


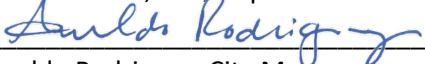


REPORT TO CITY COUNCIL

Approved by:



Keith Helmuth, P.E., Department Director



Arnaldo Rodriguez, City Manager

Council Meeting of: November 20, 2019

Agenda Number: D-4

SUBJECT:

Consideration of a Resolution of the City of Madera Approving Request for Deferral of Development Impact Fees Until Certificate of Occupancy for the Bellava and Berk Subdivision (Tract No. 18-S-01) (Report by Keith Helmuth)

RECOMMENDATION:

Staff recommends that the City Council (Council) adopt the following Resolution:

Resolution No. 19-_____ Approving the Request for Deferral of Development Impact Fees until Certificate of Occupancy for the Bellava and Berk Homes Subdivision (Tract No. 18-S-01).

SUMMARY:

Subsequent to a similar request to defer development impact fees, a second Subdivider, Bellava Construction, LLC, a California Limited Liability Company, did on November 6, 2019 formally request a deferral of development impact fees for the Bellava and Berk Homes Subdivision (Tract No. 18-S-01).

DISCUSSION:

The Conditions of Approval for the Bellava and Berk Homes Subdivision (Tract No. 18-S-01), approved by the Planning Commission on June 13, 2017, require the Subdivider to pay development impact fees at the time of building permit issuance. This is consistent with past practice for developments of all types.

This request is rooted in the Subdivider's desire to secure not less than seven building permits, but as many as fourteen should a deferral of impact fees be granted, before the end of the calendar year to avoid what is believed to be a meaningful cost increase to the overall project as a result of changes to the California Building Standards Code that become effective January 1, 2020. Approval of the Subdivider's request to defer development impact fees would, as described, result in substantial savings from what would be incurred due to costly code changes. If Council approves the deferral of development impact fees until issuance of Certificate of Occupancy, staff recommends that the Subdivider pay the current impact fees in effect at the time of payment.

The Madera Municipal Code does not require development impact fees be paid at a specific time. However, conditions of approval do require payment prior to Building Permit. As such, formal Council approval is required.

FINANCIAL IMPACT:

None as the development impact fees are not being waived, only deferred until a later date. The Subdivider will pay the development impact fees in effect at the time of issuance of Certificate of Occupancy.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Development impact fees are not specifically addressed in the vision or action plans.

ALTERNATIVES:

If Council does not approve the deferral of development impact fees until the issuance of Certificate of Occupancy, the Subdivider will be required to pay development impact fees at the time of building permit issuance. The Subdivider may also choose to secure less permits.

ATTACHMENTS:

1. Resolution – Approving Request for Deferral of Development Impact Fees

Attachment 1

Resolution

RESOLUTION NO. 19-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING
REQUEST FOR DEFERRAL OF DEVELOPMENT IMPACT FEES FOR THE BELLAVA
AND BERK HOMES SUBDIVISION (TRACT NO. 18-S-01)**

WHEREAS, on November 6, 2019, Subdivider, Bellava Construction, LLC, a California Limited Liability Company, (“Bellava”) formally requested a deferral of development impact fees for the Bellava and Berk Homes Subdivision (Tract No. 18-S-01); and

WHEREAS, the Conditions of Approval for the Bellava and Berk Homes Subdivision (Tract No. 18-S-01) approved by the Planning Commission on June 13, 2017 require the Subdivider to pay development impact fees at the time of building permit issuance; and

WHEREAS, the proposed Agreement allows Bellava to defer the payment of the Development Impact Fees until such time as Bellava requests a certificate of occupancy for each home constructed on the above-referenced subdivision; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Madera as follows:

1. The foregoing recitals are true and correct and are incorporated by reference.
2. The Council hereby grants the request to defer payment of the Development Impact Fees until such time as Bellava requests a certificate of occupancy for each home constructed on the above-referenced subdivisions.

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