



## Legislation Details (With Text)

**File #:** ID 21-942      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Continued  
**File created:** 11/22/2021      **In control:** City Council  
**On agenda:** 12/9/2021      **Final action:**  
**Title:** Annual Review and Acceptance of the FY 2021 Summary of Impact Fee Waivers.  
**Sponsors:** Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 21-942 Summary of Approved Impact Fee Waivers, 2. 21-942 Summary of Public Infrastructure Funds Received FY21.xlsx

Date	Ver.	Action By	Action	Result
12/9/2021	1	City Council	continued as noted	

### REPORT TO THE CITY COUNCIL

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### SUBJECT

Annual Review and Acceptance of the FY 2021 Summary of Impact Fee Waivers.

### RECOMMENDATIONS

Staff recommends that the City Council review and accept the FY2021 Summary of Impact Fee Waivers.

### EXECUTIVE SUMMARY

The Economically Disadvantaged Neighborhoods Incentive Program requires an annual report to City Council that lists all the Development Impact fee waivers processed in the last fiscal year. The attached files provide a listing of the FY2021 fee waivers that were approved for each participating development project and include a breakdown for each impact fee program. The attached files also list the public infrastructure funds that the City has received to offset the revenue loss of waived or reduced development impact fees.

### BACKGROUND

The City charges development impact fees to new development for various types of public

infrastructure, consistent with Section 66000 et seq. of the California Government Code, generally known as the Mitigation Fee Act or AB1600. Fees collected by the City include Regional Street Impact Fees, New Growth Area Street Impact Fees, Traffic Signal Mitigation Impact Fees, Citywide Fire Facilities Impact Fees, Citywide Police Facilities Impact Fees, Citywide Park Facilities Impact Fees, Quimby Parkland Dedication Fees, Water Capacity Fees and Wastewater Capacity Fees.

Each development fee was established in accordance with an adopted nexus study. The law requires that impact fees bear a reasonable relationship to the impact of the proposed development. Developers can be charged no more than their “fair share” under AB1600. Therefore, any waived or reduced fees are tracked against public infrastructure funds which may help offset the lost impact fee revenue. The Council has adopted the following impact fee waiver or reduction programs:

- iDIFER
- BUILD Act
- Commercial BUILD Act
- Economically Disadvantaged Neighborhoods
- Economic Expansion Act
- Businesses Impacted by High-Speed Rail Condemnation
- Ventura / Kings Canyon Corridor Job Creation Act
- Infill Incentive Program for Certain Residential Infill Projects

The full listing of waivers by incentive program, entitlement number, applicant and development location/address is attached to the staff report. Total waivers from 2014 through today are summarized below, broken down by incentive program and by fee program:

- Commercial BUILD / Economically Disadvantaged Neighborhoods - \$1,406,784.08
- iDIFER - \$4,058,018.19
- Residential BUILD - \$473,741.99
- Infill Incentive Program for Certain Residential Infill Projects - \$254,562.55

Fees waived and the total amounts are listed below:

- Citywide Fire Facilities - \$543,562.16
- Citywide Police Facilities - \$1,522,575.10
- Citywide Park Facilities - \$744,389.00
- Citywide Regional Streets - \$913,029.52
- New Growth Area Major Streets - \$910,997.96
- Traffic Signal Mitigation Impact Fee - \$1,303,990.52

The grand total of fees waived from the 2014 inception to today is \$5,938,544.26. Grants and other public infrastructure funds received by the City during this time period, which may help offset fee waivers, are listed below by fee program:

- Fire and Police - \$0
- Parks - \$10,491,902
- Regional Streets - \$12,713,582

- New Growth Streets - \$2,344,900
- Traffic Signals - \$1,655,235

The grand total of public infrastructure funding received which may help offset fee waivers is \$27,205,619.

## **ENVIRONMENTAL FINDINGS**

The annual fee waiver summary is not a project under the California Environmental Quality Act and does not require an environmental finding.

## **LOCAL PREFERENCE**

Local preference does not apply as this item is only for acceptance of the annual update.

## **FISCAL IMPACT**

There is no fiscal impact of implementing the staff recommendation of receiving the report.

### **Attachments:**

Summary of Approved Impact Fee Waivers

Summary of Public Infrastructure Funds Received