

RESOLUTION NO. 24-9301

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,
ACCEPTING THE AB1600 REPORT ON DEVELOPMENT IMPACT
FEES FOR FISCAL YEAR ENDED JUNE 30, 2023 AND MAKING
FINDINGS REGARDING THE CONTINUING NEED FOR
UNEXPENDED BALANCES OF IMPACT FEES AS OF JUNE 30,
2023**

WHEREAS, Government Code Sections 66000 et seq. (commonly known as, and referenced herein as, “AB1600”) regulate the imposition, collection, maintenance, expenditure and reporting of impact fees imposed on developers for the purpose of defraying their impacts on public facilities;

WHEREAS, the City of Santa Clara (“City”) has identified eight (9) impact fees collected from developers that are subject to AB1600’s requirements. Those funds are the Traffic Mitigation Fee (Funds 123/533), the Sanitary Sewer Outlet Fee (Fund 594), the Sanitary Sewer Connection Fee (Fund 594), the Sanitary Sewer Conveyance Fee (Fund 594), the Storm Drain Fee (Fund 535), the Parks Mitigation Fee (Fund 532), the Tasman East Specific Plan Infrastructure Impact Fee (Fund 541), the Patrick Henry Drive Infrastructure Impact Fee (Fund 542), and the Affordable Housing Fee (Fund 565);

WHEREAS, in accordance with the provisions of AB1600, the City has set up separate special revenue funds for each type of fee, crediting earned interest to those funds, and spending the accumulated fees and related interest on appropriate expenditures;

WHEREAS, the City has prepared an annual report for fiscal year 2022-23 in accordance with AB1600, “AB1600 Report on Development Impact Fees for Fiscal Year ended June 30, 2023,” reflecting the beginning and ending balances of each separate fund containing impact fees; the amount of fees collected and the interest earned for the year; the amount of expenditures and refunds made in the year; the percentage of expenditures paid for by fees; and a description of the type of fees. The amount of each of these AB1600 fees for FY 2022-23 is reflected in the City’s Municipal Fee Schedule, previously adopted by this Council;

WHEREAS, a copy of the annual report has been on file and available for review in the City Clerk's Office and the Finance Department at Santa Clara City Hall, and online at Santaclaraca.gov/Finance since December 22, 2023;

WHEREAS, AB1600 requires the City to make specific findings every five (5) years with respect to any portion of the fees remaining unexpended or uncommitted after a period of five (5) years to 1) identify the purpose to which the fee is to be put, 2) demonstrate a reasonable relationship between the fee and the purpose for which it was charged, 3) identify all sources and amounts of funding anticipated to complete financing of the improvement, and 4) designate the approximate date on which such funding will be available;

WHEREAS, the Traffic Mitigation Impact Fee, which was established for the purpose of providing a source of funding for traffic improvements, contains some fee revenues which were received more than five (5) years ago. The sum of \$4,609,189 representing fees and accrued interest collected for traffic mitigation remains unexpended five (5) or more years after deposit of the fees;

WHEREAS, the Storm Drain Fee, which was established for the purpose of mitigating storm drainage that results directly or indirectly from development projects, contains some fee revenues which were received more than five (5) years ago. The sum of \$232,461 representing fees and accrued interest collected for storm drainage mitigation remains unexpended five (5) or more years after deposit of the fees;

WHEREAS, the Sanitary Sewer Conveyance Fee, which was established for the purpose of mitigating sanitary sewer conveyance load that results directly or indirectly from development projects, contains some fee revenues which were received more than five (5) years ago. The sum of \$17,952,660 representing fees and accrued interest collected for sewer conveyance mitigation remains unexpended five (5) or more years after deposit of the fees; and

WHEREAS, the City desires to make the findings required by law with respect to these unexpended fees.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby accepts the attached AB1600 Report on Development Impact Fees for Fiscal Year ended June 30, 2023 (“Report”), and makes the following findings:

A. The Traffic Mitigation Impact Fee revenues are to be used to construct traffic improvements needed by new development. The amount of the fee for different land use types is proportionate to the need for traffic improvements generated by such land use types. This fee is still necessary as several projects are tied to larger development projects that have yet to occur. These development projects are still anticipated to take place based on the City’s General Plan. The traffic mitigation fee is set at a lower rate than justified, and as a result projects are underfunded. This has also slowed down progress on projects resulting in some project costs increasing. Periodically, as the City updates the General Plan and as new development occurs, additional improvement projects are identified and added to the Traffic Mitigation Fee Project List.

B. The portion of the \$11,413,512 fund balance in the Traffic Mitigation Fund that was at least five (5) years old as of June 30, 2023, totals \$4,609,189. The City will use the entire fund balance for the projects identified in Exhibit A of the Report which are programmed in the Capital Improvement Plan. The Traffic Mitigation Fund has projects scheduled in the current Capital Improvement Plan for the next five (5) years, and depends upon additional fees and interest each year. Projects identified in Exhibit A which are funded at less than 100% with Traffic Mitigation Impact Fees are funded by other sources totaling \$13,598,728. Remaining appropriations totaling \$8,145,714 from the other sources are as follows: Reimbursable Grants \$224,298; Santana Row Settlement \$1,387,340; Vehicle Registration Fee \$452,372; Bonds Proceeds \$1,451,057; Measure B \$971,375; Gas Tax \$694,072; Electric Utility Contribution \$1,000,000; Regional Traffic Mitigation Fee \$1,108,500; General Fund \$90,000; and Developer Contributions \$766,700. All these amounts have been received and are available except the Reimbursable Grants, Measure B, Regional Traffic Mitigation Fee, and Developer Contributions.

C. The Storm Drain Impact Fee revenues are to be used to mitigate City storm drainage that results either directly or indirectly from development projects. The amount of the fee is proportionate to the need for storm drainage improvements generated by development projects. This fee is still necessary as several storm drain projects are tied to larger development projects that have yet to occur. These development projects are still anticipated to take place based on the City's General Plan. As new development occurs, additional improvement projects are identified and added to the Storm Drain Impact Fee Project List.

D. The portion of the \$433,968 fund balance in the Storm Drain Impact Fee Fund that was at least five (5) years old as of June 30, 2023, totals \$232,461. The City will use the entire fund balance for the projects identified in Exhibit A of the Report which are programmed in the Capital Improvement Plan. The Storm Drain Impact Fee Fund has projects scheduled in the current Capital Improvement Plan for the next five (5) years, and depends upon additional fees and interest each year. The project identified in Exhibit A which is funded at less than 100% with Storm Drain Impact Fees is funded by the General Fund Capital Project Reserve (CPR) totaling \$972,008. The remaining appropriation from the CPR is \$564,519.

E. The Sanitary Sewer Conveyance Fee was adopted in 2006-07 to address Sewer Main capacity deficiencies resulting from increased development.


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F. The portion of the \$54,098,272 fund balance in the Sanitary Sewer Conveyance Fees Fund that was at least five (5) years old as of June 30, 2023, totals \$17,952,660. The City will use the entire fund balance for the projects identified in Exhibit A of the Report which are programmed in the Capital Improvement Plan. The Sanitary Sewer Conveyance Fee has projects scheduled in the current Capital Improvement Plan for the next five (5) years, and depends upon additional fees and interest each year. The project identified in Exhibit A which is funded at less than 100% with Sanitary Sewer Conveyance Fees is funded by the Sewer Utility Customer Service Fees totaling \$500,000. The remaining appropriation from the Sanitary Sewer Conveyance Fees is \$500,000.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 30TH DAY OF JANUARY, 2024, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: 
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. AB1600 Report on Development Impact Fees FYE June 30, 2023

AB1600 REPORT ON DEVELOPMENT IMPACT FEES

For Fiscal Year ended June 30, 2023

BACKGROUND

Cities and counties often charge fees on new development to fund public improvements, public amenities and public services. For example, Traffic Mitigation Fees are used to fund transit facilities, streets, bike lanes and sidewalks. These fees are commonly known as development impact fees (Developer Fees). In 1989, the State Legislature passed Assembly Bill 1600 (AB1600) which added Section 66000, et seq., to the California Government Code. The chapter sets forth a number of requirements that local agencies must follow if they are to collect fees from developers to defray the cost of the construction of public facilities related to development projects. Government Code Sections 66000-66025 apply to developer fees established, increased or imposed on or after January 1, 1989, and generally sets forth four broad requirements:

1. A local jurisdiction must follow the process set forth in the bill and make certain determinations regarding the purpose and use of the fees and to establish a "nexus" or connection between a development project or class of project and the public improvement being financed with the fee.
2. The fee revenue must be segregated from the General Fund to prevent commingling of public improvement fees and the General Fund.
3. If a local jurisdiction has had possession of a developer fee for five years or more and has not committed that money to a project or actually spent that money, then it must make findings describing the continuing need for that money each fiscal year after the five years have expired.
4. If a local jurisdiction cannot make the findings required under paragraph 3, then the city or county must go through a refund procedure.

The Traffic Mitigation Fee, Sanitary Sewer Outlet Fee, Sanitary Sewer Connection Fee, Sanitary Sewer Conveyance Fee, Storm Drain Fee, Parks Mitigation Fee, Tasman East Specific Plan Infrastructure Impact Fee, Affordable Housing Fees, and Patrick Henry Drive Infrastructure Impact Fee that the City of Santa Clara (City) collects qualify as Development Impact Fees and therefore must comply with the above referenced Government Code Sections. The amount of each of these development impact fees for fiscal year 2022-23 is reflected in the City's Municipal Fee Schedule, previously adopted by the City Council. The adopted City's Municipal Fee Schedule for fiscal year 2022-23 is available at: <https://www.santaclaraca.gov/home/showpublisheddocument/78108/638053165706570000>. As required by law, these fees are segregated and accounted for as Special Revenue Funds. Government Code Section 66001 requires the City to make available to the public certain information regarding these fees for each fund within 180 days after the end of each fiscal year. Accordingly, the following report is presented to the City Council for review.

AB1600 REPORT ON DEVELOPMENT IMPACT FEES

For Fiscal Year ended June 30, 2023

ANALYSIS

Utilizing the first in, first out (FIFO) accounting method – where the initial revenue received is the first expended, staff analyzed the year-end balances for the fiscal year 2022-23. This analysis is to identify any portion of the balances that had been outstanding for five or more years. In instances where a balance exceeded the five-year threshold, a thorough review of previously identified projects is initiated to assess whether any developer fees collected require refunding.

Many of the identified projects are already underway, and the City has appropriated funds for these projects as noted in the City’s FY2022-23 and 2023-24 Biennial Capital Improvement Program Budget Book. The publication can be found on the City’s website and is accessible at the following location: <https://www.santaclaraca.gov/home/showpublisheddocument/77216/638085057478270000>. Exhibit A provides a detailed breakdown of the identification of every Capital Project where fees were utilized, along with the corresponding expenditure amounts for each project. This exhibit also specifies the total percentage of the Capital Project cost covered by these fees.

Traffic Mitigation Fee

The Traffic Mitigation Fee is levied to fund improvements or programs to mitigate City traffic impacts that result either directly or indirectly from development projects. To determine the traffic mitigation fees the City conducts a Traffic Impact Fee Nexus study and the most recent report was approved by Council August 21, 2018. The basis of Santa Clara’s traffic mitigation fee, also more commonly known as a traffic impact fee is the number of net new PM peak hour vehicle trips generated by new development. Those additional trips result in the traffic impacts the fee is intended to mitigate. The fee is calculated by dividing the total cost of the improvement projects in the Traffic Mitigation Program by the number of additional PM peak hour trips generated by new development, which results in a “per PM peak hour trip” fee amount. For simplicity of application, this fee is then converted to a fee per square foot, per hotel room, or per dwelling unit, based on the trip generation rates in the latest ITE Trip Generation Manual. The fee is automatically adjusted for inflation annually at the start of each fiscal year, based on the latest Engineering News Record Construction Cost Index.

The following table summarizes the activity for the Traffic Mitigation Fund from fiscal year 2018-19 through fiscal year 2022-23.

Fund 123 & 533	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>
Beginning Balance	\$ 8,448,382	\$ 10,353,046	\$ 10,448,972	\$ 10,505,590	\$ 10,938,618
Developer Fees	1,958,563	182,518	728,208	978,860	1,092,092
Interest Income	196,524	200,204	152,901	165,723	177,957
Expenditures	(250,423)	(286,796)	(824,491)	(711,555)	(795,155)
Ending Balance	<u>\$ 10,353,046</u>	<u>\$ 10,448,972</u>	<u>\$ 10,505,590</u>	<u>\$ 10,938,618</u>	<u>\$ 11,413,512</u>

During the fiscal year 2022-23, the City collected \$1,092,092 in traffic mitigation fees, gained \$177,957 in interest, and expended \$795,155 on various projects. The accumulative amount of the Traffic Impact Fee available at the end of fiscal year 2022-23 is \$11,413,512 with \$4,609,189 being held for over five years. Exhibit A identifies the projects that will make use of all unspent fees held over five years.

AB1600 REPORT ON DEVELOPMENT IMPACT FEES For Fiscal Year ended June 30, 2023

There is no impact on City resources since all qualified impact fees held by the City for over five years are either spent or committed, thus eliminating the need to refund any fees to developers according to Government Code Sections 66000 and subsequent section.

Sanitary Sewer Outlet Fee

The Sanitary Sewer Outlet Fee is collected from developers to construct public sanitary sewer facilities. City Council passed Ordinance 1778 on December 3, 2002 which created the sanitary sewer outlet charge which is used for the acquisition, construction, reconstruction, maintenance, and operation of off-site sewerage facilities, and to repay principal and interest on bonds issued for the construction and reconstruction of such sewerage facilities. The fee shall automatically adjust for inflation annually at the start of each fiscal year, based on the latest Engineering News Record Construction Cost Index.

The following table summarizes the activity for the Sanitary Sewer Outlet Fees from fiscal year 2018-19 through fiscal year 2022-23.

Fund 594	2018-19	2019-20	2020-21	2021-22	2022-23
Beginning Balance	\$ (1,831,352)	\$ (1,588,864)	\$ (1,288,884)	\$ (1,089,598)	\$ (669,142)
Developer Fees	242,488	299,980	199,286	420,456	798,692
Interest Income	-	-	-	-	1,972
Ending Balance	<u>\$ (1,588,864)</u>	<u>\$ (1,288,884)</u>	<u>\$ (1,089,598)</u>	<u>\$ (669,142)</u>	<u>\$ 131,522</u>

The amount of developer fees collected in the fiscal year 2022-23 was \$798,692, with an additional \$1,972 generated in interest, and no project expenditures were incurred. The remaining balance in the Sanitary Sewer Outlet Fee Fund at the end of fiscal year 2022-23 is \$131,522.

There is no impact on City resources since all qualified impact fees collected by the City have been spent, thus eliminating the need to refund any fees to developers according to Government Code Sections 66000-66003.

Sanitary Sewer Connection Fee

The Sanitary Sewer Connection Fee was adopted to improve and expand the sewer collection system. City Council passed Ordinance 1428 on August 25, 1981 which created the sanitary sewer connection charge which is charged whenever a property is initially connected or requires an addition of a new connection to the sanitary sewer system. The fee is charged based on type of dwelling unit for residential (single family, duplex, condominium, etc.) and non-residential which charges based on connection size. The fee shall automatically adjust for inflation annually at the start of each fiscal year, based on the latest Engineering News Record Construction Cost Index.

The following table summarizes activity for the Sanitary Sewer Connection Fee from fiscal year 2018-19 through fiscal year 2022-23.

AB1600 REPORT ON DEVELOPMENT IMPACT FEES For Fiscal Year ended June 30, 2023

Fund 594	2018-19	2019-20	2020-21	2021-22	2022-23
Beginning Balance	\$ (74,240,874)	\$ (87,737,999)	\$ (116,641,597)	\$ (114,296,942)	\$ (145,899,755)
Developer Fees	2,303,752	1,124,123	1,007,031	1,389,253	2,610,881
Expenditures	(15,800,877)	(30,027,721)	(5,488,096)	(37,645,683)	(13,852,060)
Refunded Expenditures	-	-	6,825,720	4,653,617	1,286,090
Ending Balance	<u>\$ (87,737,999)</u>	<u>\$ (116,641,597)</u>	<u>\$ (114,296,942)</u>	<u>\$ (145,899,755)</u>	<u>\$ (155,854,844)</u>

In the fiscal year 2022-23, the City collected \$2,610,881 in developer fees and spent \$13,852,060 in construction project. A construction refund of \$1,286,090 was received from the City of San Jose for a joint project and this was account separately under the Refunded Expenditures line. As of June 30, 2023, the accumulative deficit in the Sanitary Sewer Connection Fee is negative \$155,854,844. To address the deficit in capital projects funded by Sanitary Sewer Connection Fee, transfers were made within the Sewer Enterprise Fund.

There is no impact on City resources since all qualified impact fees held by the City have been spent, thus eliminating the need to refund any fees to developers according to Government Code Sections 66000-66003.

Sanitary Sewer Conveyance Fee

The Sewer Conveyance Fee was approved by City Council in June 2007 and is intended to mitigate development impacts to the City's sanitary sewer conveyance system resulting from increases in the sanitary sewer discharges. The amount of Sanitary Sewer Conveyance Fee is based directly on the potential sewer discharge volumes of the proposed land uses. The fee was based on a Sanitary Sewer Capacity Assessment Report 2006, and subsequent update in 2016. The basis of Santa Clara's sewer conveyance fee is sewer flow rate generated by the new development. The fee is calculated by dividing the total cost of the capacity improvement projects in the Sanitary Sewer Master Plan or its predecessor reports by the total projected sanitary sewer flow rate generated by future developments, which results in a "per gallon per day (GPD)" fee amount. The per GPD fee multiplied by the estimated sanitary sewer flow rate (GPD) generated by a new development is the sanitary sewer conveyance fee for that new development.

The following table summarizes the activity for the Sanitary Sewer Conveyance Fees from fiscal year 2018-19 through fiscal year 2022-23.

Fund 594	2018-19	2019-20	2020-21	2021-22	2022-23
Beginning Balance	\$ 26,847,028	\$34,179,296	\$38,232,186	\$39,419,207	\$44,853,964
Developer Fees	6,916,161	4,079,586	3,126,854	5,214,338	9,053,180
Interest Income	515,362	705,177	559,621	720,262	811,032
Expenditures	(99,255)	(731,873)	(2,499,454)	(499,843)	(619,904)
Ending Balance	<u>\$ 34,179,296</u>	<u>\$38,232,186</u>	<u>\$39,419,207</u>	<u>\$44,853,964</u>	<u>\$54,098,272</u>

The developer fees of \$9,053,180 along with interest income of \$811,032 were partly offset by expenditures of \$619,904 in fiscal year 2022-23. The net change yielded a current balance of \$54,098,272, out of which \$17,952,660 has been held for over five years. Exhibit A outlines the projects that will make use of all unspent fees held over five years.

AB1600 REPORT ON DEVELOPMENT IMPACT FEES For Fiscal Year ended June 30, 2023

There is no impact on City resources since all qualified impact fees held by the City for over five years are either spent or committed, thus eliminating the need to refund any fees to developers according to Government Code Sections 66000-66003.

Storm Drain Fee

The Storm Drain Fee is levied to mitigate City storm drainage that results either directly or indirectly from development projects. The Storm Drain Outlet Fee is codified in the Santa Clara City Code Section 17.15.220 Sanitary Sewer and Storm Drains and was created for the purpose of defraying the estimated costs of constructing planned drainage facilities for removal of surface and storm waters from local drainage areas. The fee is charged based on the amount of acreage being developed with a project. The fee shall automatically adjust for inflation annually at the start of each fiscal year, based on the latest Engineering News Record Construction Cost Index.

The following table summarizes the activity for the Storm Drain Fees from fiscal year 2018-19 through fiscal year 2022-23.

Fund 535	2018-19	2019-20	2020-21	2021-22	2022-23
Beginning Balance	\$626,783	\$586,578	\$613,299	\$650,435	\$423,110
Developer Fees	5,749	15,409	27,903	33,450	4,352
Interest Income	8,845	11,312	9,233	6,794	6,506
Expenditures with Prior Year Adjustment	(54,799)	-	-	(267,569)	-
Ending Balance	<u>\$586,578</u>	<u>\$613,299</u>	<u>\$650,435</u>	<u>\$423,110</u>	<u>\$433,968</u>

In the fiscal year 2022-23, the City collected \$4,352 in developer fees and earned \$6,506 from interest. The accumulative amount of the Storm Drain Fees available at the end of fiscal year 2022-23 is \$433,968 with \$232,461 being held for over five years. Exhibit A identifies the projects that will make use of all unspent fees held over five years.

There is no impact on City resources since all qualified impact fees held by the City for over five years are either spent or committed, thus eliminating the need to refund any fees to developers according to Government Code Sections 66000-66003.

Parks Mitigation Fee

The Parks Mitigation Fee was adopted in the fiscal year 2014-15 and went into effect in the fiscal year 2016-17. Fees received can be used to acquire public parkland and/or make necessary park improvements according to the restrictions of the Mitigation Fee Act and help the City to address its park, recreation and open space needs. The City completed a Parks & Recreation Facilities Development Impact Fee Study in 2014 and in 2019 that were reviewed and approved by the City Council after community and stakeholder public comment hearings. These reports provide the necessary findings required by the Mitigation Fee Act and Quimby Act for the adoption of the fees by Council resolution contained in the Municipal Fee Schedule. These reports provide the facility cost and land acquisition cost data and analysis and describe the methodology for calculation of the fees.

AB1600 REPORT ON DEVELOPMENT IMPACT FEES For Fiscal Year ended June 30, 2023

The parks and recreation facilities fees use an existing inventory demand standard translated into facility costs per capita to determine new development’s fair share of planned facility costs. A cost standard provides a reasonable method for converting disparate types of facilities, in this case parkland and special use recreational facilities, into a single measure of demand (capital cost per capita). New residential development would fund the expansion of facilities at the same rate that existing residential development has provided facilities to date. The City uses the existing ratio of developed parkland per 1,000 residents. In 2010 the standard was 2.45. The current standard is 2.60. (Quimby Act allows 3.0 acres/1,000 resident Standard).

The calculation tables are provided in the in-Lieu Fee Resolution adopted by Council and posted on the City website and incorporated into the Municipal Fee Schedule. Based on the date the resident developer’s Project application is deemed complete, the total parkland due can be calculated, the developed parkland dedicated, and credits deducted for eligible on-site recreational amenities.

The following table summarizes the activity for the Parks Mitigation Fee from fiscal year 2018-19 through fiscal year 2022-23.

Fund 532	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>
Beginning Balance	\$ 10,545,074	\$ 5,261,415	\$ 10,771,523	\$ 8,937,718	\$ 20,682,234
Developer Fees	268,091	7,159,545	1,522,149	14,634,898	36,637,032
Interest Income	111,431	176,942	110,320	124,450	577,716
Expenditures	<u>(5,663,181)</u>	<u>(1,826,379)</u>	<u>(3,466,274)</u>	<u>(3,014,832)</u>	<u>(12,226,455)</u>
Ending Balance	<u>\$ 5,261,415</u>	<u>\$ 10,771,523</u>	<u>\$ 8,937,718</u>	<u>\$ 20,682,234</u>	<u>\$ 45,670,527</u>

During the fiscal year 2022-23, the City collected \$36,637,032 in Park Mitigation fees, earned \$577,716 in interest, and incurred expenditures \$12,226,455 in various projects. The balance of the Parks Mitigation Fee as of June 30, 2023 is \$45,670,527 with no fees being held for over five years.

There is no impact on City resources since all qualified impact fees held by the City for over five years are either spent or committed, thus eliminating the need to refund any fees to developers according to Government Code Sections 66000-66003.

Tasman East Specific Plan Infrastructure Impact Fee

On November 13, 2018, the City Council adopted the Tasman East Specific Plan to guide the transition of an underutilized 45-acre industrial neighborhood east of the Great America Transit Center into a pedestrian-friendly, transit-oriented development, providing for the addition of 4,500 new residential units, 100,000 square feet of retail, and 10 acres of open space near transit and jobs. In coordination with developers within the Specific Plan area, the City established an Infrastructure Impact Fee for the Specific Plan area to create an equitable distribution of area-wide and common public infrastructure costs for all residential developments within the Specific Plan and to finance capital facility and infrastructure costs to serve these developments.

Ordinance No. 2026 Adding Subsection 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code Regarding the Tasman East Specific Plan Infrastructure Impact Fee was adopted on November 17, 2020.

AB1600 REPORT ON DEVELOPMENT IMPACT FEES For Fiscal Year ended June 30, 2023

The following table summarizes the activity for the Tasman East Specific Plan Infrastructure Impact Fee from fiscal year 2018-19 through fiscal year 2022-23.

Fund 541	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>
Beginning Balance	\$ -	\$ -	\$ -	\$ (170,921)	\$ 3,260,003
Developer Fees	-	-	-	3,465,453	4,411,858
Interest Income	-	-	-	5,896	75,296
Expenditures	-	-	(170,921)	(40,425)	(1,786,418)
Ending Balance	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (170,921)</u>	<u>\$ 3,260,003</u>	<u>\$ 5,960,739</u>

In the fiscal year 2022-23, the City received \$4,411,858 in developer fees, earned \$75,296 in interest and incurred expenditure of \$1,786,418 in projects. The accumulative balance of the Tasman East Specific Plan Infrastructure Impact Fees at the end of fiscal year 2022-23 is \$5,960,739 with no fees being held for over five years.

There is no impact on City resources since all qualified impact fees collected by the City have been spent, thus eliminating the need to refund any fees to developers according to Government Code Sections 66000-66003.

Affordable Housing Fee

The Affordable Housing Fee was adopted to mitigate the impacts of new market-rate housing development and non-residential development on the need for affordable housing, in addition to assisting in meeting the City's share of the region's housing need and implementing the goals, policies and actions specified in the Housing Element of the general plan. City Council passed Ordinance 1974 on December 5, 2017 which established the affordable housing fee applicable to residential and nonresidential projects and to encourage the development of rental housing and as well as smaller units that may be more affordable by design. The fee established are significantly lower than the amount needed to fully mitigate the impacts of the new for-sale and rental resident projects and non-residential project on the need for affordable housing. The fees shall automatically adjust for inflation annually using the Engineering News Record McGraw-Hill Construction Weekly Building Index for San Francisco.

The following table summarizes the activity for the Affordable Housing Fee from fiscal year 2018-19 through fiscal year 2022-23.

Fund 565	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>
Beginning Balance	\$ -	\$ -	\$ -	\$ 131,284	\$ 5,760,577
Developer Fees	-	-	130,201	5,613,415	630,142
Interest Income	-	-	1,083	15,878	97,267
Ending Balance	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 131,284</u>	<u>\$ 5,760,577</u>	<u>\$ 6,487,986</u>

During the fiscal year 2022-23, the City collected \$630,412 in developer fees and earned \$97,267 in interest. The accumulative balance of the Affordable Housing Fees as of June 30, 2023 is \$6,487,986 with no fees being held for over five years.

AB1600 REPORT ON DEVELOPMENT IMPACT FEES

For Fiscal Year ended June 30, 2023

There is no impact on City resources since all qualified impact fees collected by the City have been spent, thus eliminating the need to refund any fees to developers according to Government Code Sections 66000-66003.

Patrick Henry Drive Infrastructure Impact Fee

On March 22, 2022, the City Council adopted the Patrick Henry Drive Specific Plan (Specific Plan) to guide the transition of an underutilized 74-acre industrial neighborhood bounded by Mission College to the south, Great America Parkway to the east, the Hetch-Hetchy right-of-way to the north, and Calabazas Creek to the west into a pedestrian-friendly, transit-oriented neighborhood. The Specific Plan contemplates two unique land use scenarios per Table 1 below related to proposed residential units and office uses. The Specific Plan also incorporates approximately 310,000 square feet of neighborhood-oriented convenience retail and up to 14 acres of open space which will include a diverse network of public parks, publicly accessible green infrastructure, and private recreational spaces.

Ordinance No. 2046 Adding Subsection 17.15.360 to Chapter 15 of Title 17 of the Santa Clara City Code Regarding the Patrick Henry Drive Specific Plan Infrastructure Impact Fee was adopted on March 22, 2022.

In the fiscal year 2022-23, no activities were conducted for this impact fee.

PUBLIC NOTICE: Public notification was achieved by posting the availability of the report 15 days prior to the meeting, as required by Government Code Section 66006(b)(2).

Attachments:

Exhibit A: Summary of Development Impact Fees

Exhibit A

**City of Santa Clara
Summary of Local Agency Improvement Fees
(AB 1600 Development Impact Fees)
Report for Fiscal Year Ended June 30, 2023**

Streets and Highways (Fund 123 & 533)

Traffic Mitigation Fee (Fund 123 and 533)

FY 2021-22 Ending Fund Balance	\$ 10,938,618
Fees Collected	1,092,092
Interest Earned	177,957
Expenditures	(795,155)
FY 2022-23 Ending Fund Balance	\$ 11,413,512
Funds Accumulated in Current and Last 5 Years	\$ 6,804,323
Funds Held Longer than 5 Years	\$ 4,609,189
Projects Programmed for Impact Fees	\$ 9,444,419

**Traffic Mitigation Fee
Since Inception Date Through June 30, 2023**

Project #	Description	Project Status/ Estimated Completion Year	Total Project Appropriation All Funding Sources	Funding Status	Traffic Mitigation Fee				FY 2022-23 Impact Fee Expenditure
					% Impact Fee Funded	Total Impact Fee Appropriation	Total Impact Fee Expenditures	Impact Fee Appropriation Remaining	
1216	Traffic Studies and Signal Needs Assessment/Upgrade	2023	\$ 388,194	100%	62%	\$ 242,280	\$ 242,280	\$ -	\$ 14,060
1217	Traffic Signal Management Software Upgrade/Replacement	2023	3,372,871	100%	89%	3,000,942	1,627,829	1,373,113	-
1218	Traffic Pre-Emptors	2023	1,445,259	100%	94%	1,358,104	508,601	849,503	-
1219	Traffic Signal Enhancements	Ongoing	2,206,246	100%	70%	1,550,239	572,051	978,188	-
1220	Pedestrian and Bicycle Enhancement Facilities	Ongoing	2,281,201	100%	74%	1,681,201	1,383,130	298,071	1,206
1232	Traffic Signal Interconnect Upgrade	2032	1,050,000	100%	100%	1,050,000	107,656	942,344	93,165
1234	Transportation Modeling Update	Ongoing	216,700	100%	92%	200,000	129,431	70,569	93,531
1237	MCB/GAP Intersection Improvement Project	2025	8,368,124	100%	40%	3,330,400	1,830,120	1,500,280	68,445
1245	Benton Bike Lanes	2024	1,726,000	100%	14%	249,000	129,810	119,190	-
1248	Pruneridge Ave-Complete Streets Plan	2024	416,347	100%	22%	90,270	66,275	23,995	33,895
1249	Multimodal Improvement Plan Funding Agreement	2027	740,000	0%	0%	161,500	-	161,500	-
1251	HAWK Beacon on Scott and Harrison	2023	750,000	100%	100%	750,000	489,122	260,878	426,454
1258	Multimodal Improvement Plan Phase 2 Projects	2027	1,340,000	0%	0%	60,000	-	60,000	-
1259	Monroe Los Padres Traffic Signal Modification	2024	680,000	100%	19%	127,856	-	127,856	-
1261	Santa Clara School Access Improvements	2023	2,471,000	72%	54%	1,325,000	213,996	1,111,004	42,921
1272	TDA21 Bicycle Facilities Upgrade	2024	131,410	28%	28%	37,356	-	37,356	-
1274	Lafayette St Class IV Bike Lanes	2025	200,000	10%	10%	20,000	297	19,703	-
1275	De La Cruz Boulevard Class IV Bikeway Study	2024	250,083	44%	44%	110,083	5,954	104,129	5,954
1276	Monroe Street Class II Buffered Bike Lane Study	2024	263,700	47%	47%	123,700	4,040	119,660	4,040
1277	Walsh Avenue Class IV Bikeway Study	2024	301,708	42%	42%	126,708	5,758	120,950	5,758
1280	MCB Class IV Bike Lanes	2023	65,000	83%	83%	53,877	-	53,877	-
1283	Steven Creek Boulevard Vision Study	2025	100,296	100%	100%	100,296	-	100,296	-
1285	Pruneridge Avenue Signal Timing	2025	1,000,000	92%	92%	915,030	-	915,030	-
1376	Safe Route to School	Ongoing	601,084	31%	17%	102,653	5,726	96,927	5,726
Totals			\$ 30,365,223			\$ 16,766,495	\$ 7,322,076	\$ 9,444,419	\$ 795,155

Exhibit A
City of Santa Clara
Summary of Local Agency Improvement Fees
(AB 1600 Development Impact Fees)
Report for Fiscal Year Ended June 30, 2023

Sanitary Sewer Outlet Fee (Fund 594)

Sanitary Sewer Outlet Fee (Fund 594)	
FY 2021-22 Ending Fund Balance	\$ (669,142)
Fees Collected	798,692
Interest Earned	1,972
FY 2022-23 Ending Fund Balance	\$ 131,522
Funds Accumulated in Current and Last 5 Years	\$ 131,522

Exhibit A

**City of Santa Clara
 Summary of Local Agency Improvement Fees
 (AB 1600 Development Impact Fees)
 Report for Fiscal Year Ended June 30, 2023**

Sanitary Sewer Connection Fee (Fund 594)

Sanitary Sewer Connection Fee (Fund 594)	
FY 2021-22 Ending Fund Balance	\$ (145,899,755)
Fees Collected	2,610,881
Expenditures	(12,565,970)
FY 2022-23 Ending Fund Balance	\$ (155,854,844)
Funds Accumulated in Current and Last 5 Years	\$ -
Funds Held Longer than 5 Years	\$ -
Projects Programmed for Impact Fees	\$ -

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					Sanitary Sewer Connection Fee Since Inception Date Through June 30, 2023				
Project #	Description	Project Status	Total Project Appropriation All Funding Sources	Funding Status	% Impact Fee Funded	Total Impact Fee Appropriation	Total Impact Fee Expenditures	Impact Fee Appropriation Remaining ⁽¹⁾	FY 2022-23 Impact Fee Expenditure
1908	S.J.- S.C. Regional Wastewater Facility	Ongoing	\$ 242,448,465	100%	41%	\$ 98,641,456	\$ 98,641,456	\$ -	\$ 12,565,970

Note (1) Amounts have been transferred within the Sewer Enterprise Operating Fund and Debt Service Fund to make up the negative balance for Capital Projects financed with AB1600 Development Fees. There were no interfund loans.

Exhibit A

**City of Santa Clara
 Summary of Local Agency Improvement Fees
 (AB 1600 Development Impact Fees)
 Report for Fiscal Year Ended June 30, 2023**

Sanitary Sewer Conveyance Fee (Fund 594)

Sanitary Sewer Conveyance Fee (Fund 594)	
FY 2021-22 Ending Fund Balance	\$ 44,853,964
Fees Collected	9,053,180
Interest Earned	811,032
Expenditures	(619,904)
FY 2022-23 Ending Fund Balance	\$ 54,098,272
Funds Accumulated in Current and Last 5 Years	\$ 36,145,612
Funds Held Longer than 5 Years	\$ 17,952,660
Projects Programmed for Impact Fees	\$ 22,847,345

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					Sanitary Sewer Conveyance Fee Since Inception Date Through June 30, 2023				
Project #	Description	Project Status	Total Project Appropriation All Funding Sources	Funding Status	% Impact Fee Funded	Total Impact Fee Appropriation	Total Impact Fee Expenditures	Impact Fee Appropriation Remaining	FY 2022-23 Impact Fee Expenditure
1909	Sanitary Sewer Capacity Improvements	Ongoing	\$ 34,261,736	100%	100%	\$ 34,261,736	\$ 11,574,693	\$ 22,687,043	\$ 300,168
1920	Sanitary Sewer Master Plan Update	Ongoing	980,038	100%	49%	480,038	319,736	160,302	319,736
Totals			\$ 35,241,774			\$ 34,741,774	\$ 11,894,429	\$ 22,847,345	\$ 619,904

Exhibit A

**City of Santa Clara
 Summary of Local Agency Improvement Fees
 (AB 1600 Development Impact Fees)
 Report for Fiscal Year Ended June 30, 2023**

Storm Drain Fee (Fund 535)

Storm Drain Fee (Fund 535)	
FY 2021-22 Ending Fund Balance	\$ 423,110
Fees Collected	4,352
Interest Earned	6,506
Expenditures Adjustment	-
FY 2022-23 Ending Fund Balance	\$ 433,968
Funds Accumulated in Current and Last 5 Years	\$ 201,507
Funds Held Longer than 5 Years	\$ 232,461
Projects Programmed for Impact Fees	\$ 278,469

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					Storm Drain Fee				
					Since Inception Date Through June 30, 2023				
Project #	Description	Project Status	Total Project Appropriation All Funding Sources	Funding Status	%	Total Impact Fee	Total Impact Fee	Impact Fee Appropriation	FY 2022-23 Impact Fee Expenditure
					Funded	Appropriation	Expenditures	Remaining	
1831	Miscellaneous Storm Drain Improvements	Ongoing	\$ 316,577	100%	32%	\$ 100,000	\$ -	\$ 100,000	\$ -
1834	Storm Drain System Improvement	Ongoing	425,374	100%	100%	425,374	392,106	33,268	-
1835	Storm Drain Outfall Reconstruction Program	Ongoing	1,673,000	100%	55%	917,569	772,368	145,201	-
Totals			\$ 2,414,951			\$ 1,442,943	\$ 1,164,474	278,469	\$ -

Exhibit A

**City of Santa Clara
 Summary of Local Agency Improvement Fees
 (AB 1600 Development Impact Fees)
 Report for Fiscal Year Ended June 30, 2023**

Parks Mitigation Fee (Fund 532)

Parks Mitigation Fee (Fund 532)	
FY 2021-22 Ending Fund Balance	\$ 20,682,234
Fees Collected	36,637,032
Interest Earned	577,716
Expenditures	(12,226,455)
FY 2022-23 Ending Fund Balance	\$ 45,670,527
Funds Accumulated in Current and Last 5 Years	\$ 39,125,827
Funds Held Longer than 5 Years	\$ -
Projects Programmed for Impact Fees	\$ 23,302,858

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					Parks Mitigation Fee Since Inception Date Through June 30, 2023				
Project #	Description	Project Status/ Estimated Completion Year	Total Project Appropriation All Funding Sources	Funding Status	% Impact Fee Funded	Total Impact Fee Appropriation	Total Impact Fee Expenditures	Impact Fee Appropriation Remaining	FY 2022-23 Impact Fee Expenditure
3101	Park & Recreation Master Plan		\$ 300,000	100%	100%	\$ 300,000	\$ -	\$ 300,000	\$ -
3102	Facility Condition Assessment Update		400,000	100%	100%	400,000	-	400,000	-
3126	Patrick Henry Community Art Center		529,353	100%	100%	529,353	-	529,353	-
3127	Parkland Acquisition		9,976,073	100%	100%	9,976,073	-	9,976,073	-
3128	MFA Developer Reimbursement Project		210,572	100%	100%	210,572	-	210,572	-
3133	Central Park Master Plan New Improvement	2024	2,518,448	100%	100%	2,518,448	172,136	2,346,312	138,015
3136	Westwood Oaks Park Playground Rehabilitation	2024	2,149,800	100%	100%	2,149,800	252,823	1,896,977	173,890
3181	Park Impact Fees Monitoring Project	Ongoing	1,822,439	100%	79%	1,432,097	837,244	594,853	465,993
3183	Central Park Arbor Playground	2024	9,134,455	80%	48%	4,363,500	-	4,363,500	-
3184	Montague Park Enhancement	2024	7,858,340	100%	100%	7,858,340	6,030,810	1,827,530	5,610,153
3196	Central Park Aquatic Center Planning & Design		358,000	100%	100%	358,000	-	358,000	-
3197	Parks Service Center Roof		800,000	100%	63%	500,000	312	499,688	312
3199	Park&Rec Engineering Management	Ongoing	935,803	100%	57%	533,256	533,256	-	239,877
3000	General Fund Loan Repayment	2023	10,663,425	100%	100%	10,663,425	10,663,425	-	5,598,215
Totals			\$ 47,656,708			\$ 41,792,864	\$ 18,490,006	\$ 23,302,858	\$ 12,226,455

Exhibit A

**City of Santa Clara
 Summary of Local Agency Improvement Fees
 (AB 1600 Development Impact Fees)
 Report for Fiscal Year Ended June 30, 2023**

Tasman East Specific Plan Infrastructure Impact Fee (Fund 541)

Tasman East Specific Plan Infrastructure Impact Fee (Fund 541)	
FY 2021-22 Ending Fund Balance	\$ 3,260,003
Fees Collected	4,411,858
Interest Earned	75,296
Expenditures	(1,786,418)
FY 2022-23 Ending Fund Balance	\$ 5,960,739
Funds Accumulated in Current and Last 5 Years	\$ 5,960,739
Funds Held Longer than 5 Years	\$ -
Projects Programmed for Impact Fees	\$ 1,423,145

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Project #	Description	Project Status	Total Project Appropriation All Funding Sources	Funding Status	Affordable Housing Fee Since Inception Date Through June 30, 2023				FY 2022-23 Impact Fee Expenditure
					% Impact Fee Funded	Total Impact Fee Appropriation	Total Impact Fee Expenditures	Impact Fee Appropriation Remaining	
4610	Tasman East Admin Studay and Engineering	Ongoing	\$ 237,880	100%	95%	\$ 226,048	\$ 226,048	\$ -	\$ 14,702
4611	Tasman East Developer Reimbursement Project	Ongoing	3,194,861	100%	100%	3,194,861	1,771,716	1,423,145	1,771,716
Totals			\$ 3,432,741			3,420,909	1,997,764	\$ 1,423,145	\$ 1,786,418

