



# COUNCIL REPORT

**DATE:** December 6, 2022

**CATEGORY:** Consent

**DEPT.:** Finance and Administrative Services

**TITLE:** **Fiscal Year 2021-22 Annual Compliance Report for Development Impact Fees and Capacity Charges; and Informational Reporting of Park Land Dedication Fee**

## **RECOMMENDATION**

1. Review the Fiscal Year 2021-22 Annual Compliance Report for the Citywide Transportation Impact, Housing Impact, Rental Housing Impact, North Bayshore Development Impact, Water Development Impact, Sewer Development Impact, Water Capacity Charges, and Sewer Capacity Charges Funds (Attachment 1 to the Council report).
2. Review the Fiscal Year 2021-22 informational reporting for the Park Land Dedication Fund (Attachment 1 to the Council report).

## **BACKGROUND**

### **Development Impact Funds**

California Government Code Section 66006(b)(1)(A)-(H)<sup>1</sup> requires local agencies, within 180 days after the last day of each fiscal year, to make available to the public certain information for the fiscal year, and Section 66006(b)(2) requires the information be made available to the public at least 15 days prior to City Council consideration of the report. Attachment 1 discusses various fee programs, including Citywide Transportation Impact, Housing Impact, Rental Housing Impact, North Bayshore Development Impact (including transportation, water, and sewer), Water Development Impact, and Sewer Development Impact. Section 66001(d)(1) requires local agencies to make findings with respect to fees and investment earnings remaining unexpended, whether committed or uncommitted, for the fifth year following receipt of the first fee deposited and every five years thereafter.

There are currently four different five-year finding cycles, and this year's report has no required findings. Although the City is only required to make findings every five years after the first fee is deposited, the City reports findings when required or provides information on an annual basis, after the initial five-year findings reporting, to make this requirement easier to administer.

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<sup>1</sup> Unless otherwise noted, all references are to the California Government Code.

### **Capacity Charges**

In addition, Section 66013(d) requires local agencies that establish Water and Sewer Capacity Charges to make certain information available to the public within 180 days after the last day of each fiscal year. Attachment 1 provides the required information and discusses Water and Sewer Capacity Charges.

### **Park Land Dedication Fee**

As defined in Section 66000(b), “fee” does not include fees specified in Section 66477 (Quimby Act), which governs the City’s Park Land Dedication (PLD) Fee and does not require annual reporting. The PLD Fund is included in Attachment 1 to verify compliance with Section 66477(a)(6)(A) regarding commitment of PLD fees within five years after receipt or issuance of the building permit, whichever occurs later.

### **ANALYSIS**

The Fiscal Year 2021-22 Annual Compliance Report for Development Impact Fees and Capacity Charges; and Informational Reporting of the PLD Fee, Attachment 1, was made available to the public on November 10, 2022 with the agenda for the November 15, 2022 City Council public meeting. The report provides detailed information about each of the Impact Fees and Capacity Charges, including a description and amount of the fee or charge, beginning and ending balances, public improvements funded by the fee or charge, and any required findings. As communicated in Attachment 1, significant improvements and benefits have been achieved using these fees. The spending of these funds is consistent with the established fees/charges and is within the spending timeline requirements. The City is within reporting requirements having made this report available to the public at least 15 days prior to adoption.

The development impact funds discussed in Attachment 1 comply with the requirements of Sections 66000, *et seq.*, for annual reporting regarding the collection and use of development fees. There are no required findings to be made as of June 30, 2022.

The Water and Sewer Capacity Charges discussed in Attachment 1 comply with Section 66013 for annual reporting regarding the collection and use of capacity charges. The PLD Fund complies with Section 66477(a)(6)(A) regarding the commitment of fees within five years of receipt.

### **FISCAL IMPACT**

The fees are available for the purposes indicated and discussed in Attachment 1.

**ALTERNATIVES**

Provide other direction.

**PUBLIC NOTICING**—Agenda posting.

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Attachment: 1. Fiscal Year 2021-22 Annual Compliance Report for Development Impact Fees and Capacity Charges; and Informational Reporting of Park Land Dedication Fee