Road	949 0007 011 00
27	1	0	936 Happy Valley Road	949 0007 012 00
28-29	1	1	920 Happy Valley Road	949 0007 013 05
30-34	0	5	Address Not Assigned	949 0007 013 04
35	1	0	770 Happy Valley Road	949 0007 013 03
36	1	0	700 Happy Valley Road	949 0007 013 02
37	1	0	804 Happy Valley Road	949 0007 014 02
38	1	0	686 Happy Valley Road	949 0007 014 03
39	1	0	664 Happy Valley Road	949 0007 014 04
40-41	1	1	640 Happy Valley Road	949 0008 004 00
42	0	1	Address Not Assigned	949 0008 005 05
43	1	0	630 Happy Valley Road	949 0008 005 06
44	1	0	622 Happy Valley Road	949 0008 003 06
45	1	0	582 Happy Valley Road	949 0008 003 03
46-47	1	1	538 & 550 Happy Valley Road	949 0008 006 03
48	0	1	Address Not Assigned	949 0009 009 00

EXHIBIT "C"

City of Pleasanton
EXHIBIT D

LIST OF PROPERTIES
WHICH WILL BENEFIT
FROM THE CASTLEWOOD
PUMP STATION
IMPROVEMENTS





(Ord. 1772 § 3, 1999)

(Pleasanton 5-99)