

RESOLUTION NO. 2025-50

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING A POLICY TO EXEMPT DEVELOPMENT IMPACT FEES ON CERTAIN DEVELOPMENT ACTIVITIES AND PROVIDE GENERAL GUIDELINES

WHEREAS, on August 12, 2025, the City Council has adopted a variety of Development Impact Fees (DIFs) that apply to both residential and non-residential development; and

WHEREAS, the City Council requested a policy clarifying how DIFs would apply to minor expansions, additions and remodels of existing structures; and

WHEREAS, some local agencies in Sonoma County, such as the City of Santa Rosa and the Cotati-Rohnert Park School District, provide for limited DIF exemptions that were considered as potential models; and

WHEREAS, the City of Santa Rosa makes the following exemptions to its' Capital Facilities Fee (CFF), which was created to fund, "street widening, traffic signals, freeway interchanges, bike paths, and storm drains", but does not include water and sewer related impact fees:

1. Alteration, remodeling, or reconstruction of a nonresidential structure which does not increase the gross floor area above what was in existence and in use on the effective date of this chapter.
2. A development project which the developer establishes to the City's satisfaction will not generate any additional need for public facilities, services or amenities, or any other impact for which a mitigation and/or fee is otherwise required. The burden of establishing by satisfactory proof the applicability and elements of this subsection shall be on the developer. No exemption or limit shall be granted pursuant to this section unless a finding is made, based on satisfactory factual proof provided by the developer, that the requirements of this subsection have been satisfied.
3. Accessory Dwelling Units (ADU's) measuring 750 Square Feet or smaller are exempt from the CFF.
4. No CFF shall be due if the CFF was previously paid in full for a particular property, and no refund has been issued.
5. Alteration, remodeling or reconstruction to an existing residential unit creating 400 square feet or more of additional living space is no longer subject to the CFF.

WHEREAS, the Cotati-Rohnert Park Unified School District exempts residential additions under 500 square feet, cumulatively, from payment of a school impact fee; and

WHEREAS, where it can be determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. This general rule can be applied to activities which could be subject to the CEQA process, but which logic dictates should not be subject to CEQA review. Therefore, based on the information provided above, the proposed resolution is exempt from CEQA pursuant to Section 14.03.021 of the CEQA Guidelines in that there is no possibility that the activity may have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the City of Cotati City Council, hereby finds, determines and resolves as follows:

Section 1. The foregoing recitals are hereby declared to be true and correct and to be findings of the City Council of the City of Cotati and are made a part of this Resolution.

Section 2. The City Council hereby adopts the following DIF policies clarifying the application of these fees for existing building stock, accessory or junior accessory dwelling units (J/ADU) and other general policies:

1. Existing Building Stock:
 - a. Alteration, remodeling, or reconstruction of an existing nonresidential structure which does not increase the gross floor area above what was in existence and in use on the effective date of this Resolution is not subject to DIFs.
 - b. Alteration, remodeling or reconstruction to an existing residential structure creating up to an additional 400 square feet of additional living space is not subject to DIFs. Any living space added in excess of 500 square feet, over the prior 5 years, will be assessed the incremental cost of the DIFs.
2. Accessory or Junior Dwelling Units:
 - a. J/ADU's measuring 750 Square Feet or smaller are exempt from any DIF.
3. General DIF Policies:
 - a. If the DIF was previously paid in full for a particular development, and no refund has been issued, then no DIF is due provided there is no change to the development.
 - b. A development project which the developer establishes to the City's satisfaction will not generate any additional need for public facilities, services or amenities, or any other impact for which a mitigation and/or fee is otherwise required. The burden of establishing by satisfactory proof the applicability and elements of this subsection shall be on the developer. No exemption or limit shall be granted pursuant to this section unless a finding is made, based on satisfactory factual proof provided by the developer, that the requirements of this subsection have been satisfied.

Section 3. The City Council directs the City Manager to create administrative procedures, as needed, to implement these policies.

Section 4. It can be determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. This general rule can be applied to activities which could be subject to the CEQA process, but which logic dictates should not be subject to CEQA review. Therefore, based on the information provided above, the proposed resolution is exempt from CEQA pursuant to Section 14.03.021 of the CEQA Guidelines in that there is no possibility that the activity may have a significant impact on the environment.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Cotati held on the 26th day of August, 2025, by the following vote, to wit:

RESULT:	Adopted [5-0]
MOVER:	Sylvia Lemus, Vice Mayor
SECONDER:	Laura Sparks, Councilmember
AYES:	Ford, Lemus, Harvey, Sparks, Savage
NAYS:	None

Approved: Ben Ford
Mayor

Attest: Kevin Patterson
Kevin Patterson, City Clerk

Approved as to form:

[Signature]
City Attorney

