

Community Development Department

Engineering Division
Phone: (707) 257-9530

1600 First St., P.O. Box 660
Napa, CA 94559-0660

Planning Division
Phone: (707) 257-9530

Building Division
Phone: (707) 257-9540
Inspections: (707) 257-1063

Facsimile: (707) 257-9522

Code Enforcement
Fire Prevention Division
Phone: (707) 257-9590

CITY of NAPA

INCLUSIONARY FEES NON - RESIDENTIAL PROJECTS HOUSING IMPACT FEE ORDINANCE FACT SHEET

Why are Housing Impact Fees being charged and what are the fees used for?

New businesses (business space) mean new employees in the Napa Valley. These new employees and their families create a need for additional housing, especially additional affordable housing. All Fees will go into a Housing Trust Fund to increase and improve the supply of housing affordable to households with very low, low and moderate incomes. The City Council, on the recommendation of the Housing Trust Fund Board, makes decisions as to which housing projects will receive funds. (15.94030 D)

Who does the fee apply to?

All new non-residential buildings and additions, unless exempt. (15.94.040A)

How much are the fees? 15.94.040C and Fee Resolution 01999-161

Fees are established by Resolution and may be updated annually. The 1999 Fee Resolution charges different rates for different businesses based on employee density, as calculated in a "Nexus Study" prepared by an economic consulting firm as follows:

Type of Use	Fee Per Square Foot
Office	\$1.00
Hotel	\$1.40
Retail	\$0.80
Industrial and wine production; and warehouses less than 30,000 sq. ft. in size	\$0.50
Warehouse (30,000-100,000 sq. ft)	\$0.30
Warehouse (greater than 100,000 sq. ft)	\$0.20

Under a "phase-in" provision in the ordinance, fees are reduced by 50% for project approved prior to January 5, 2000.

Examples: After January 5, 2000:

A new 30 room hotel, 15,000 sq. ft in size, would pay 15,000 X \$1.40= \$21,000.

A 20,000 square foot warehouse would pay 20,000 X \$0.50= \$10,000.

A 5,000 square foot office addition would pay 5,000 X \$1.00=\$5,000.

Fees are based on all new "gross floor area", as defined in NMC 15.94.020. Typically, it is the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings. Outside sales areas may be considered when the Planning Director determines that the use of the outside area will contribute significantly to employee density.

What if my business doesn't fit into one of the above categories?

First, check the list on page 2 to see how your business has been categorized in the ordinance. In the case of a use which doesn't fall into one of the listed uses, fees will be determined on a case-by case calculated by the Housing Director based on employee density. In large, mixed use development projects involving simultaneous construction of different structures or uses, fees shall be calculated based on the square footage assigned to the various uses. (15.94.040C2)

When are fees paid?

Fees are paid before a building permit is issued. However, if the developer and owner provide a bond or letter or credit and execute/record a building agreement, fees may be paid when the home is ready to be occupied—the time of final building inspection/certificate of occupancy. The Housing Director is authorized to execute such agreements.

All forms and handouts are available on www.cityofnapa.org

NON-RESIDENTIAL LAND USE MATRIX WITH SPECIAL FEE DETERMINATIONS AND EXEMPTIONS

Non-Residential Use	Exempt	Office	Retail	Ware-house	Indust.	Hotel/Motel	Special Fee
A. Hotels, motels, bed & breakfast inns						X	
B. Commercial Uses							
General retail, personal service uses, including integrated commercial centers			X				
Furniture, appliance, household equipment; office equipment; and sales, service and repair of bulk goods			X				
Service commercial and heavy commercial uses (building materials, contractor yards, tool rental, bus terminals, print shops, auto parts shops, janitorial services, etc.)					X		
Gas station, service/auto repair including paint and auto body shops			X				
Eating and drinking establishments			X				
Commercial amusement and recreation uses							X
Commercial plant nurseries					X		
C. Office Uses							
Banks, savings & loans; professional, business and administrative offices		X					
Medical/dental offices and clinics		X					
D. Industrial/Wholesale Uses							
Self-storage uses				X			
Wholesale and warehouse* uses				X			
General Industrial uses					X		
Research, development and testing uses					X		
Wine production and wine visitor centers				X			
Wine storage, wine tank and crush pads				X			
E. Schools, Hospitals, Libraries & similar							
Public and private elementary, secondary schools	X						
Public and private college/university	X						
Technical and adult education (business, beauty, barber, trade, technical, vocational and similar)			X				
Hospitals							X
Nursery Schools and daycare serving 7 or more			X				
Public libraries, art galleries, museums and other non-recreational public facilities	X						
F. Assembly Uses							
Churches	X						
Funeral Homes			X				
Auditoriums							X
Theaters			X				
Sports Arenas							X
G. Unlisted Uses							X
H. Exempt or Special Fee Uses							
Agricultural uses	X						
Child care center with six or fewer children	X						
Christmas tree sales lot	X						
Fuel yard							X
Golf course or marina							X
Non-profit organization—food preparation for off-site consumption; food storage & distribution; meal service facility	X						
Public parking lot	X						
Public utility yard	X						
Railroad yard or shop							X
Residential care facility – nonprofit or private							X
Schools - nonprofit	X						
Wholesale stores and distribution							X

*If less than 30,000 sq. ft. in size; otherwise industrial

What Projects are Exempt from Fee Requirements?

1. Projects identified as exempt in the Matrix. (15.94.040 A7)
2. Any project which is the subject of a currently-in-effect Development Agreement approved prior to July 6, 1999 where such agreements preclude compliance with this type of a housing fee program. (15.94.040 A1)
3. A non-residential building permit accepted as complete by the City on or before January 5, 1999. (A2)
4. Uses approved by a Use Permit or similar discretionary approval (e.g., Final Architectural Approval, Site Plan Approval) on or before January 5, 1999. (A2)
5. A project on State or Federal property used exclusively for governmental or educational purposes. (A3)
6. A project operated by non-profit organizations which provide food storage, meal service and/or temporary shelter to the homeless. (15.94.040A4)
7. The replacement of any building damaged or destroyed by fire or natural catastrophes as long as the square footage of the building remains the same. 15.94.040 A8.
8. Remodeling or replacement of existing square footage. 14.94.040C3c
9. Replacement of space previously on the site demolished within one year of filing an application for new construction as long as the use does not change. If the use changes, credit (up to the fee amount) shall be given for the space demolished at the rate applicable to the prior use. 15.94.040C1

If not exempt, are there any alternatives to paying fees?

Yes. Upon request the City Council may allow a Developer to construct residential units, dedicate land, or similar, if the Council determines that such alternative will further affordable housing opportunities to an equal or greater extent than payment of the Fee.

If not exempt, do any Projects qualify for fee waivers or reductions?

Projects on Property with Prior Approvals: A Developer who has an approved Use Permit, Tentative Subdivision or Parcel Map, or similar discretionary approval (e.g., Final Architectural Approval, Site Plan Approval) and who submits a new or revised Use Permit, Tentative Subdivision or Parcel Map, or similar discretionary permit for the same property may appeal for a reduction, adjustment or waiver of the fee for up to the number of lots or square footage of construction previously approved. Council must find that the new use permit, map or similar permit is superior to the approved project in its design and mitigation of environmental impacts. 15.94.080 B

Unique Projects: A developer of any project may appeal to the City Council for a reduction, adjustment or waiver of the fee based on the absence of any reasonable relationship between the specific impact of the development and the inclusionary fee. 15.94.080A

Any appeal must set forth the factual basis for the claim of waiver, reduction or adjustment and provide substantial evidence supporting the appeal. 15.94.080 C.

INCLUSIONARY HOUSING FEE DETERMINATIONS FOR NON-RESIDENTIAL PROJECTS

To claim an **exemption** from paying the Inclusionary Housing Fee, applicants must identify which exemption they qualify for and sign the statement. The Planning Director will then verify this information. If project is not exempt, see bottom of page 2.

EXEMPTION CATEGORIES (Please check the category that applies)

1. **Use is listed as exempt in the ordinance TABLE 1 (15.94.040 A7):** public and private elementary, and secondary schools, public and private colleges and universities; non-profit schools; public libraries, art galleries, museums and other non-recreational public facilities including but not limited to public parking lots or public utility yards; churches; agricultural uses; child care center with 6 or fewer children; non profit organization involving food preparation for off-site consumption, food storage and distribution or meal service facility; Christmas tree sales lots.

Identify qualifying use or address: _____

Applicant Signature _____ Date: _____

Planning Director Signature _____ Date: _____

2. A project on **State or Federal property** used exclusively for governmental or educational purposes.

Identify qualifying use and location, and whether it is state or federal property. _____

Applicant Signature _____ Date: _____

Planning Director Signature _____ Date: _____

3. **A project operated by a non-profit** organization(s) which provides food storage, meal service and/or temporary shelter to the homeless.

Identify the non profit organization and use, and address. _____

Applicant Signature _____ Date: _____

Planning Director Signature _____ Date: _____

4. Any non residential project for which a **Use Permit or similar discretionary approval** (e.g. Final Architectural (FAR) / Site Plan Approval) was approved **prior to January 5, 1999.**

Project Name and Use/FAR Permit File Number: _____

Date of Use Permit Approval _____ (or) Use Permit Extension _____

Date of Final Architectural (FAR) /Site Plan Approval _____

Applicant Signature _____ Date: _____

Planning Director Signature _____ Date _____

5. A non-residential building permit accepted as complete by the City on or before January 5, 1999.

Property Address _____ Parcel Number _____

Applicant Signature _____ Date: _____

Planning Director Signature _____ Date: _____

6. Replacement of space previously on the site demolished within one year of filing an application for new construction as long as the use does not change. If the use changes, credit (up to the fee amount) shall be given for the space demolished at the rate applicable to the prior use.

Property Address _____ Parcel Number _____
Demolition Permit and date _____ Prior and proposed use _____
Applicant Signature _____ Date: _____
Planning Director Signature _____ Date: _____

7. Remodeling or replacement of existing square footage.

Property Address _____ Parcel Number _____
Provide evidence of size of prior building (e.g., prior building permit, demolition permit with square footage) and copy of remodel/ replacement plans.

Applicant Signature _____ Date: _____
Planning Director Signature _____ Date: _____

8. The replacement of any building damaged or destroyed by fire or natural catastrophes as long as the square footage of the building remains the same.

Property Address _____ Parcel Number _____
Describe date of fire, damage caused, with statement that no change is proposed in square footage.

Applicant Signature _____ Date: _____
Planning Director Signature _____ Date: _____

9. Any project which is the subject of a currently-in-effect development agreement approved prior to July 6, 1999, where such agreements preclude compliance with this type of a housing fee program.

Project Name and File Number: _____
Date of Development Agreement (DA) _____
Attach DA copy, underlining provisions which preclude compliance with inclusionary ordinance.
Applicant Signature _____ Date: _____
Planning Director Signature _____ Date: _____

IF PROJECT IS NOT EXEMPT PER ONE OF THE ABOVE CATEGORIES:

- ___ Project is not exempt per above categories. _____ (staff initials)
- ___ Project is subject to 50% "phase in" fee per ordinance, as project was approved prior to 1/5/2000.
- ___ Project is subject to full inclusionary fee as it was approved after 1/5/2000.