



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: December 1, 2020

TO: Christine Daniel, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2019-2020**

RECOMMENDATION

Staff recommends that the City Council adopt the above-entitled resolution approving the Annual Development Impact Fee Report for Fiscal Year 2019-2020 dated November 17, 2020, which is attached as Exhibit A to the resolution.

DISCUSSION

The City of Emeryville has three development impact fees: (1) Transportation Facility Impact Fee, (2) Park and Recreation Facility Impact Fee, and (3) Affordable Housing Impact Fee. The City is required by law to review its development impact fee program on an annual basis. California Government Code Section 66000 *et seq.* (the "Mitigation Fee Act") requires each local agency to make public information on development impact fees within 180 days of the close of each fiscal year.¹ The information is to include a brief description of each fee; the amount of each fee; the beginning and ending balance of each fee account or fund; the amount of fees collected and the interest earned; identification of public improvements on which each fee was expended; identification of an approximate date by which the construction of a public improvement will commence if sufficient funds have been collected to complete financing on an incomplete public improvement; a description of each interfund transfer or loan made from each fee account or fund; and the amount of any fee refunds. The Mitigation Fee Act also requires each local agency to review the information at the next regularly scheduled public meeting not less than 15 days after the information is made available to the public.²

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 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

¹ Government Code Section 66006(b)(1)

² Government Code Section 66006(b)(2)

which the contemplated funding is expected to be deposited into the fund.³ 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 2019-2020, so the findings noted above are included in the attached resolution.

The Annual Development Impact Fee Report for Fiscal Year 2019-2020, dated November 17, 2020, was made available to the public on November 6, 2020 as part of the agenda for the November 17, 2020 regular meeting of the City Council. A copy of the report is Exhibit A to the attached resolution. In accordance with the Mitigation Fee Act, the purpose of this item is to allow for public review and comment on the report at a public meeting prior to its approval by the City Council. The period between the availability of the report on November 6, 2020 and its approval by the City Council at its regularly scheduled meeting of December 1, 2020 has been more than 15 days.

FISCAL IMPACT

There are no fiscal impacts associated with this report, as it is for reporting purposes only.

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:



Christine Daniel, City Manager

ATTACHMENT

- Draft Resolution including Exhibit A: Annual Development Impact Fee Report – Fiscal Year 2019-2020, dated November 17, 2020

³ Government Code Section 66001(d)