

City of Capitola



AB 1600 Report

INTRODUCTION AND BACKGROUND

In California, State legislation sets certain legal and procedural parameters for the charging of development impact fees. This legislation was passed as AB1600 by the California Legislature and is now codified as California Government Code Sections 66000 et. seq. (“Mitigation Fee Act”). This State law went into effect on January 1, 1989.

Requirements for Development Impact Fee Reporting

The Mitigation Fee Act imposes certain accounting and reporting requirements with respect to the fees collected. The fees must be deposited in special accounts to avoid comingling the fees with the City’s other revenues or funds. Interest on each development fee fund or account must be credited to that fund or account and used only for those purposes for which the fees were collected.

The Mitigation Fee Act also requires any local agency that imposes development impact fees to prepare an Annual Report on Development Impact Fees (“Report”), containing annual findings and five-year findings that provide specific information about those fees. This Report serves both of those functions and has been prepared for the City of Capitola for the fiscal year (FY) ended June 30, 2025, in accordance with the provisions of the California Government Code Section 66006 (b) and 66001 (d).

Annual Findings

California Government Code Section 66006 (b) requires each local agency that imposes Development Impact Fees under the Mitigation Fee Act to prepare annual findings providing specific information about those fees for the previous fiscal year. Specifically, Section 66006 (b) requires that for each separate fund, the local agency shall make available to the public the information shown below for the most recent fiscal year.

- 66006 (b) (1) (A): A brief description of the type of fee in the account or fund.
- 66006 (b) (1) (B): The amount of the fees.
- 66006 (b) (1) (C): The beginning (July 1) and ending (June 30) balance of a particular impact fee fund.
- 66006 (b) (1) (D): The amount of the fees collected, and interest earned by fund.
- 66006 (b) (1) (E): An identification of each public improvement upon which fees were expended and the amount of expenditures on each improvement including the total percentage of the cost of the public improvement that was funded with fees.
- 66006 (b) (1) (F): An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and an identification of each public improvement identified in a previous report and whether construction began on the approximate date noted in the previous report.

- 66006 (b) (1) (G): A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended; and, in the case of an interfund loan, the terms of the loan, including the repayment schedule for the loan, and the rate of interest that the account or fund will receive on the loan.
- 66006 (b) (1) (H): A summary of any refunds made, and their respective amount, due to sufficient funds being collected to complete financing of scheduled public improvements and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

Five-Year Findings

California Government Code Section 66001 (d) (1) requires the local agency make of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether encumbered to a specific project or remaining unencumbered in an impact fee fund.

- 66001 (d) (1) (A): Identify the purpose to which the fee is to be put.
- 66001 (d) (1) (B): Demonstrate a reasonable relationship between the fee and purpose for which it is charged.
- 66001 (d) (1) (C): Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements.
- 66001 (d) (1) (D): Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

State law requires the City to prepare and make available to the public the above information within 180 days after the last day of each fiscal year. The City Council must review the Report at a regularly scheduled public meeting not less than fifteen days after the information is made available to the public. This report was filed with the City Clerk's office and available for public review on **December 12, 2025**.

Description of Impact Fee Programs

66006(b)(1)(A) and 66013(d)(1)

The City has 5 development impact fee programs.

1. **Affordable Housing Impact Fee (CMC 18.05).** Housing development projects creating less than seven for-sale housing units pay an affordable housing impact fee that is used to provide assistance for production of affordable housing units, acquisition of at-risk units, or rehabilitation of affordable housing units for very low-, low-, and moderate-income households.
2. **Affordable Housing In-Lieu Fee (CMC 18.02).** Residential development projects that are subject to the City's affordable housing inclusionary requirements may elect to pay affordable housing in-lieu fees, rather than produce the required inclusionary units on site in accordance with the City's requirements. Affordable housing in-lieu fees are used to assist in the construction of new or the rehabilitation of existing affordable housing units.
3. **Tree In-Lieu Fee (CMC 12.12.190).** The Tree In-Lieu fee is a fee that the City imposes on residential and non-residential development in-lieu of planting required trees. The purpose of this fee is to fund the community tree and forest management account, measured by the number of trees required to be planted, to maintain and plant trees for the need created when trees are removed.
4. **Public Art Fee (CMC 2.58).** Eligible private and public construction projects are subject to fee for public art. The City of Capitola wishes to enhance the cultural and aesthetic environment of the City, to encourage creativity, the appreciation of the arts and our cultural heritage. Through the establishment of a program of public art funded by eligible development projects, the City will promote the general welfare through balancing the community's physical growth and revitalization with its cultural and artistic resources.
5. **Bicycle In-Lieu Fee (CMC 17.96.170).** A Street dining deck that eliminates an on-street parking space must include a bicycle parking rack integrated in the street dining deck design or within the private property of the eating or dining establishment. The bicycle parking rack must provide a minimum of two bicycle parking spaces for each eliminated vehicle parking space. As an alternative to providing the bicycle parking rack, the City may allow an applicant to pay an in-lieu fee which fee shall be deposited in the City's in-lieu bike fund to create a central bicycle parking location.

Current Impact Fee Schedules

66006(b)(1)(B)

Affordable Housing Impact Fee

The Affordable Housing Impact Fee in effect during the fiscal year ending June 30, 2025, are presented below in **Table 1**.

Table 1 Affordable Housing Impact Fee

For sale housing development of six or less units	\$25 per square foot
Rental multi-family	\$6 per square foot
Addition to housing units of 50% or more	\$2.50 per square foot

Affordable Housing In-Lieu Fee

The Affordable Housing in-Lieu Fee in effect during the fiscal year ending June 30, 2025, are presented below in **Table 2**.

Table 2 Affordable Housing In-Lieu Fee

For sale housing developments of two to six units	\$25 per square foot	
For sale housing development of seven or more units	Total Units	
# Units	# Units Built	
7	1	\$0
8-13	1	Total # units minus 7 @ \$25 Square foot
14	2	\$0
15-20	2	Total # units minus 14 @ \$25 Square foot
21	3	\$0
22-27	3	Total # units minus 21 @ \$25 Square foot
28	4	\$0
Rental Multi-Family	\$6 per square foot	

Tree In-Lieu Fee

The Tree In-Lieu Fee in effect during the fiscal year ending June 30, 2025, are presented below in Table 3.

Table 3 Tree In-Lieu Fee

Tree replacement in-lieu fee	\$600 per tree
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Public Art Fee

The Public Art Fee in effect during the fiscal year ending June 30, 2025, are presented below in **Table 4**.

Table 4 Public Art Fee

Eligible Private Development Project	1% of total building permit valuation
Eligible Public Project	2% of total project budget

Bicycle In-Lieu Fee

The bicycle in-lieu fee in effect during the fiscal year ending June 30, 2025. Are presented below in **Table 5**.

Table 5 Bicycle In-Lieu Fee

Annual Bicycle In-Lieu Fee	\$300 per year per bicycle parking space
Material & Installation Fee	\$200 per bicycle parking space

Annual Financial Summary

Table 6. Annual Financial Summary
Statement of Affordable Housing Fee Program
Revenues, Expenditures, and Changes in Fund Balance
For the Fiscal Year Ending June 30, 2025

Description	FY 2024/25	
REVENUES		
Fees		\$ 70,423
Interest		0
Total Revenues		\$ 70,423
Interfund Transfers		\$0
Interfund Loans Interest rate of loan: 0%		\$0
Refunds		\$0
EXPENDITURES -- Capital Improvements	Amount	Percent
None	\$0	0%
Total Expenditures		\$0
REVENUES OVER (UNDER)		
EXPENDITURES		\$ 70,423
Fund Balance, Beginning of the Year		\$74,175
Fund Balance, End of Year		\$ 144,598

The City received \$70,423 in affordable housing impact fees during the fiscal year, totaling \$144,598 with previous year's fees. These funds are expected to be used in fiscal year 2025-2026 to assist first time homebuyers in affordable housing.

Annual Financial Summary

Table 7. Annual Financial Summary
Statement of Affordable Housing In-Lieu Program
Revenues, Expenditures, and Changes in Fund Balance
For the Fiscal Year Ending June 30, 2025

Description	FY 2024/25
REVENUES	
Fees	\$ 629
Interest	\$ 16,998
Total Revenues	\$ 17,627
Interfund Transfers	\$0
Interfund Loans Interest rate of loan: 0%	\$0
Refunds	\$0
EXPENDITURES – Capital Improvements	Amount Percent
None	\$0 0%
Total Expenditures	\$ 15,693
REVENUES OVER (UNDER)	
EXPENDITURES	\$ 1,934
Fund Balance, Beginning of the Year	\$ 202,948
Fund Balance, End of Year	\$ 204,882

The Pacific Cove Resident Relocation Program loan ended during Fiscal Year 23/24. The remaining funds will be utilized for the City's housing rehabilitation loan and grant program in fiscal year 2025-2026.

Table 8. Annual Financial Summary
Statement of Tree In-Lieu Fee Program
Revenues, Expenditures, and Changes in Fund Balance
For the Fiscal Year Ending June 30, 2025

Description	FY 2024/25	
REVENUES		
Fees		\$0
Interest		\$0
Total Revenues		\$0
Interfund Transfers		\$0
Interfund Loans Interest rate of loan: 0%		\$0
Refunds		\$0
EXPENDITURES -- Capital Improvements		
41 st Ave. Tree Pruning	Amount	Percent
	\$XXX	XX%
Peery Park Tree Pruning		
Total Expenditures		\$ 34,400
REVENUES OVER (UNDER)		
EXPENDITURES		(\$ 34,400)
Fund Balance, Beginning of the Year		\$ 34,527
Fund Balance, End of Year		\$ 127

During fiscal year 2024-2025, \$34,400 of tree in-lieu funds were used to fund tree pruning in 41st Avenue and at Peery Park. Future fee revenue will be used for additional tree work throughout the City.

Table 9. Annual Financial Summary
Statement of Public Art Fee
Revenues, Expenditures, and Changes in Fund Balance
For the Fiscal Year Ending June 30, 2025

Description	FY 2024/25
REVENUES	
Fees	\$ 34,460
Interest	\$ 0
Total Revenues	\$ 34,460
Interfund Transfers	\$0
Interfund Loans Interest rate of loan: 0%	\$0
Refunds	\$0
EXPENDITURES -- Capital Improvements	Amount
Art in Public Places	\$92,765
Total Expenditures	\$ 92,765
REVENUES OVER (UNDER)	
EXPENDITURES	(\$ 58,305)
Fund Balance, Beginning of the Year	\$ 158,505
Fund Balance, End of Year	\$ 100,200

During fiscal year 2024-2025, the Begonia Festival Art Commemorative Project, Park Avenue Tile Project, and Monterey Avenue Railing Project were completed. The Art and Cultural Commission is currently working on future project concepts.

Table 10. Annual Financial Summary
Statement of Bike In-Lieu Program
Revenues, Expenditures, and Changes in Fund Balance
For the Fiscal Year Ending June 30, 2025

Description	FY 2024/25
REVENUES	
Fees	\$ 1,244
Interest	\$ 0
Total Revenues	\$ 1,244
Interfund Transfers	\$0
Interfund Loans Interest rate of loan: 0%	\$0
Refunds	\$ 1,244
 EXPENDITURES -- Capital Improvements	
None	\$0 0%
Total Expenditures	\$ 0
 REVENUES OVER (UNDER)	
EXPENDITURES	\$0
 Fund Balance, Beginning of the Year	
	\$ 1,200
Fund Balance, End of Year	
	\$ 1,200

During fiscal year 2024-2025, the one participant in the bike-in-lieu program withdrew. The \$1,200 fund balance will be utilized for bike racks on the Capitola Wharf in FY 2025-26.

FIVE-YEAR REPORT AND FINDINGS

California Government Code Section 66001(d)(1) requires the City to make findings every fifth year with respect to that portion of each impact fee account that remains unexpended, whether encumbered to a specific project or remaining unencumbered in an impact fee fund. As of June 30, 2025, 5 funds have unexpended balances totaling \$451,007. Therefore, the City is reporting the following findings relating to each of the fee programs.

- 66001(d)(1)(A): Identify the purpose to which the fee is to be put.
- 66001(d)(1)(B): Demonstrate a reasonable relationship between the fee and purpose for which it is charged.
- 66001(d)(1)(C): Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements.
- 66001(d)(1)(D): Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

Affordable Housing Impact Fee

- The purpose of the Affordable Housing Impact Fee is to mitigate the impact of new development on the need for affordable housing infrastructure and facilities and to provide affordable housing to serve new growth as the City's population increases.
- There is a reasonable relationship between the fee and the purpose for which it is charged because the fee does not exceed the reasonable costs of meeting the demand for affordable housing generated by new housing development projects.
- There is an unexpended balance in the Affordable Housing Impact Fee fund, which is expected to be used to fund improvements to housing stock, which will provide affordable housing for Capitola residents.
- The estimated timing and cost of the project are shown below. This project is expected to begin in FY 2025/26. The balance of the project costs is expected to be funded with grants and other revenue.

Table 11: Affordable Housing Impact Fee Project Identification

Project Name	Estimated Start Year	Total Project Cost	% Funded with Impact Fee Revenue	Amount funded with Impact Fee Revenue	Amount funded with other sources	Other Funding Sources
First time home buyer down payment assistance	2025/2026	\$40,000	50%	\$20,000	\$20,000	
Housing Rehabilitation Program	2025/2026	\$225,000	55%	\$123,750	\$101,250	

Affordable Housing In-Lieu Fee

- The purpose of the Affordable Housing In-Lieu Fee is to mitigate the impact of new development on the need for affordable housing infrastructure and facilities and to maintain existing and provide new affordable housing to serve new growth as the City's population increases.
- There is a reasonable relationship between the fee and the purpose for which it is charged because the fee does not exceed the reasonable costs of meeting the demand for affordable housing generated by new housing development projects.
- There is an unexpended balance in the Affordable Housing In-Lieu Fee fund, which is expected to be used to fund improvements to housing stock, which will provide affordable housing for Capitola residents.
- The estimated timing and cost of the project are shown below. This project is expected to begin in FY 2025/26. The balance of the project costs is expected to be funded with grants and other revenue.

Table 12: Affordable Housing Impact Fee Project Identification

Project Name	Estimated Start Year	Total Project Cost	% Funded with Impact Fee Revenue	Amount funded with Impact Fee Revenue	Amount funded with other sources	Other Funding Sources
First time home buyer down payment assistance	2025/2026	\$40,000	50%	\$20,000	\$20,000	
Housing Rehabilitation Program	2025/2026	\$225,000	45%	\$101,250	\$123,750	

Tree In-Lieu Fee

- The purpose of the Tree In-Lieu Fee is to mitigate the impact of tree removals to accommodate development in the City.
- There is a reasonable relationship between the fee and the purpose for which it is charged because the fee does not exceed the reasonable costs of meeting the demand for replacing trees removed by new development projects.
- There is an unexpended balance in the Tree In-Lieu Fee fund, which is expected to be used to fund the planting and maintenance of trees.
- The estimated timing and cost of the project are shown below. This project began in FY 2023/2024. The balance of the project costs is expected to be funded with grants and other revenue.

Table 13: Tree In-Lieu Fee Project Identification

Project Name	Estimated Start Year	Total Project Cost	% Funded with Impact Fee Revenue	Amount funded with Impact Fee Revenue
Tree planting and maintenance on City property	2024/2025	\$32,027	100%	\$32,027
Tree Supply Program	2024/2025	\$2,500	100%	\$2,500

Public Art Fee

- The purpose of the Public Art Fee is to enhance the cultural and aesthetic environment of the city, to encourage creativity, the appreciation of the arts and our cultural heritage.
- There is a reasonable relationship between the fee and the purpose for which it is charged because the fee does not exceed the reasonable costs of mitigating new developments' impact on public art projects.
- There is an unexpended balance in the Public Art fund, which is expected to be used to fund future public art projects.
- The estimated timing and cost of the project are shown below.

- **Table 14: Public Art Fee Project Identification**

Project Name	Estimated Start Year	Total Project Cost	% Funded with Impact Fee Revenue	Amount funded with Impact Fee Revenue	Amount funded with other sources
Future Public Art	2025/2026	\$65,505	100%	\$65,505	\$0

Capitola Municipal Code Chapter 2.56 – Art and Cultural Commission states that the Art & Cultural Commission shall advise the City Council on the allocation of public funds for the support & encouragement of public art.

Bike In-Lieu Fee

- The purpose of the Bike In-Lieu Fee is to mitigate the impact of removing automobile parking spaces due to street dining and accommodate bicycle parking in the village.
- There is a reasonable relationship between the fee and the purpose for which it is charged because the fee does not exceed the reasonable costs of providing two bicycle parking spaces within the street right-of-way.
- There is an unexpended balance in the Bike In-Lieu fund, which is expected to be used to install bike racks within the City.
- The estimated timing and cost of the project are shown below. This project is expected to begin in FY 2025/2026. The balance of the project costs is expected to be funded with grants and other revenue.

• **Table 15: Public Art Fee Project Identification**

Project Name	Estimated Start Year	Total Project Cost	% Funded with Impact Fee Revenue	Amount funded with Impact Fee Revenue	Amount funded with other sources
Bike Rack Installation	2025/2026	\$1,200	100%	\$1,200	\$0