FILE NO. 250657

# LEGISLATIVE DIGEST

[Building and Planning Codes - Development Impact Fees for Residential Development Projects]

**Ordinance amending the Building and Planning Codes to comply with California Government Code, Section 66007, by postponing the collection of development impact fees for designated residential development projects to the date of first certificate of occupancy or first temporary certificate of occupancy, whichever occurs first; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

## Existing Law

Section 107A.13.3 of the Building Code requires development impact fees be paid prior to permit issuance, unless the applicant selects to defer fees under the fee deferral program in Section 107A.13.3.1.

Article 4 of the Planning Code details the assessment and payment of various development impact fees. Some Article 4 development fee sections cite the Building Code for determining when fees are due, while fee sections restate the requirement that fees be paid prior to permit issuance without citing the Building Code.

## Amendments to Current Law

The Proposed Legislation amends Section 107A.13.3 to specify that, pursuant to amendments made to California Government Code Section 66007 by Senate Bill 937, impact fees for designated residential development projects are not due until issuance of a first certificate of occupancy, unless the fee qualifies for early collection. It also amends Section 107A.13.7, which governs the contents of Project Development Fee Reports, to identify the fee dispute resolution process and to refer to Section 107A.13.3 for fee payment deadlines.

The Proposed Legislation also amends the Planning Code to consistently refer to Building Code Section 107A.13.3 for determining when fees are due.

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