



NEW RESIDENTIAL and NON- RESIDENTIAL DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM

Purpose

The purpose of the Deferred Development Impact Fee Program is to provide an economic stimulus for a one year period for new residential and non-residential development by deferring payment of development impact fees to reduce the up-front cost of those developments within the City of Irvine.

Eligible Projects

Any new single-family, multiple-family residential or any non-residential developments that are subject to the development impact fees specified below.

How To Apply

1. Submit a letter of request and return it to the Building and Safety Division. (See the attached sample letter.)
2. Please provide the address(es) of the project and, associated building plan check and permit numbers, if known.

Fees Eligible for Deferral Consideration

- Irvine Business Complex Development Fee Program required pursuant to Zoning Code Section 9-36-14 F 1.
- Systems Development Charge required pursuant to Municipal Code section 2-9-6-4
- Park Fee required pursuant to Municipal Code Section 5-5-1004 E 2.
- Affordable Housing In-Lieu Fee required pursuant to Zoning Code Section 2-3-5 B5 c
- Street surface construction impact fee required pursuant to Municipal Code Section 6-3-320

Collection of Fees for Other Agencies: The City has no authority to defer collection of fees imposed by agencies, such as school districts and the Transportation Corridor Agencies.

Note:

1. Project processing, permit and inspection fees, are not eligible for deferral.
2. Final project fees are those fees in effect at the time of permit issuance; if fees should increase or decrease during the deferral period, no adjustment will be made.

Fee Deferral Period

These incentives are available through < date> to promote the development and sale of new residential homes and non-residential buildings in Irvine. All deferred fees are to be paid prior to final inspection or issuance of a temporary or final Certificate of Occupancy, or after the passage of twelve (12) months after issuance of the building permit, whichever occurs earlier.

Processing

When a request for a fee deferral is received, the request will be reviewed by Community Development staff to determine eligibility. After receipt of a request, a meeting with the applicant may be required to obtain more details about the project.

The applicant will be advised within five (5) working days, after sufficient information has been provided, as to whether their project is eligible and which fees are eligible for deferral. The actual fee deferral will not take place until the project has received the necessary approvals, reviews, and plan checks, and permits are ready for issuance.

As a condition of deferring payment of any Development Impact Fees, the property owner shall be required to execute either a contract secured by a lien or a letter of agreement secured by a irrevocable letter of credit acknowledging that all deferred impact fees will be paid prior to final building inspection or temporary or final certificate of occupancy by the City of Irvine, or after the passage of twelve (12) months after issuance of the building permit, whichever occurs first.

The contract or letter of agreement needs to be recorded by the property owner in the office of the County Recorder of Orange County. If a contract is used, the contract, from the date of recordation, shall constitute a lien for the payment of the Development Impact Fees which shall be enforceable against successors in interest to owner or lessee at the time of issuance of the building permit. This contract shall be recorded in the grantor-grantee index in the name of the City of Irvine as grantee and in the name of the owner or lessee as grantor.

For further information, Contact

Barbara J Aguilar
Senior Permit Specialist
949.724.6355
Fax 949.724.6420

or

Bill Moore
Senior Permit Specialist
949.724.6325
Fax 949.724.6420

[SAMPLE DEVELOPMENT IMPACT FEE DEFERRAL REQUEST LETTER]

DATE, xx/xx/2011

Eric Tolles, Acting Director of Community Development
Community Development Department
1 Civic Center Plaza
Irvine, CA 92606

Re: Development Impact Fee Deferral Request for [PROPERTY ADDRESS (ES)]

Dear Mr. Tolles:

As the owner of [PROPERTY ADDRESSES], I would like to formally request the deferral of development impact fees as specified in the approved Economic Stimulus Package for Residential Development for the property (ies) referenced above. The building permit(s) associated with this project include [INSERT ALL APPLICABLE PERMIT NUMBERS, IF KNOWN].

I understand that the processing of my request will require to execute either a contract secured by a lien or a letter of agreement secured by a irrevocable letter of credit acknowledging that all deferred development impact fees will be paid prior to final building inspection or temporary or final certificate of occupancy for such residential units by the City of Irvine, or after the passage of twelve (12) months after issuance of the building permit, whichever occurs first.

I also agree to disclose this request to any and all potential subsequent owners in the event the property is transferred prior to final building inspection or temporary or final certificate of occupancy.

Sincerely,

[PROPERTY OWNER]
[ADDRESS]
[PHONE NUMBER]
[EMAIL ADDRESS]