Capital Facilities Fees

CITY OF NEWARK, CALIFORNIA **BUILDING INSPECTION DIVISION**

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A person who develops property shall pay a Capital Facilities Fee, unless the particular development or portion thereof is exempt under Municipal Code Section 3.24.070. The Capital Facilities Fee for residential, commercial, and industrial development is based on the capital facility needs generated by such development and is in proportion to those needs. The fee imposed under Municipal Code Section 3.24.050 for new development is indicated below. The fee is based on the analysis set forth in the Capital Facilities Fee Technical Report, entitled "Newark Impact Fee Study," dated July 2000 ("Technical Report"), a copy of which is on file in the Community Development Department, 510-578-4330. The fee shall be reviewed annually and modified as necessary by resolution based on the Technical Report, and future additions and amendments to it, to provide the capital facilities necessary to implement the Capital Facilities Program and achieve the objectives of the City of Newark's General Plan.

The purpose of the Capital Facilities Fee is to provide adequate capital facilities improvements to serve new development within the City. The fee will be used to finance a variety of capital facility improvements as prescribed in Section 3.24.100 (B) of the Municipal Code and as identified in the Technical Report, including public safety and transportation facilities and community service and facilities. The fee will fund that portion of capital facility improvements attributable to new commercial, industrial, and residential development responsible for paying the fee.

The amount of the fee bears a fair and reasonable relationship to each development's burden on and benefits from the City's public services and capital facilities improvements to be funded by the fee, and is based on the following considerations:

- New commercial, industrial, and residential development will pay only for those capital facilities which serve new commercial, industrial, and residential development and are necessary to serve the public service needs which will be created by such new development.

- The cost of improvements needed to alleviate existing deficiencies in capital facilities, if any, is not included in this fee.

- Each type of development shall contribute to the needed improvements in proportion to the use of public services and capital facilities by that type of development. For residential development, the fee per new dwelling unit is based upon the proportion of total new public facilities' costs attributable to new residential development divided by the number of new residential units expected to be developed in the City through projected buildout. For commercial and industrial development, the fee per new square foot is based upon the proportion of total new public facilities' costs attributable to new commercial and industrial development divided by the total new commercial and industrial square footage expected to be developed in the City.

CAPITAL FACILITIES FEES

Category of Land Use and Fee	Public Safety	Community Service/Facilities	Transportation	Total CFF
Single-family residential (per unit)	$1,515.00	$1,508.00	$876.00	$3,899.00
Multi-family residential (per unit)	$1,737.00	$1,373.00	$503.00	$3,613.00
Commercial (per sq. ft.)	$1.70	$0.22	$1.29	$3.21
Industrial (per sq. ft.)	$0.25	$0.16	$0.75	$1.16

If an ambiguity arises in determining the type of development for which a Fee applies, the City shall use the category which in its judgment most nearly fits the proposed use. In making the determination, the City shall rely on the analysis in the July 2000 Technical Report and the specific uses described in the Zoning Ordinance.

TIME OF PAYMENT – RESIDENTIAL

For residential development of no more than one dwelling unit, the fee shall be paid prior to the issuance of the Certificate of Occupancy, unless the City elects to exercise the exception authorized under Government Code Section 66007(b), in which case it may become payable at an earlier date to be determined by the City. In the case of a residential development which involves construction of more than one dwelling unit, the fee shall be paid on a lump sum basis for the total development when the first dwelling in the development receives its Certificate of Occupancy.

TIME OF PAYMENT – INDUSTRIAL AND COMMERCIAL

For industrial and commercial development, the fee shall be paid prior to issuance of the building permit.