

RESOLUTION NO. 22-151

Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2021-2022

WHEREAS, on August 7, 1990, the City Council of the City of Emeryville adopted Ordinance No. 90-08, adding Article 3 of Chapter 2 of Title 3 to the Emeryville Municipal Code, entitled “Traffic Facilities Impact Fee Fund”, which established the authority for imposing and charging a Traffic Facilities Impact Fee to be deposited into the Traffic Facilities Impact Fee Fund; and

WHEREAS, pursuant to that authority, the City Council adopted Resolution No. 90-62 on August 7, 1990, imposing a Traffic Impact Fee on all new development in the City to help fund various traffic facility improvements; and

WHEREAS, on October 6, 1998, the City Council adopted Resolution No. 98-167 updating the Traffic Impact Fee; and

WHEREAS, on July 15, 2014, the City Council adopted Ordinance No. 14-008 adding Article 19 of Chapter 5 of Title 9 to the Emeryville Municipal Code, entitled “Development Impact Fees”, repealing Article 3 of Chapter 2 of Title 3, and establishing the authority for the City to impose fees on development projects for the purpose of mitigating the impacts that the projects may have upon the City’s ability to provide public facilities including, but are not limited to, transportation facilities and park and recreation facilities; and

WHEREAS, on July 15, 2014, the City Council adopted Resolution No. 14-105, establishing an updated and renamed Transportation Facility Impact Fee, approving and adopting a “Transportation Impact Fee Update” study (“Transportation Impact Fee Nexus Study”), and imposing an updated Transportation Impact Fee on all new development in the City to be deposited into Fund 250, the Transportation Facility Impact Fee Fund, to help fund a list of transportation improvement projects as more particularly described in Attachment 1a of the attached Annual Development Impact Fee Report for Fiscal Year 2021-2022; and

WHEREAS, on July 15, 2014, the City Council adopted Resolution No. 14-104, establishing a Park and Recreation Facility Impact Fee, approving and adopting a “Park and Recreation Facility Development Impact Fee Study” (“Park Fee Nexus Study”) and imposing a Park and Recreation Facility Impact Fee on all new development in the City to be deposited into Fund 237, the Park and Recreation Impact Fee Fund, to help fund a list of parks and recreation projects as more particularly described in Attachment 1b of the attached Annual Development Impact Fee Report for Fiscal Year 2021-2022; and

WHEREAS, on July 15, 2014, the City Council adopted Ordinance No. 14-009 amending Article 4 of Chapter 5 of Title 9 of the Emeryville Municipal Code, entitled “Affordable Housing Set Aside Program”, and retitling it “Affordable Housing Program”, and establishing the authority for the City to impose fees on new rental residential projects and new nonresidential projects to mitigate the projects’ impacts on the need for affordable housing in the City; and

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WHEREAS, on July 15, 2014, the City Council adopted Resolution No. 14-103, establishing an Affordable Housing Impact Fee, approving and adopting a “Residential Nexus Study” and a “Non-Residential Jobs-Housing Nexus Study”, and imposing an Affordable Housing Impact Fee on all new rental residential projects and new nonresidential projects in the City to be deposited into Fund 239, the Affordable Housing Impact Fee Fund, to mitigate the projects’ impacts on the need for affordable housing in the city; and

WHEREAS, on October 20, 2015, the City Council adopted Resolution No. 15-130 increasing the Affordable Housing Impact Fee on rental residential projects to \$28,000 per dwelling unit; and

WHEREAS, the adopting resolutions for each of the three development impact fees, described above, provide that, for any annual period during which the City Council does not otherwise amend the impact fees, the fee amounts shall be adjusted once as of July 1st based on the percentage increase in the Engineering News-Record Construction Cost Index for San Francisco, California, and, pursuant to these provisions, on April 20, 2021, the City Council adopted Resolution No. 21-31 increasing the development impact fees by 2.55% for fiscal year 2021-2022; and

WHEREAS, California Government Code Section 66000 *et seq.* (the “Mitigation Fee Act”) requires each local agency to make public certain information on development impact fees within 180 days of the close of each fiscal year; and

WHEREAS, the Mitigation Fee Act also requires each local agency to review the information at a public meeting not less than 15 days after the information is made available to the public; and

WHEREAS, the Annual Development Impact Fee Report for Fiscal Year 2021-2022, attached as Exhibit A, provides the necessary information as required by the Mitigation Fee Act; and

WHEREAS, the information was made available to the public on October 21, 2022 in connection with the agenda for the regular City Council meeting held on Tuesday November 1, 2022, and for public comment at a properly noticed public meeting held on Tuesday, November 15, 2022; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville, after considering public comment and the Annual Development Impact Fee Report for Fiscal Year 2021-2022, dated November 1, 2022, does hereby approve the Annual Development Impact Fee Report for Fiscal Year 2021-2022, dated November 1, 2022, attached hereto as Exhibit A.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 15, 2022, by the following vote:

AYES:	<u>5</u>	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez, and Welch
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

DocuSigned by:

John Bauters

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MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

April Richardson

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CITY CLERK

DocuSigned by:

Christie Crowl, as Acting City Attorney

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LEGAL COUNSEL

ATTACHMENTS

- Exhibit A – Impact Fee Annual Report FY 21-22



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: November 1, 2022
TO: Adam Politzer, Interim City Manager
FROM: Charles S. Bryant, Community Development Director
SUBJECT: Annual Development Impact Fees Report – Fiscal Year 2021-2022

RECOMMENDATION

Staff recommends that the City Council accept this report as information only. No action is requested of the City Council at this time, as this report is required to be available to the public at least 15 days prior to City Council action. The report will be brought back for City Council consideration of approval at the November 15, 2022 meeting.

BACKGROUND

In 1989, the State Legislature passed the Mitigation Fee Act which added Section 66000 *et seq.* to the California Government Code (the “Mitigation Fee Act”). Among other things, the Mitigation Fee Act requires each local agency that has adopted fees pursuant to the Mitigation Fee Act to make public a report on collected developer fees within 180 days of the close of each fiscal year.¹ The Mitigation Fee Act also requires each local agency to review the report at a public meeting not less than 15 days after the information is made available to the public². The purpose of this item is to comply with this reporting requirement relative to City of Emeryville development impact fees for Fiscal Year 2021-2022. The City of Emeryville has three such fees: (1) Transportation Facility Impact Fee, (2) Park and Recreation Facility Impact Fee, and (3) Affordable Housing Impact Fee. Each is discussed below.

Transportation Facility Impact Fee

Originally called the Traffic Facilities Impact Fee, this impact fee was established by Ordinance No. 90-08, adopted by the City Council on August 7, 1990. This ordinance added Article 3 of Chapter 2 of Title 3 to the Emeryville Municipal Code, entitled “Traffic Facilities Impact Fee Fund”, which established the authority for imposing and charging a Traffic Facilities Impact Fee to be deposited into the Traffic Facilities Impact Fee Fund. The fee itself was established by Resolution No. 90-62, also passed on August 7, 1990, and subsequently amended by Resolution No. 96-75 on May 21, 1996, and Resolution No. 98-167 on October 6, 1998. Resolution 98-167 adopted a “Traffic Mitigation Fee Study”, which established the existence of a reasonable relationship between the need for the public facilities and the impacts of the types of development described in the Fee Study for which the Impact Fee was charged. The Fee Study also established that there was a reasonable relationship between the Traffic Impact Fee’s use and the type of development for which the Traffic Impact Fee was charged.

¹ Government Code Section 66006(b)(1)

² Government Code Section 66006(b)(2)

On July 15, 2014, the City Council adopted Ordinance No. 14-008 adding Article 19 of Chapter 5 of Title 9 to the Emeryville Municipal Code, entitled “Development Impact Fees”, and repealing Article 3 of Chapter 2 of Title 3. This Article establishes the authority for the City to impose fees on development projects for the purpose of mitigating the impacts that the projects may have upon the City’s ability to provide public facilities. Such facilities are divided into “public facility categories”, and each category is to have a separate fee to be deposited into a separate and distinct “fee fund”. Such categories may include, but are not limited to, transportation facilities and park and recreation facilities. The ordinance took effect on August 14, 2014, 30 days after its final passage.

Also on July 15, 2014, the City Council adopted Resolution No. 14-105, establishing an updated and renamed Transportation Facility Impact Fee. By this resolution, the City Council approved and adopted a “Transportation Impact Fee Update” study (“Transportation Impact Fee Nexus Study”) prepared by Fehr and Peers. The Transportation Impact Fee Nexus Study included a revised list of transportation improvement projects to be funded by the fee, based on the General Plan, which calls for a multi-modal transportation system, including public transit, pedestrians, bicycles, and automobiles. This nexus study established the existence of a reasonable relationship between the need for the public facilities and the impacts of the types of development described in the study for which the impact fee is charged, and that there is a reasonable relationship between the fee’s use and the type of development for which the fee is charged. This resolution was effective on September 14, 2014, 60 days after its passage. Projects included in the updated Transportation Facility Impact Fee are indicated in Attachment 1a. Revenues from this fee are deposited into Fund 250, the Transportation Facility Impact Fee Fund.

Park and Recreation Facility Impact Fee

As noted above, on July 15, 2014, the City Council adopted Ordinance No. 14-008 adding Article 19 of Chapter 5 of Title 9 to the Emeryville Municipal Code, entitled “Development Impact Fees”. Park and recreation facilities are among the “public facility categories” authorized by this Article. Also on July 15, 2014, the City Council adopted Resolution No. 14-104, establishing a Park and Recreation Facility Impact Fee. By this resolution, the City Council approved and adopted a “Park and Recreation Facility Development Impact Fee Study” (“Park and Recreation Impact Fee Nexus Study”) prepared by Willdan Financial Services, including a list of parks and recreation projects to be funded by the fee, based on the General Plan and Parks and Recreation Strategic Plan. This nexus study established the existence of a reasonable relationship between the need for the public facilities and the impacts of the types of development described in the study for which the impact fee is charged, and that there is a reasonable relationship between the fee’s use and the type of development for which the fee is charged. This resolution was effective on September 14, 2014, 60 days after its passage. Projects included in the Park and Recreation Facility Impact Fee program are shown in Attachment 1b. Revenue from this fee is deposited into Fund 237, the Park and Recreation Impact Fee Fund.

Affordable Housing Impact Fee

On July 15, 2014, the City Council adopted Ordinance No. 14-009 amending Article 4 of Chapter 5 of Title 9 of the Emeryville Municipal Code, entitled “Affordable Housing Set Aside Program”, and retitling it “Affordable Housing Program”. This Article establishes the authority for the City to impose fees on new rental residential projects and new nonresidential projects to mitigate the projects’ impacts on the need for affordable housing in the city. The ordinance took effect on August 14, 2014, 30 days after its final passage.

Also on July 15, 2014, the City Council adopted Resolution No. 14-103, establishing an Affordable Housing Impact Fee of \$20,000 per dwelling unit on rental residential projects and \$4.00 per square foot on most nonresidential projects. By this resolution, the City Council approved and adopted a “Residential Nexus Study” and a “Non-Residential Jobs-Housing Nexus Study”, both prepared by Keyser Marston Associates. These nexus studies established the existence of a reasonable relationship between the impact fees and the affordable housing impacts attributable to the developments on which the fees are imposed. This resolution was effective on September 14, 2014, 60 days after its passage. On October 20, 2015, the City Council adopted Resolution No. 15-130 increasing the Affordable Housing Impact Fee on rental residential projects to \$28,000 per dwelling unit. This resolution was effective on December 19, 2015, 60 days after its passage. Revenue from this fee is deposited into Fund 239, the Affordable Housing Impact Fee Fund.

DISCUSSION

The three development impact fees are subject to the reporting requirements of the Mitigation Fee Act, as follows:

1. Create separate capital facilities funds or accounts for each improvement funded with impact fees. Remit all interest income earned by the fees to the same fund; interest income must be spent solely on the purpose for which the fee was originally collected. A local agency must not co-mingle fees with any other revenue, except for temporary investment purposes. (California Government Code Section 66006(a))

As noted above, separate funds have been established for each development impact fee as follows: Fund 250, Transportation Facility Impact Fee Fund; Fund 237, Park and Recreation Impact Fee Fund; and Fund 239, Affordable Housing Impact Fee Fund. No funds are co-mingled, and all interest earned by each fund is remitted into its particular account and spent solely on the purpose for which the fee was originally collected. Revenues, expenditures, and fund balances of these three funds are shown in Attachments 2a, 2b, and 2c, respectively. It should be noted that capital improvement projects funded by the development impact fees are also identified in the City’s budget and separate project accounts are established by the Finance Department for each such capital improvement project in order to properly account for its costs and funding sources. A summary

of capital improvement projects funded by the impact fees is included as Attachment 3.

2. Within 180 days after the close of the fiscal year, prepare a public report concerning each impact fee fund. Required contents of the report are as follows (California Government Code Section 66006(b)):

- (a) A brief description of the type of fee in the account.

The Transportation Facility Impact Fee Fund (Fund 250) contains fees imposed on development projects for the purpose of mitigating the impacts that the projects have upon the City's ability to provide transportation facilities. The Park and Recreation Impact Fee Fund (Fund 237) contains fees imposed on development projects for the purpose of mitigating the impacts that the projects have upon the City's ability to provide parks and recreation facilities. The Affordable Housing Impact Fee Fund (Fund 239) contains fees imposed on new rental residential projects and new nonresidential projects to mitigate the projects' impacts on the need for affordable housing in the city.

- (b) The amount of the fee.

The City Council established the following fees for Fiscal Year 2014-15 in relation to the maximum fee, or cap, that can justifiably be imposed on new development, as established by the various nexus studies described above:

- *Transportation Facility Impact Fee: 20% of the cap (cap is \$12,541 per trip)*
- *Park and Recreation Facility Impact Fee: 25% of the cap (cap is \$8,048 per capita for residents and \$4,024 per capita for workers)*
- *Affordable Housing Impact Fee: \$20,000 per dwelling unit (approximately 56% of the cap of \$35,600) for rental residential projects and \$4.00 per square foot for nonresidential projects (approximately 1.6% to 6.0% of the cap, which ranges from \$66.80 to \$244.90 per square foot for various uses.) As noted above, on October 20, 2015, the City Council increased the fee on rental residential projects to \$28,000 per dwelling unit (approximately 79% of the cap).*

The adopting resolutions for each of the three development impact fees, described above, provide that, for any annual period during which the City Council does not otherwise amend the impact fees, the fee amounts shall be adjusted once as of July 1st based on the percentage increase in the Engineering News-Record Construction Cost Index for San Francisco, California. The increase for Fiscal Year 2021-22 was 2.55% and was adopted by City Council Resolution No. 21-31 on April 20, 2021.

The nexus studies established fees for various use types. For ease of reference, the fees have been consolidated into a single table using the standardized use classifications from the Planning Regulations, as shown in Attachment 4. This table indicates each development impact fee for each use type, based on the nexus studies, the percentage of the caps as noted above, and the annual increase, as well as the total of the three development impact fees for each use type.

- (c) The fund's beginning and ending balance for the fiscal year.

As noted in Attachments 2a, 2b, and 2c, the beginning balance on July 1, 2021 and the ending balance on June 30, 2022 for each of the three development impact fee funds were as follows:

	<u>July 1, 2021</u>	<u>June 30, 2022</u>
<i>Transportation Facility (Fund 250)</i>	<i>\$1,160,658</i>	<i>\$1,500,454</i>
<i>Park and Recreation Facility (Fund 237)</i>	<i>\$970,469</i>	<i>\$1,046,014</i>
<i>Affordable Housing (Fund 239)</i>	<i>\$726,870</i>	<i>\$860,716</i>

- (d) Amount of fees collected and interest earned and deposited into the fund for the fiscal year.

As noted in Attachments 2a, 2b, and 2c, the fees collected and interest earned for each of the three development impact fee funds for Fiscal Year 2021-22 were as follows:

	<u>Fees</u>	<u>Interest</u>
<i>Transportation Facility (Fund 250)</i>	<i>\$337,659</i>	<i>\$3,134</i>
<i>Park and Recreation Facility (Fund 237)</i>	<i>\$73,689</i>	<i>\$2,178</i>
<i>Affordable Housing (Fund 239)</i>	<i>\$132,094</i>	<i>\$1,752</i>

- (e) A description of each expenditure from the fund for that year, including identification of the improvement being funded and the percentage of the cost of the public improvement that was funded with the fee.

Please refer to Attachments 2a, 2b, and 2c detailing fund activities under the heading of "EXPENDITURES". A summary of capital improvement projects funded by the development impact fees, as indicated in the City's budget for Fiscal Year 2021-22 is included as Attachment 3.

- (f) An identification of the date by which construction of a public improvement will commence if the City determines that sufficient funds have been collected to complete financing on any incomplete project.

A summary of capital improvement projects funded by the development impact fees is included as Attachment 3.

- (g) A description of any interfund transfers or loans.

On May 16, 2017, the City Council approved a loan of \$4,500,000 to the 3706 San Pablo Avenue Affordable Housing Project. Of this amount, \$1,840,000 was from the Affordable Housing Impact Fee Fund (Fund 239), and the remainder came from the Housing Asset Fund (Fund 298). The loan will be repaid each year out of a portion of the surplus cash flow earned by the owner for the previous year after the project is completed and a surplus is determined to exist through an audited annual financial statement. The interest rate is 3% per year.

On June 9, 2020, the City Council adopted Resolution No. 20-46, approving mid-cycle amendments to the Fiscal Year 2019-20 budget. This resulted in a transfer of \$551,507.72 from the General Capital Improvement Fund (Fund 475) into the Park and Recreation Impact Fee Fund (Fund 237) for the Horton Landing Park Expansion project.

- (h) Identification of any fees refunded or allocated for some other purpose.

In Fiscal Year 2021-22, \$3,284.16 was refunded from the Transportation Facility Impact Fee Fund to an applicant as reimbursement for fees that were overcharged by mistake.

3. The report is required to be reviewed by the City at a regularly scheduled public meeting not less than 15 days after the report is released to the public (California Government Code Section 66006(b)(2)).

This report is being released to the public no later than October 21, 2022 in connection with the agenda for the November 1, 2022 regular meeting of the City Council and is scheduled for approval by the City Council at its regularly scheduled meeting on November 15, 2022.

4. For the fifth fiscal year following the first deposit into a development impact fee fund, and every five years thereafter, if fees remain unexpended, the local agency must make the findings identifying the purpose to which the fee is to be put, demonstrate that there remains a reasonable relationship between the current need for the fees and the purpose for which it is charged, identify all sources and amounts of funding contemplated to complete financing of incomplete improvements, and designate the approximate dates on which the contemplated funding is expected to be deposited into the fund (California Government Code Section 66001(d)).

The first deposits into the updated Transportation Facility Impact Fee Fund and the new Park and Recreation Facility Impact Fee Fund and Affordable Housing Impact Fee Fund occurred in Fiscal Year 2014-2015. Thus, the fifth fiscal year following these first deposits was Fiscal Year 2019-20, so the findings noted

above were made in the report prepared for Fiscal Year 2019-20. They will be required to be made again in the report for Fiscal Year 2024-25, and every five years thereafter.

FISCAL IMPACT

This report is for informational purposes. There is no fiscal impact.

STAFF COMMUNICATION WITH THE PUBLIC

Staff has had no communication with the public regarding this item.

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:



Adam Politzer, Interim City Manager

ATTACHMENTS

1. Public Facilities Funded by Development Impact Fees:
 - a. Transportation Facility Impact Fee
 - b. Park and Recreation Facility Impact Fee
2. Revenues, Expenditures, and Fund Balances of Development Impact Fees:
 - a. Fund 250, Transportation Facility Impact Fee Fund
 - b. Fund 237, Park and Recreation Impact Fee Fund
 - c. Fund 239, Affordable Housing Impact Fee Fund
3. Impact Fee Budgets from Fiscal Year 2021-2022 City Budget:
 - a. Fund 250, Transportation Facility Impact Fee Fund
 - b. Fund 237, Park and Recreation Impact Fee Fund
 - c. Fund 239, Affordable Housing Impact Fee Fund
4. City of Emeryville Development Impact Fees, Fiscal Year 2021-2022

City of Emeryville

Transportation Impact Fee Update

March 2014

TABLE 6
ALLOCATION OF PROJECT COSTS TO FEE PROGRAM

Map #	Project	Type	Total Cost	Percent of Cost to Include in Fee		Portion of Cost to include in Fee
				Existing/Other	Emeryville Growth	
1.	Citywide Transit Improvements	Transit	\$2,347,500	0%	100%	\$2,347,500
2.	Powell Street Multi-Modal Phase 1	Multi-modal	\$3,350,000	0%	100%	\$3,350,000
3.	Christie Bay Trail	Multi-modal (non-motorized)	\$480,000	0%	100%	\$480,000
4.	ECCL Path	Multi-modal (non-motorized)	\$750,000	0%	100%	\$750,000
5.	South Bayfront Bridge	Multi-modal (non-motorized)	\$14,549,000	0%	100%	\$14,549,000
6.	San Pablo Avenue Mid-block Crossing	Pedestrian	\$344,100	0%	100%	\$344,100
7.	Shorebird Park Connections	Multi-modal (non-motorized)	\$220,000	0%	100%	\$220,000
8.	Spur Alley Bicycle Treatments	Multi-modal (non-motorized)	\$900,300	0%	100%	\$900,300
9.	Railroad Quiet Zone	Multi-modal	\$4,035,000	0%	100%	\$4,035,000
10.	I-80/Powell Off Ramp Improvements	Automobile Capacity	\$450,000	0%	100%	\$450,000
11.	Christie Avenue/ Powell Street	Automobile Capacity	\$4,600,000	85%	15%	\$690,000
12.	Bicycle and Pedestrian Plan Implementation	Multi-modal (non-motorized)	\$300,000	0%	100%	\$300,000
13.	40th Street/Horton Street	Multi-Modal	\$59,500	0%	100%	\$59,500
14.	40th Street/Emery Street	Automobile Capacity	\$87,000	0%	100%	\$87,000
15.	Transit Center Plaza and Platform Extension	Pedestrian	\$1,042,100	80%	20%	\$208,420
16.	Public Parking and Bus Bays at Transit Center	Transit	\$8,431,000	50.2%	49.8%	\$4,200,048
17.	Doyle Street Bicycle Boulevard	Bicycle	\$275,000	0%	100%	\$275,000
18.	Hollis Street Sidewalk	Pedestrian	\$603,000	0%	100%	\$603,000
19.	Adeline/San Pablo/ Macarthur/Peralta "Star" Intersection	Multi-modal (non-motorized)	\$456,000	0%	100%	\$456,000
20.	Ped-Bike Bridge over I-80: 65th St to Frontage Rd	Multi-modal (non-motorized)	\$18,500,000	0%	100%	\$18,500,000
21.	Horton Street and Overland Avenue from 40th Street to 62nd Street	Bicycle	\$2,015,000	0%	100%	\$2,015,000



City of Emeryville

Transportation Impact Fee Update

March 2014

TABLE 6
ALLOCATION OF PROJECT COSTS TO FEE PROGRAM

Map #	Project	Type	Total Cost	Percent of Cost to Include in Fee		Portion of Cost to include in Fee
				Existing/Other	Emeryville Growth	
22.	Emeryville Greenway extension from Powell St south to Stanford Ave at Horton St	Multi-modal (non-motorized)	\$1,350,000	0%	100%	\$1,350,000
23.	40th Street/ Harlan Street Signalization	Multi-Modal	\$290,000	0%	100%	\$290,000
24.	Sherwin Area Improvements	Pedestrian	\$2,843,850	0%	100%	\$2,843,850
25.	Bike Sharing Program	Bicycle	\$600,000	0%	100%	\$600,000
26.	Bicycle Parking	Bicycle	\$200,000	0%	100%	\$200,000
27.	Traffic Signal Enhancements	Bicycle	\$490,000	0%	100%	\$490,000
28.	Emery-go-Round Bus Yard Acquisition	Transit	\$1,000,000	0%	100%	\$1,000,000
Total Project Costs			\$70,568,350			\$61,593,718
Contingency, Design Environmental Review and Other (40%)			\$28,227,340			\$24,637,487
Preparation of Transportation Fee Study			\$200,000			\$200,000
City Administrative Costs (2%)			\$1,979,914			\$1,728,624
Total Cost			\$100,975,604			\$88,159,829

Source: Fehr & Peers, 2014



Use of Fee Revenue

The City plans to use park facilities fee revenue to purchase parkland or construct improvements to add to the system of park and recreation facilities that serves new development. The City may only use impact fee revenue to provide facilities and intensify usage of existing facilities needed to serve new development.

The City intends to use the fee revenue to purchase and develop the planned and proposed facilities mapped and listed in the *Parks and Recreation Strategic Plan* (2011). **Table 3.9** displays the planned and proposed facilities identified in the *Strategic Plan*. In order to fully realize all of the planned and proposed facilities in the *Strategic Plan*, the City will need to fund approximately \$70.4 million in costs with non-fee funding sources.

Table 3.9: Planned and Proposed Park Facilities

Project	Proposed Acres	Planning Level Cost Estimate
<u>Planned Parks</u>		
Horton Landing Park	1.40	\$ 372,800
Christie Avenue Park	0.37	344,285
48th Street Community Garden	0.09	20,970
Subtotal	1.86	\$ 738,055
<u>Proposed Parks</u>		
Site 1: Doyle Hollis Park Expansion	6.75	\$ 38,930,888
Site 2: PG&E site West of Hollis between 45th and 53rd	6.24	36,776,183
Site A: I-80 ped-bike bridge touchdown in Ashby Interchange	0.25	1,329,075
Site B: West of Shellmound North of 65th	0.50	3,291,575
Site C: North of 65th, East of RR tracks	1.00	6,054,575
Site D: North of Powell, between Christie and I-80	0.50	3,000,325
Site E: Stanford Ave, Park expansion West to Hollis	0.80	4,315,950
Site F: Stanford Ave, Park expansion North to Powell	0.55	3,241,675
Site G: Powell St. Plaza West of Shellmound, South of Powell	1.00	5,897,300
Site H: Temescal Creek Park and Temescal Creek Greenway	0.08	65,856
Site J: On Park Ave, West of Hollis	0.50	3,204,200
Site K: East Bay Bridge Center, South of 40th, West of San Pablo	3.00	17,590,050
Site L: Triangle neighborhood East of San Pablo, North of 40th	0.50	3,250,800
Emeryville Greenway Expansions	4.71	25,797,972
Temescal Creek Greenway Expansions	1.32	7,135,761
Subtotal	27.70	\$ 159,882,185
Total - Planned and Proposed Park Facilities	29.56	\$ 160,620,240

Source: Table C-1, City of Emeryville Parks and Recreation Strategic Plan, January 18, 2011.

City of Emeryville
Transportation Impact Fee Fund 250
Revenues & Expenditures
Through June 30, 2022

REVENUE:

	FY92-FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	Total
Traffic Impact Fees (Pre-Sep 2014 projects)	5,739,066	279,871								6,018,936
Transportation Impact Fees - Residential (effective Sep 2014)		595	2,672	1,650	11,599	326,700				343,216
Transportation Impact Fees - Non-Residential (effective Sep 2014)		391,303	990,502	554,402 *	42,601	53,905	1,238,706	218,556	337,659	3,827,633
Interest	661,274	3,205	9,982	16,871	26,914	37,648	41,810	13,981	3,134	814,818
Reimbursements	(275,197)									(275,197)
General Fund Subsidy for Updated Fee Study	236,982									236,982
Interfund Transfer from Parks and Recreation Impact Fee Fund 237						34,213				34,213
Total Revenue	6,362,124	674,973	1,003,156	572,923	81,115	452,467	1,280,515	232,537	340,792	11,000,602

EXPENDITURES:Pre-September 2014 Projects:

Powell St & I-80 E Off Ramp	34,959									34,959
Shellmound Loop Improvements	1,967,995									1,967,995
Powell/Hollis Intersection Improvements	185,559									185,559
Hollis St Interconnect	73,049									73,049
Shellmound Signal Timing	142,984									142,984
40th Street Signal Design	17,403									17,403
40th & SPA Widening	7,965									7,965
Shellmound Street Striping	8,512									8,512
Horton Street Extension	2,047,791									2,047,791
65th Street Traffic Signal	1,225,898									1,225,898
Powell Streetscape Design	80,668					-		-		80,668

Post-September 2014 Projects:

Christie Ave Bay Trail	6,210	309,818								316,028
Horton Street Traffic Calming			13,407							13,407
Traffic Signal Powell/Doyle			2,500				289,500			292,000
South Bayfront Pedestrian-Bicycle Bridge				3,550				1,071,875		1,075,426
Emeryville Greenway - Stanford to Powell				487,129						487,129
SafeTREC Powell Street Corridor Study					80,041			24,508		104,549
Transit Center - Public Parking					176,753					176,753
Powell Street Bridge Widening							10,181			10,181
Emery Go-Round Shuttle Bus Yard								1,000,000		

Update Traffic Impact Fee Study
Administrative Expenses
Interfund Transfer to Parks and Recreation Impact Fee Fund 237

200,237	2,540	50								202,827
-	-	-	301	45					997	1,343
					27,727					27,727

Total Expenditures

5,993,019	8,750	309,868	16,208	490,724	284,520	299,681	2,096,384	997	9,500,149
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Revenues Over/(Under) Expenditures

369,105	666,224	693,288	556,715	(409,609)	167,946	980,835	(1,863,847)	339,795		1,500,454
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Beginning Fund Balance, July 1

-	369,105	1,035,329	1,728,617	2,285,333	1,875,724	2,043,670	3,024,505	1,160,658		-
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Ending Fund Balance, June 30

369,105	1,035,329	1,728,617	2,285,333	1,875,724	2,043,670	3,024,505	1,160,658	1,500,454		1,500,454
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City of Emeryville
Parks and Recreation Impact Fee Fund 237
Revenues & Expenditures
Through June 30, 2022

	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	Total
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REVENUE:

Park/Rec Impact Fees - Residential		7,382	3,822	61,086					72,290
Park/Rec Impact Fees - Non-Residential	193,914	398,531	705,302	5,097	49,822	393,132		73,689	1,819,488
Interest	293	3,093	8,518	14,793	6,133	4,941	4,497	2,178	44,446
Interfund Transfer from Transportation Impact Fee Fund 250					27,727				27,727
Interfund Transfer from General Capital Improvement Fund 475						551,508			551,508

Total Revenue

194,207	409,005	717,643	80,977	83,682	949,581	4,497	75,867	2,515,458
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EXPENDITURES:

Stanford Avenue Park Expansion	3,960								3,960
Horton Landing Park Expansion			13,215	73,764	756,941	7,588			851,507
South Bayfront Bicycle/Pedestrian Bridge				26,428	235,365		19,158	322	281,273
Emeryville Greenway - Stanford to Powell				259,735	38,757				298,491
Interfund Transfer to Transportation Impact Fee Fund 250					34,213				34,213

Total Expenditures

3,960	-	13,215	359,926	1,065,276	7,588	19,158	322	1,469,444
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Revenues Over/(Under) Expenditures

190,247	409,005	704,428	(278,950)	(981,593)	941,993	(14,661)	75,545	1,046,014
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Beginning Fund Balance, July 1

-	190,247	599,252	1,303,679	1,024,730	43,136	985,130	970,469	-
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Ending Fund Balance, June 30

190,247	599,252	1,303,679	1,024,730	43,136	985,130	970,469	1,046,014	1,046,014
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City of Emeryville
Affordable Housing Impact Fee Fund 239
Revenues & Expenditures
Through June 30, 2022

	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	Total
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REVENUE:

Affordable Housing Impact Fee - Residential			28,000	28,122					56,122
Affordable Housing Impact Fee - Non-Residential	479,168	446,055	1,105,258	52,477	129,632	233,712	10,993	132,094	2,589,390
Interest	447	5,036	12,135	5,761	11,472	14,603	3,996	1,752	55,203
Total Revenue	479,615	451,092	1,145,393	86,360	141,104	248,315	14,989	133,846	2,700,716

EXPENDITURES:

3706 San Pablo Avenue Project (Loan)			1,840,000						1,840,000
Total Expenditures			1,840,000						1,840,000
Revenues Over/(Under) Expenditures	479,615	451,092	(694,607)	86,360	141,104	248,315	14,989	133,846	860,716
Beginning Fund Balance, July 1	-	479,615	930,707	236,100	322,460	463,565	711,880	726,870	-
Ending Fund Balance, June 30	479,615	930,707	236,100	322,460	463,565	711,880	726,870	860,716	860,716



**City of Emeryville
2021-22 Budget**

**Capital Project Funds
Traffic Impact Fee Fund #250**

Purpose of Fund

The Transportation Impact Fee Fund accounts for transportation impact fees paid by new development, as required by the City's Transportation Impact Fee Ordinance.

	Capital Projects Carryover	2021-22 Budget	2022-23 Projection	2023-24 Projection	2024-25 Projection	2025-26 Projection
Beginning Available Fund Balance		\$ 1,322,547	\$ 559,901	\$ 104,121	\$ 119,121	\$ 84,121
Annual Activity						
Revenues						
Investment Earnings		15,000	15,000	15,000	15,000	15,000
Development Fees		347,625	379,220	50,000	50,000	1,184,000
Total Revenues		362,625	394,220	65,000	65,000	1,199,000
Expenditures						
Operations						
Public Works - ENR Membership		-	-	-	-	-
Operating Expenses		-	-	-	-	-
Capital Projects						
Street Light Signals		50,000				
Street Improvements		165,000				
PB-06 ECCL - North-South Pedestrian Path from 47th St to 53rd St		-	750,000	-	-	-
PB-08 Transit Stop Improvements	\$ 100,000	-	-	-	-	-
PB-11 Bike Share Stations	240,000	-	-	-	-	-
T-04 Quiet Zone at 65th, 66th, and 67th Street At-Grade Crossings	500,000	-	-	-	-	-
T-08 Powell Street Bridge Widening	14,820	-	-	-	-	-
T-09 Powell Corridor Traffic Safety Study	5,451	-	-	-	-	-
T-11 Traffic Signal Modernization - Phase 2	-	50,000	100,000	50,000	100,000	100,000
Carryforward	\$ 860,271	860,271	-	-	-	-
Total Capital		1,125,271	850,000	50,000	100,000	100,000
Total Expense		1,125,271	850,000	50,000	100,000	100,000
Net Annual Activity		(762,646)	(455,780)	15,000	(35,000)	1,099,000
Ending Available Fund Balance		\$ 559,901	\$ 104,121	\$ 119,121	\$ 84,121	\$ 1,183,121



**City of Emeryville
2021-22 Budget**

**Capital Project Funds
Park Impact Fee Fund #237**

Purpose of Fund

The Park / Rec Impact Fee Fund accounts for parks and recreation impact fees paid by new development, as required by the City's Park / Rec Impact Fee Ordinance.

	<u>2021-22 Budget</u>	<u>2022-23 Projection</u>	<u>2023-24 Projection</u>	<u>2024-25 Projection</u>	<u>2025-26 Projection</u>
Beginning Available Fund Balance	\$ 1,951,458	\$ 2,006,458	\$ 2,849,354	\$ 2,904,354	\$ 2,959,354
Annual Activity					
Revenues					
Development Fees	55,000	842,896	55,000	55,000	1,145,500
Total Revenues	55,000	842,896	55,000	55,000	1,145,500
Expenditures	-	-	-	-	-
Total Expense	-	-	-	-	-
Net Annual Activity	55,000	842,896	55,000	55,000	1,145,500
Ending Available Fund Balance	\$ 2,006,458	\$ 2,849,354	\$ 2,904,354	\$ 2,959,354	\$ 4,104,854



**City of Emeryville
2021-22 Budget**

**Capital Project Funds
Affordable Housing Impact Fee Fund #239**

Purpose of Fund

The Affordable Housing Impact Fee Fund accounts for rental residential developments and nonresidential developments to mitigate the impact of such developments on the need for affordable housing in the City.

	Capital Project Carryover	2021-22 Budget	2022-23 Projection	2023-24 Projection	2024-25 Projection	2025-26 Projection
Beginning Available Fund Balance		\$ 536,880	\$ 266,880	\$ 196,880	\$ 226,880	\$ 256,880
Annual Activity						
Revenues						
Investment Earnings		5,000	5,000	5,000	5,000	5,000
Development Fees		25,000	25,000	25,000	25,000	1,438,000
Total Revenues		30,000	30,000	30,000	30,000	1,443,000
Expenditures						
Capital Projects						
H-02 6150, 5890 and 5900 Christie Housing Site	\$ 300,000	-	100,000	-	-	-
Carryforward	\$ 300,000	300,000	-	-	-	-
Total Capital		300,000	100,000	-	-	-
Net Annual Activity		(270,000)	(70,000)	30,000	30,000	1,443,000
Ending Available Fund Balance		\$ 266,880	\$ 196,880	\$ 226,880	\$ 256,880	\$ 1,699,880



City of Emeryville Development Impact Fees

Fiscal Year 2021-2022 (valid July 1, 2021 through June 30, 2022)

Use Type	Affordable Housing	Park and Recreation Facility	Transportation Facility	TOTAL IMPACT FEES
Residential Use Types				
Single Unit	\$0	\$4,511	\$3,025	\$7,536 / dwelling unit
Two Unit and Multi-Unit				
<i>Rental - Apartment</i>	\$31,823	\$4,344	\$1,876	\$38,043 / dwelling unit
<i>In TH Transit Hub Overlay Zone</i>	\$31,823	\$4,344	\$1,815	\$37,982 / dwelling unit
<i>Owner - Condominium</i>	\$0	\$4,344	\$1,571	\$5,915 / dwelling unit
<i>In TH Transit Hub Overlay Zone</i>	\$0	\$4,344	\$1,514	\$5,858 / dwelling unit
<i>Owner - Townhome</i>	\$0	\$4,511	\$1,571	\$6,082 / dwelling unit
<i>In TH Transit Hub Overlay Zone</i>	\$0	\$4,511	\$1,514	\$6,025 / dwelling unit
Domestic Violence Shelter	\$0	\$1,699	\$668	\$2,367 / bed
Group Residential	\$0	\$1,699	\$668	\$2,367 / bed
Mobile Home Park				
<i>Rental</i>	\$31,823	\$4,344	\$1,876	\$38,043 / dwelling unit
<i>Owner</i>	\$0	\$4,511	\$1,571	\$6,082 / dwelling unit
Residential Care Facility	\$4.83	\$6.56	\$2.26	\$13.65 / square foot
Supportive Housing	\$0	\$1,699	\$668	\$2,367 / bed
Transitional Housing	\$0	\$1,699	\$668	\$2,367 / bed
Accessory Dwelling Units (including Junior ADUs)	\$0	\$0	\$0	\$0 / dwelling unit
Commercial and Institutional				
Adult Oriented Businesses				
<i>Retail</i>	\$4.83	\$2.42	\$5.64	\$12.89 / square foot
<i>Performance</i>	\$4.83	\$1.84	\$116.96	\$123.63 / square foot
Animal Care and Sales				
<i>Grooming</i>	\$4.83	\$2.19	\$4.40	\$11.42 / square foot
<i>Kennel/Animal Care</i>	\$4.83	\$3.39	\$16.79	\$25.01 / square foot
<i>Pet Stores</i>	\$4.83	\$2.42	\$5.64	\$12.89 / square foot
<i>Veterinary Services</i>	\$4.83	\$2.19	\$14.27	\$21.29 / square foot
Arts and Entertainment				
<i>Gallery</i>	\$4.83	\$0.36	\$0.54	\$5.73 / square foot
<i>Indoor Entertainment</i>	\$4.83	\$1.46	\$14.86	\$21.15 / square foot
<i>Outdoor Entertainment</i>	TBD	TBD	TBD	TBD
Banks and Financial Institutions	\$4.83	\$2.42	\$12.85	\$20.10 / square foot
Business Services	\$4.83	\$2.42	\$22.43	\$29.68 / square foot
Colleges and Trade Schools	\$0.00	\$2.19	\$7.69	\$9.88 / square foot
Community Assembly	\$0.00	\$0.59	\$8.29	\$8.88 / square foot
Day Care Centers	\$0.00	\$3.39	\$16.79	\$20.18 / square foot
Eating and Drinking Establishments				
<i>Bars/Nightclubs/Lounges</i>	\$4.83	\$6.06	\$10.30	\$21.19 / square foot
<i>Restaurants</i>				
Quality (ITE Land Use 931)	\$4.83	\$6.06	\$6.82	\$17.71 / square foot
High Turnover (ITE Land Use 932)	\$4.83	\$6.06	\$8.93	\$19.82 / square foot
Fast Food (ITE Land Use 933)	\$4.83	\$6.06	\$39.53	\$50.42 / square foot
Fast Food with Drive-Thru (ITE Land Use 934)	\$4.83	\$6.06	\$49.39	\$60.28 / square foot
<i>Mobile Food Vendors</i>	\$0.00	\$0.00	\$0.00	\$0.00
Emergency Shelters	\$0	\$1,699	\$668	\$2,367 / bed
Funeral Homes, Mortuaries and Mausoleums	\$4.83	\$0.59	\$1.66	\$7.08 / square foot

Use Type	Affordable Housing	Park and Recreation Facility	Transportation Facility	TOTAL IMPACT FEES
Health Care				
<i>Clinics and Medical Offices</i>	\$4.83	\$4.42	\$10.80	\$20.05 / square foot
<i>Hospitals</i>	\$4.83	\$3.52	\$2.81	\$11.16 / square foot
<i>Medical Laboratories (non research)</i>	\$4.83	\$2.19	\$9.52	\$16.54 / square foot
Instructional Services				
<i>Individual/ Small Group Instruction</i>	\$4.83	\$0.71	\$2.93	\$8.47 / square foot
<i>Group Instruction</i>	\$4.83	\$0.71	\$2.93	\$8.47 / square foot
Libraries and Museums				
<i>Libraries</i>	\$4.83	\$1.69	\$22.08	\$28.60 / square foot
<i>Museums</i>	\$4.83	\$0.36	\$0.54	\$5.73 / square foot
Live/Work Unit	\$4.83	\$1.84		\$6.67 / square foot plus
plus			\$1,966	\$1,966 / unit
Lodging				
<i>Hotels and Motels</i>	\$4.83	\$1.21		\$6.04 / square foot plus
plus			\$1,270	\$1,270 / room
<i>Bed & Breakfast</i>	\$0.00	\$0.00	\$0.00	\$0.00 / square foot
Major Public Services	\$4.83	TBD	TBD	TBD / square foot
Marina	\$0	\$1,213	\$574	\$1,787 / berth
Motor Vehicle Sales and Services				
<i>Cleaning (Self-Service Car Wash - ITE Land Use 947)</i>	\$4.83			\$4.83 / square foot plus
plus		\$304	\$8,377	\$8,681 / stall
<i>Rentals</i>	\$4.83	\$1.84	\$3.03	\$9.70 / square foot
<i>Sales and Leasing</i>	\$4.83	\$1.58	\$7.92	\$14.33 / square foot
<i>Repair and Service</i>	\$4.83	\$1.21	\$13.49	\$19.53 / square foot
<i>Service Station</i>	\$4.83			\$4.83 / square foot plus
plus		\$304	\$8,389	\$8,693 / pump
<i>Towing and Impounding</i>	\$4.83	\$1.21	\$15.14	\$21.18 / square foot
Offices				
<i>General/Government/Walk-In Clientele</i>	\$4.83	\$4.42	\$4.51	\$13.76 / square foot
<i>Corporate Headquarters (ITE Land Use 714)</i>	\$4.83	\$4.42	\$4.28	\$13.53 / square foot
Parking	\$0.00	\$0.00	\$0.00	\$0.00 / square foot
Personal Services	\$4.83	\$2.42	\$4.40	\$11.65 / square foot
Public Safety Facilities	\$0.00	\$2.42	\$3.64	\$6.06 / square foot
Recreation				
<i>Gaming</i>	\$4.83	\$2.42	\$40.63	\$47.88 / square foot
<i>All Other</i>	\$4.83	\$2.42	\$10.68	\$17.93 / square foot
Repair Services	\$4.83	\$1.58	\$2.93	\$9.34 / square foot
Retail				
<i>Food and Beverage Sales</i>				
<i>Supermarket (ITE Land Use 850)</i>	\$4.83	\$2.42	\$12.90	\$20.15 / square foot
<i>Convenience Market (ITE Land Use 851)</i>	\$4.83	\$2.42	\$47.56	\$54.81 / square foot
<i>All Other</i>	\$4.83	\$2.42	\$5.64	\$12.89 / square foot
Schools	\$0.00	\$1.21	\$3.62	\$4.83 / square foot
Social Service Facilities	\$0.00	\$3.89	\$4.51	\$8.40 / square foot

Use Type	Affordable Housing	Park and Recreation Facility	Transportation Facility	TOTAL IMPACT FEES
Industrial				
Arts-Industrial - <i>All</i>	\$4.83	\$1.58	\$2.93	\$9.34 / square foot
Commercial Kitchens	\$4.83	\$1.58	\$2.93	\$9.34 / square foot
Construction and Maintenance	\$4.83	\$0.85	\$0.96	\$6.64 / square foot
Crematories	\$4.83	\$2.66	\$2.22	\$9.71 / square foot
Food Production and Assembly - <i>All</i>	\$4.83	\$1.58	\$2.93	\$9.34 / square foot
Hazardous Waste Facilities - <i>All</i>	\$4.83	\$2.66	\$2.22	\$9.71 / square foot
Laundry and Dry Cleaning Services	\$4.83	\$1.58	\$2.93	\$9.34 / square foot
Manufacturing				
<i>Pharmaceutical</i>	\$4.83	\$1.21	\$2.93	\$8.97 / square foot
<i>Custom</i>	\$4.83	\$1.21	\$1.97	\$8.01 / square foot
<i>Light</i>	\$4.83	\$1.21	\$2.93	\$8.97 / square foot
<i>General</i>	\$4.83	\$1.21	\$2.22	\$8.26 / square foot
<i>Heavy</i>	\$4.83	\$1.21	\$2.22	\$8.26 / square foot
<i>Cannabis Manufacturing</i>	\$4.83	\$1.21	\$2.93	\$8.97 / square foot
Recycling Facilities - <i>All</i>	\$4.83	\$2.66	\$2.22	\$9.71 / square foot
Research and Development	\$4.83	\$3.04	\$3.24	\$11.11 / square foot
Salvage and Wrecking	\$4.83	\$2.66	\$2.22	\$9.71 / square foot
Storage and Distribution				
<i>Indoor and Outdoor</i>	\$4.83	\$0.85	\$0.96	\$6.64 / square foot
<i>Personal</i>	\$4.83	\$0.04	\$0.77	\$5.64 / square foot
Agricultural				
Community Gardens	\$0.00	\$0.00	\$0.00	\$0.00
Indoor Agriculture	\$4.83	\$1.58	\$2.93	\$9.34 / square foot
Outdoor Agriculture	\$4.83	\$1.58	\$2.93	\$9.34 / square foot
Animal Husbandry	\$4.83	\$1.58	\$2.93	\$9.34 / square foot
Communication, Transportation and Utilities				
Communication Facilities				
<i>Transmission Towers</i>	\$0.00	\$0.00	\$0.00	\$0.00
<i>Equipment within Buildings</i>	\$4.83	\$0.05	\$0.29	\$5.17 / square foot
Transportation and Delivery Services				
<i>Bus/Rail Passenger Stations</i>	\$4.83	TBD	TBD	TBD / square foot
<i>Truck/Rail Freight Terminals</i>	\$4.83	\$1.58	\$2.52	\$8.93 / square foot
<i>Human-Powered</i>	\$4.83	\$0.85	\$0.96	\$6.64 / square foot
<i>Light Fleet</i>	\$4.83	\$0.85	\$0.96	\$6.64 / square foot
Utility Services	\$4.83	\$8.84	\$2.31	\$15.98 / square foot