



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING  
February 9, 2016**

**CONSENT CALENDAR**

**Agenda Item # 3**

**SUBJECT:** Receive the Annual Report on Development Impact Fees for Fiscal Year 2015; and adopt Resolution No. 2016-03, affirming the need to commit unexpended Traffic Impact Fees

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**BACKGROUND**

The City has two developer impact fees in place, a Park in-Lieu Fee and a Traffic Impact Fee. The City's Park in-Lieu Fee requires developers to contribute land or an in-lieu fee per parcel when developing or subdividing a property. The fees collected are to be used for purchasing or improving park or recreational facilities. The City has identified park and recreation facility improvements in its Capital Improvement Program to be funded with these dollars.

The City also requires developers to pay a Traffic Impact Fee when a new development generates traffic and meets other requirements described in Section 3.48.040 of the Los Altos Municipal Code. These fees are to be used for transportation improvements related to collector streets identified in the City's Capital Improvement Program and/or in the Traffic Impact Fee report in effect at the time the Traffic Impact Fee is enacted or as subsequently amended.

Section 66001 of the Government Code requires the City to review and report on the status of the fees collected annually.

**EXISTING POLICY**

None

**PREVIOUS COUNCIL CONSIDERATION**

February 24, 2015

**DISCUSSION**

The Annual Report on Development Impact Fees (Attachment 1) provides information on the amount of developer fees collected and expended, and the interest earned on unexpended funds from July 1, 2014 to June 30, 2015. In the case that developer fees are held for a period greater than five years, the City Council can make annual findings that unexpended funds are committed to a specified project the purpose of which bears a reasonable relationship with the subject fee.

As of June 30, 2015, \$64,489 of Traffic Impact Fee funds were unexpended beyond a five-year term resulting in the finding noted above and the required statement of fund commitment per Resolution No. 2016-03.

Projects identified for use of Traffic Impact Funds are as listed in the chart below:

<b>OBLIGATED EXPENSES</b>					
<b>Project Description</b>	<b>Project #</b>	<b>Status</b>	<b>Project Year</b>	<b>Funds Dedicated</b>	
Fremont Ave Bridge	TS-01020	In Progress	2001/02	\$	94,698.00
Collector Street Traffic Calming	TS-01022	In Progress	2009/10	\$	129,956.14
Traffic Signal Improvements	TS-01014	Under Review	2013/14	\$	9,263.40
Advanced Traffic Mgmt Feasibility Study	TS-01016	Begin Early 2016	2014/15	\$	55,000.00
Foothill Expressway Improvements	TS-01018	County Lead	2014/15	\$	440,000.00
El Monte/Springer Intersection	TS-01030	Pre-design	2015/16	\$	100,000.00
Illuminated Crosswalk Replacement	TS-01031	Design and Review	2015/16	\$	320,000.00
Speed Feedback Sign at Fremont	TS-01032	Design	2015/16	\$	20,000.00
<b>TOTAL</b>				<b>\$</b>	<b>1,168,917.54</b>

As of June 30, 2015, no Park in-Lieu Fees were held by the City for a period greater than five years and as a result, no findings are needed on such fees.

### **PUBLIC CONTACT**

State law requires the City to make this report available for public inspection at least 10 days before the City Council receives the report. The notice on the availability of this report was posted accordingly.

Posting of the agenda serves as notice to the general public.

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*Receive the Annual Report on Development Impact Fees for Fiscal Year 2015; and adopt Resolution No. 2016-03, affirming the need to commit unexpended Traffic Impact Fees*

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**FISCAL/RESOURCE IMPACT**

None

**ENVIRONMENTAL REVIEW**

Not applicable

**RECOMMENDATION**

- A. Receive the Annual Report on Development Impact Fees for FY 2015
- B. Adopt Resolution No. 2016-03, affirming the need to commit unexpended Traffic Impact Fees

**ALTERNATIVES**

- 1. Recommend changes to the Annual Report on Development Impact Fees for FY 2015
- 2. Do not adopt Resolution No. 2016-03

Prepared by: Kim Juran-Karageorgiou, Administrative Services Director

Approved by: Marcia Somers, City Manager

**ATTACHMENTS:**

- 1. Annual Report on Development Impact Fees for Fiscal Year Ended June 30, 2015
- 2. Resolution No. 2016-03

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*Receive the Annual Report on Development Impact Fees for Fiscal Year 2015; and adopt Resolution No. 2016-03, affirming the need to commit unexpended Traffic Impact Fees*

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**City of Los Altos**

**Annual Report**  
**on**  
**Development Impact Fees**

**for**  
**Fiscal Year Ended**  
**June 30, 2015**

ATTACHMENT 1

**City of Los Altos**  
**Development Impact Fee (DIF) Compliance**  
**For Year Ended June 30, 2014**

<b>Schedule of Park-In-Lieu Fees</b>
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Pursuant to City of Los Altos Municipal Code Chapter 13.24  
Per City Council Adopted Resolution No. 2010-24

New Single-family Residential Home	\$ 30,000 per Home
New Multiple-family Unit	\$ 18,000 per Unit

<b>Schedule of Traffic Impact Fees</b>
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Pursuant to City of Los Altos Municipal Code Chapter 3.48  
Per City Council Adopted Resolution No. 2010-24

Single-family Housing	\$ 5,142 per Residential Unit
Multiple-family Housing	\$ 3,156 per Residential Unit
Senior Housing	\$ 1,323 per Residential Unit
Commercial	\$ 9,418 per One Thousand Gross Square Feet
Office	\$ 7,585 per One Thousand Gross Square Feet

**City of Los Altos**  
**Development Impact Fee (DIF) Compliance**  
**For Year Ended June 30, 2014**

**Park-In-Lieu Fee**

<b>Fiscal Year</b>	<b>Beg Bal</b>	<b>DIF Fees</b>	<b>Interest Income</b>	<b>Transfers In</b>	<b>AB1600 Expenses</b>	<b>Transfers Out</b>	<b>End Bal</b>
2005	\$0	\$ 30,000	\$ 670		\$ 6,500	\$ -	\$ 24,170
2006	24,170	60,000	2,757		-		86,927
2007	86,927	243,000	7,705		-		337,632
2008	337,632	867,000	23,890		211,780		1,016,742
2009	1,016,742	-	19,684		73,046		963,380
2010	963,380	468,000	7,868		154,257		1,284,991
2011	1,284,991	132,000	7,784		1,136,867		287,908
2012	287,908	756,000	6,027		100,185		949,750
2013	949,750	3,636,000.00	4,640.00				4,590,390
2014	4,590,390	1,260,000	21,574				5,871,964
2015	5,871,964	62,708	29,134			56,773	5,902,319

**Aging of Funds Held**

<b>Fiscal Year</b>	<b>Current Year Funds</b>	<b>1 Yr Old Funds</b>	<b>2 Yr Old Funds</b>	<b>3 Yr Old Funds</b>	<b>4 Yr Old Funds</b>	<b>5+ Yr Old Funds</b>	<b>Total Funds Held</b>
2015	\$ 91,842	\$ 1,281,574	\$ 3,640,640	762,027	139,784		\$ 5,902,319

**City of Los Altos**  
**Development Impact Fee (DIF) Compliance**  
**For Year Ended June 30, 2014**

**Traffic Impact Fee**

<b>Fiscal Year</b>	<b>Beg Bal</b>	<b>DIF Fees</b>	<b>Interest Income</b>	<b>Transfers In</b>	<b>AB1600 Expenses</b>	<b>Transfers Out</b>	<b>End Bal</b>
2006	\$0	\$ 84,796	\$ 960		\$ -	\$ -	\$ 85,756
2007	85,756	-	4,467				90,223
2008	90,223	285,018	7,785				383,026
2009	383,026	24,842	8,974				416,842
2010	416,842	154,644	3,372				574,858
2011	574,858	185,795	5,935		47,793		718,795
2012	718,795	59,964	5,108		23,402		760,465
2013	760,465	651,705	1,758		18,336		1,395,592
2014	1,395,592	692,408	8,083		1,684	95,357	1,999,042
2015	1,999,042	249,589	12,390		320,225		1,940,795

**Aging of Funds Held**

<b>Fiscal Year</b>	<b>Current Year Funds</b>	<b>1 Yr Old Funds</b>	<b>2 Yr Old Funds</b>	<b>3 Yr Old Funds</b>	<b>4 Yr Old Funds</b>	<b>5 Yr Plus Old Funds</b>	<b>Total Funds Held</b>
2015	\$ 261,979	\$ 700,491	\$ 653,463	\$ 65,072	\$ 191,730	\$ 64,489	\$ 1,937,224

**City of Los Altos**  
**Development Impact Fee (DIF) Compliance**  
**Park-in-Lieu Funds Expended**  
**For Year Ended June 30, 2015**

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
<b>14-02 Redwood Grove</b>				
	Park-in-Lieu	\$ 56,773	\$ 184,195	31%
		Total		
		<u>\$ 56,773</u>	<u>\$ 184,195</u>	31%

As June 30, 2015, there we no loans made by the Fund

For fiscal year ending June 30, 2015, there were no fee refunds issued by the Fund



**City of Los Altos**  
**Development Impact Fee (DIF) Compliance**  
**Traffic Impact Fee Funds Expended**  
**For Year Ended June 30, 2015**

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
<b>10-12 Coll St. Traffic</b>	Traffic Impact	\$ 9,950.24	\$ 92,944.00	11%
<b>12-19 Homestead</b>	Traffic Impact	\$ 284,538.00	\$ 1,562,131.68	18%
<b>14-23 Traffic Signal</b>	Traffic Impact	<u>\$ 25,736.60</u>	<u>\$ 205,100.00</u>	13%
	Total	<u><u>\$ 320,224.84</u></u>	<u><u>\$ 1,860,175.68</u></u>	17%

As June 30, 2015, there we no loans made by the Fund

For fiscal year ending June 30, 2015, there were no fee refunds issued by the Fund

## **RESOLUTION NO. 2016-03**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS REGARDING THE CONTINUING NEED FOR UNEXPENDED BALANCES OF IMPACT FEES AS OF JUNE 30, 2015**

**WHEREAS**, Government Code Sections 66000 (commonly known as and referenced to herein as “AB1600”) regulate the imposition, collections, maintenance, expenditure and reporting of impact fees imposed on developers for the purpose of defraying costs of public facilities; and

**WHEREAS**, the City of Los Altos (“City”) has identified two (2) impact fees collected from developers that are subject to AB1600’s requirements. Those funds are the Traffic Impact Fee (Fund 26) and the Park in-Lieu Fees (Fund 27); and

**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; and

**WHEREAS**, the City has prepared an annual report for FY 2014/15 in accordance with AB1600, “AB1600 Report on Development Impact Fees for the fiscal year ended June 30, 2015” 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 and a description of the type of fees. The amount of each of these development impact fees for FY 2014/15 and is reflected in the City’s Municipal Fee Schedule, previously adopted by the Council; and

**WHEREAS**, a copy of the annual report has been on file and available for review in the City Clerk’s Office at Los Altos City Hall and the Los Altos Main Library since January 13, 2016; and

**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 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; and

**WHEREAS**, the Traffic Impact Fee, which was established for the purpose of providing a source of funding for traffic improvements, contains some fee revenues which were received five (5) years ago. The sum of \$64,489, representing fees and accrued interest collected for traffic impact, 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**, that the City Council of the City of Los Altos accepted the attached AB1600 Report on Development Impact Fees for Fiscal Year ended June 30, 2015 ("Report") on February 9, 2016, and makes the following findings:

1. The Traffic 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.
2. The portions of the fund balance in the Traffic Impact Fund that are approaching five (5) years in the June 30, 2015 report totals \$64,489. The City plans to use the entire fund balance for the projects identified in the related staff report which are programmed in the adopted five-year Capital Improvement Program CIP. The Traffic Impact Fund has projects scheduled in the CIP for the next five years, and is projecting additional fees and interest each year.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or work of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolutions. The City of Los Altos hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 9<sup>th</sup> day of February 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

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Jeanne Bruins, MAYOR

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Jon Maginot, CMC, CITY CLERK