

RESOLUTION NO. 21-____

Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2020-2021

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 2018-2019; 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 2018-2019; 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 21, 2020, the City Council adopted Resolution No. 20-35 increasing the development impact fees by 6.33% for fiscal year 2020-2021; 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 2020-2021, 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 22, 2021 in connection with the agenda for the regular City Council meeting held on Tuesday November 2, 2021, and for public comment at a properly noticed public meeting held on Tuesday, November 16, 2021; 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 2020-2021, dated November 2, 2021, does hereby approve the Annual Development Impact Fee Report for Fiscal Year 2020-2021, dated November 2, 2021, attached hereto as Exhibit A.

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ADOPTED by the City Council of the City of Emeryville at a regular meeting held on Tuesday, November 16, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

Andrea Visveshwara

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CITY CLERK

INTERIM CITY ATTORNEY