

**IN THE CITY COUNCIL OF THE CITY OF LIVERMORE
STATE OF CALIFORNIA**

**AN ORDINANCE ADDING CHAPTER 12.70 TO THE LIVERMORE
MUNICIPAL CODE TO ESTABLISH THE SOCIAL AND HUMAN
SERVICE FACILITY FEE TO BE PAID BY DEVELOPERS AND USED
TO PURCHASE AND DEVELOP CHILDCARE, COMMUNITY CARE
AND SENIOR SERVICE FACILITIES TO PROVIDE LOCATIONS
WHERE SERVICE PROVIDERS CAN DELIVER SERVICES TO MEET
THE INCREASED DEMANDS OF THE RESIDENTIAL AND
EMPLOYMENT POPULATION RESULTING FROM THE NEW
DEVELOPMENT**

The City has assessed the social and human service network in the city. In 2003, a study was prepared for the city by ICF Consulting entitled "Human Services Needs Assessment for the Tri-Valley." That study determined the existing social and human service providers lack adequate facilities to deliver services for childcare, community care (an overarching description for a broad spectrum of community-centered, case management, mental and medical health services), and senior services.

In 2008, another study for the City was prepared by Seifel Consulting Inc entitled "Social and Human Service Facility Fee Study." That study further considered the social and human service network to determine whether a nexus existed between new residential and non-residential development and the need for social and human services. The purpose of the study was to determine whether new development caused an impact on childcare, community care and senior services. The study concluded that new development increased the residential and employee population which in turn created an increase in demand for childcare, community care, and senior services.

The two studies showed existing childcare and community care facilities are over capacity, resulting in a needless delay, and often denial of access, to services. The studies also showed senior service facilities are currently at capacity. As a result, without assistance the social and human services network will be unable to meet the increased demands for childcare, community care, and senior services resulting from New Development.

The City Council now wishes to approve the Social and Human Service Facility Fee Study and establish the fee effective the same date Chapter 12.70, introduced concurrently with this resolution.

Concurrent with the consideration of this resolution, the City Council considered and introduced an ordinance to add Chapter 12.70 to the Livermore Municipal Code to establish the Social and Human Service Facility Fee.

The City has provided notice and conducted a public meeting, as required by Government Code section 66016 for the adoption of the new fees.

THE LIVERMORE CITY COUNCIL DOES FIND AND ORDAIN AS FOLLOWS:

Section 1. After conducting a duly noticed public hearing on September 8, 2008, to add Chapter 12.70 to the Livermore Municipal Code., and mindful of the requirements for establishing an appropriate nexus between the impact of New Development and the use of the fee, as set forth in Government Code Section 66000 and following, the city council finds the new chapter implements policies in the city's Infrastructure and Public Services Element of its general plan, and as follows:

1. The purpose of the Social and Human Service Facility Fee is to establish a feasible means by which developers of Residential and Non-Residential projects assist in providing infrastructure and facilities to mitigate the increased need for social and human service facilities to provide a location to deliver childcare, community care, and senior services to meet the needs of the increased demand population resulting from New Development.
2. The fee will be used to finance the acquisition, development and construction of facilities to be occupied by service providers to deliver childcare, community care, and senior services to the service demand population created by New Development.
3. There is a reasonable relationship between the fee's use and the types of development projects on which the fee is imposed. Both Residential and Non-Residential Development affect the need for more childcare and community care facilities for the delivery of services, and Residential Development affects the need for more senior service facilities for the delivery of services.
4. There is a reasonable relationship between the need for childcare, community care, and senior service facilities and the types of development projects on which the fee is imposed. New Residential Development contributes to the need for childcare, community care, and senior service facilities because it increases the city's residential population and its service demand population for childcare, community care, and senior services. New Non-Residential Development contributes to the need for childcare and community care facilities because it generates jobs and therefore the need for more childcare and community care facilities to provide services.
5. There is a reasonable relationship between the amount of the fee the development on which the fee is imposed. The Facility Fee Study determined the amount of space required for childcare, community care, and senior services based upon the service demand population from New Development. To determine the amount of the fee, the Facility Fee Study:

- a. Projected future levels of population and employment based upon new Residential and Non-Residential Development;
- b. Estimated the service demand population for childcare, community care, and senior services based on projected levels of population and employment from New Development;
- c. Estimated the number of persons in the service demand population for New Development to be served by facilities for childcare, community care, and senior services.
- d. Identified current and future space requirements for the service demand population for childcare, community care, and senior services;
- e. Determined the total space requirements for service demand population for childcare, community care, and senior services attributable to New Development;
- f. Estimated the costs to acquire and construct the additional facilities to satisfy the space requirements for childcare, community care, and senior services attributable to New Development; and,
- g. Calculated the fee for new Residential and Non-Residential development to acquire and construct the additional facilities to satisfy the space requirements for childcare, community care, and senior services attributable to New Development.

Section 2. Chapter 12.70 is hereby added to the Livermore Municipal Code, to read as set forth in Exhibit A, attached hereto.

Section 3. If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall affect the validity of the remaining portions of this ordinance, and each section, subsection, sentence.

Section 4. This ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the City of Livermore within fifteen days after its adoption and shall take effect and be in force sixty days from and after its adoption consistent with Government Code section 66017.

The foregoing ordinance was introduced by the following vote at the meeting of the City Council of the City of Livermore held on the 8th day of September, 2008, by the following vote:

AYES: Councilmembers Horner, Leider, Williams, Vice Mayor Marchand
NOES: None
ABSENT: Mayor Kamena
ABSTAIN: None

The ordinance was adopted at the regular meeting of the City Council held on the 22nd day of September, 2008, by the following vote:

AYES Councilmembers Horner, Leider, Williams, Vice Mayor Marchand

NOES: None

ABSENT: Mayor Kamena

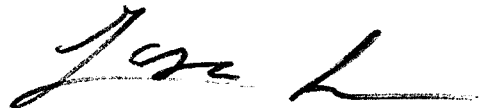
ABSTAIN: None


VICE MAYOR, CITY OF LIVERMORE

ATTEST & DATE:

APPROVED AS TO FORM:


ASSISTANT CITY CLERK
SUSAN GIBBS


ASSISTANT CITY ATTORNEY
JASON ALCALA

DATE: September 23, 2008

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Chapter 12.70 SOCIAL AND HUMAN SERVICE FACILITY FEE

Sections:

- 12.70.010 Intent.
- 12.70.020 Findings.
- 12.70.030 Definitions.
- 12.70.040 Applicability – Time of payment – Exceptions.
- 12.70.050 Fee.
- 12.70.060 Fund – Use of fees.
- 12.70.070 Accounting requirements.
- 12.70.080 Refunds.
- 12.70.090 Fee adjustment or waiver.
- 12.70.100 Appeals – Protest procedures – Judicial actions.

12.70.010 Intent

This chapter is intended to establish a feasible means by which developers pay their fair share for social and human service facilities needed to accommodate the new service demands for childcare, community care, and senior services from the increased residential and employee population resulting from their developments. Specifically, the purpose of the Social and Human Service Facility Fee is to provide a mechanism to create infrastructure and facilities to be occupied by service providers for the delivery of childcare, community care, and senior services in response to the increased demand for services resulting from New Development. It is the city's intent that this chapter, and any fee-setting resolution adopted under it, fully conform to the requirements of the State Mitigation Fee Act in the adoption and monitoring of development impact fees.

A. Need for Social and Human Service Facilities. Two comprehensive studies have assessed the social and human service network in the city and determined the existing social and human service providers lack adequate facilities to deliver services for: childcare; community care (an overarching description for a broad spectrum of community-centered, case management, mental and medical health services); and, senior services. The studies showed existing childcare and community care facilities are over capacity, resulting in a needless delay, and often denial of access, to services. The studies also showed senior service facilities are currently at capacity. As a result, the social and human services network will be unable to meet the increased demands for childcare, community care, and senior services resulting from New Development without assistance.

These services play a vital role in addressing the critical needs of city residents, particularly lower income residents, seniors, children, the disabled, high-risk populations, and others without ready access to any other provision of care. In the past decade, the city has experienced significant population growth and demographic changes that have caused an increasing demand for social and human services. As a

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result of increasing regional growth, significant residential, commercial and industrial development is expected to occur in the city. The reasonably anticipated development will cumulatively generate a substantial increase in demand over existing levels for social and human services. Generally, the provision of social and human services is funded by a variety of sources, including city, State and Federal funds, foundation funding, private funding sources, and other sources. In every case, regardless of the type of service provider or source of funding, facilities are needed to provide services. Facilities are the indispensable container in which the services are housed. Service delivery cannot take place without such facilities. As a result, an increase in the need for social and human services creates a corresponding need for social and human facilities to deliver those services.

The Infrastructure and Public Services Element of the City of Livermore General Plan adopted by the City identifies a need for facilities for the delivery of child care and community care services.

Residential and Non-Residential development both contribute, in different ways, to the need for social and human service facilities. The modest purpose of this fee is to maintain the current level of service delivery to meet the increased demands from New Development by providing a mechanism for the development of human service facilities for their delivery.

The state has also identified a need for childcare, community care, and senior services in California. To address those needs, the California Health and Human Services Agency and numerous other state departments have been created and charged with developing and encouraging others to provide services to meet those needs.

B. Studies. The city has undertaken two studies: "Human Services Needs Assessment for the Tri-Valley," dated May 13, 2003, prepared by ICF Consulting, and "Social and Human Service Facility Fee Study," dated May 2008, prepared by Seifel Consulting Inc.

The Needs Assessment Study researched and analyzed the network for the delivery of human services in the city and its current levels of service, and the effect on the network due to increased population and demographic changes. The Facility Fee Study further researched and analyzed the increased demands for childcare, community care, and senior services as a result of New Development. The Facility Fee Study determined the additional facility space needed by service providers to meet the increased service demands for childcare, community care, and senior services caused by New Development. The Facility Fee Study then calculates the Social and Human Service Facility Fee based upon the amount of service facility space needed and the estimated costs to develop the needed childcare, community care, and senior service facilities, and includes a component for administrative costs.

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C. Residential Development. New residential development, if it does not include social and human facilities, contributes to an increased demand for childcare, community care, and senior services which corresponds to an increased demand for facilities where those services can be provided. The studies analyzed and researched the effect of an increase in residential population from New Development and determined the service demand population. Based upon the service demand population arising from New Development, the Facility Fee Study determined the amount of additional facility space for providers to deliver those services.

D. Non-Residential Development. New non-residential development, if it does not include social and human facilities, contributes to an increased demand for childcare and community care services which corresponds to an increased demand for facilities where those services can be provided. The studies analyzed and researched the effect of an increase in employee population from new non-residential development and determined the service demand population. Based upon the service demand population arising from new non-residential development, the Facility Fee Study determined the amount of additional facility space for providers to deliver those services.

E. Social and Human Service Facilities. The studies identified the existing space for the delivery of childcare, community care, and senior services. The Facility Fee Study then determined the amount of new space necessary for the delivery of increased childcare, community care, and senior services to meet the needs of the service demand population as a result of New Development.

1. Childcare Facilities. Facilities for the delivery of childcare services generally consist of Childcare and Day Care Centers, and After-School Care Centers. The Facility Fee Study identified a requirement in the amount of 37,200 square feet of facility space for the delivery of childcare services to the service demand population as a result of New Development.

2. Community Care Facilities. Facilities for the delivery of community care services generally consist of Wellness Facilities, Outpatient Clinics, Mobile Clinics, Medical Dispensaries, Counseling Centers, Youth and Adult Behavioral Health Centers, Residential Treatment Homes, Recovery Centers, Multi-Service Facilities. The Facility Fee Study identified a requirement in the amount of 3,000 square feet of facility space for the delivery of community care services to the service demand population as a result of New Development.

3. Senior Services. Facilities for the delivery of senior services generally consist of Senior Centers, Residential Care Facilities, and Skilled Nursing Facilities. The Facility Fee Study identified a requirement in the amount of 5,000 square feet of facility space for the delivery of senior services to the service demand population as a result of New Development. The service demand population for senior services was only based upon Residential Development since the Facility Fee Study indicated new Non-Residential Development did not create a demand for senior services.

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F. Proposed Fee. The Social and Human Service Facility fee proposed under this chapter will assist in providing facilities for the delivery of childcare, community care, and senior services to address the critical needs of city residents. Consistent with the Fee Mitigation Act, the fees are proposed to fund the construction of capital improvements and facilities to provide locations where government, non-profit, and other service providers can be located to deliver these services. The fee is not intended to fund the other costs to deliver services. The fees are calculated based upon the proportional share of the cost of the childcare, community care, and senior service facilities to mitigate the increase in demand for each service type from New Development. The fee shall only be applied to New Development that occurs after the fee has been adopted.

12.70.020 Findings.

Mindful of the requirements for establishing an appropriate nexus between the impact of New Development and the use of the fee, as set forth in Government Code Section 66000 and following, the city council finds as follows:

A. The purpose of the Social and Human Service Facility Fee is to establish a feasible means by which developers of Residential and Non-Residential projects assist in providing infrastructure and facilities to mitigate the increased need for social and human service facilities to provide a location to deliver childcare, community care, and senior services to meet the needs of the increased demand population resulting from New Development.

B. The fee will be used to finance the acquisition, development and construction of facilities to be occupied by service providers to deliver childcare, community care, and senior services to the service demand population created by New Development.

C. There is a reasonable relationship between the fee's use and the types of development projects on which the fee is imposed. Both Residential and Non-Residential Development affect the need for more childcare and community care facilities for the delivery of services, and Residential Development affects the need for more senior service facilities for the delivery of services.

D. There is a reasonable relationship between the need for childcare, community care, and senior service facilities and the types of development projects on which the fee is imposed. New Residential Development contributes to the need for childcare, community care, and senior service facilities because it increases the city's residential population and its service demand population for childcare, community care, and senior services. New Non-Residential Development contributes to the need for childcare and community care facilities because it generates jobs and therefore the need for more childcare and community care facilities to provide services.

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E. There is a reasonable relationship between the amount of the fee the development on which the fee is imposed. The Facility Fee Study determined the amount of space required for childcare, community care, and senior services based upon the service demand population from New Development. To determine the amount of the fee, the Facility Fee Study:

1. Projected future levels of population and employment based upon new Residential and Non-Residential Development;

2. Estimated the service demand population for childcare, community care, and senior services based on projected levels of population and employment from New Development;

3. Estimated the number of persons in the service demand population for New Development to be served by facilities for childcare, community care, and senior services.

4. Identified current and future space requirements for the service demand population for childcare, community care, and senior services;

5. Determined the total space requirements for service demand population for childcare, community care, and senior services attributable to New Development;

6. Estimated the costs to acquire and construct the additional facilities to satisfy the space requirements for childcare, community care, and senior services attributable to New Development; and,

7. Calculated the fee for new Residential and Non-Residential development to acquire and construct the additional facilities to satisfy the space requirements for childcare, community care, and senior services attributable to New Development.

F. This chapter implements policies in the city's Infrastructure and Public Services Element of its general plan.

12.70.030 Definitions.

In this chapter:

A. "Facility Fee Study" means the study entitled "Social and Human Service Facility Fee Study," dated May 20008, prepared by Seifel Consulting Inc., which is on file in the city community development department.

B. "Gross Floor Area," when calculating the Social and Human Service Facility Fee for Non-Residential Development, means the square footage of: (1) the floor area included within the surrounding exterior walls of a building, or portions of it, including mezzanines, or (2) the usable area under the horizontal projection of the roof

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or floor above. "Gross floor area" does not include floor area devoted to vehicle parking, necessary interior driveways and ramps, atriums and lobbies.

C. "Mobile Home" shall have the same meaning given that term in section 798.3 of the California Civil Code, as that section may be amended from time to time.

D. "Needs Assessment Study" means the study entitled "Human Services Needs Assessment for the Tri-Valley," dated May 13, 2003, prepared by ICF Consulting, which is on file in the city community development department.

E. "New Development" means a subdivision map approval or any new Residential or Non-Residential development, or other construction, addition, extension or enlargement of an existing structure that intensifies the density on a parcel. "New Development" also includes a conversion or change in use of an existing commercial structure when the conversion or change may result in a greater number of workers at that location.

F. "Non-Residential Development" means any project involving the construction of a new building or the rehabilitation, renovation, remodeling or improvement of an existing building for a commercial, industrial or other land use that is not residential. "Non-Residential Development" includes but is not limited to office, retail, service, manufacturing, research and development, warehousing, construction, repair services, and wholesale trade uses. "Non-Residential Development" does not include public or institutional land uses, or a church, temple, or other property used primarily for religious worship.

G. "Residential Development" means any project involving the construction of a new building for occupancy or use as a residential dwelling unit, mobile home, secondary dwelling unit, and the rehabilitation, renovation, remodeling or improvement of an existing residential dwelling unit which intensifies the density on a parcel equivalent to a new dwelling unit.

H. "Secondary Dwelling Unit" shall have the same meaning given that term in section 3-10-020 of the Livermore Municipal Code, as that section may be amended from time to time.

I. "Studies" means the Needs Assessment Study and the Facility Fee Study.

12.70.040 Applicability – Time of payment – Exceptions.

A. Except as provided in subsection B of this section, this chapter applies to New Development which results in:

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1. Residential Development: a new residential dwelling unit, or the rehabilitation, renovation, remodeling or improvement of an existing residential dwelling unit which intensifies the density on a parcel equivalent to a new dwelling unit.

2. Non-Residential Development: a new building or structure for commercial or industrial use, an increase in the Gross Floor Area of a building or structure used for commercial or industrial use, or any change in use of an existing commercial or industrial building or structure requiring city approval which results in an increase in the number of employees.

This chapter applies to development fees charged as a condition of development. It is not intended to and does not apply to regulatory and processing fees or fees required under a development agreement (Government Code Section 66000 (b)).

B. Exceptions. This chapter does not apply to:

1. The following types of Residential Development:

- a. Residential development which as a condition or approval or entitlement dedicates to the City or its designee sufficient property and facilities for use by social and human service providers to mitigate the demands from the increased service demand population from the New Development;
- b. Expansion, rehabilitation, renovation, remodeling or improvement of an existing residential dwelling unit which does not intensify the density on a parcel equivalent to a new dwelling unit; or,
- c. Replacement with a like dwelling unit which occurs within 36 months of damage or destruction.

2. The following types of Non-Residential Development:

- a. Public and private day care, childcare, community care, senior service providers, and elementary and secondary schools.
- b. Development for public use on publicly owned property by the city, county of Alameda, state or federal government, or other public agency, such as the Livermore Area Recreation and Park District.
- c. Commercial and industrial development that is: limited to remodeling or an addition which does not increase the Gross Floor Area by 200 square feet or more; replacement with a like building or structure which occurs within 36 months of damage or destruction; temporary use for less than 12 months; or, a public hospital.

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C. **Time of Payment.** The Social and Human Service Facility Fee is payable before the date of final inspection or the date the certificate of occupancy for the New Development is issued, whichever occurs first, or as specified in the city council resolution establishing the amount of the (commercial/industrial) fee, or as provided in a development agreement.

12.70.050 Fee.

A. **General.** Any person who develops a New Development shall pay a Social and Human Service Facility Fee, unless the particular development is an exception under LMC 12.70.040(B).

B. **Amount set by Resolution.** The amount of the Social and Human Service Facility Fee for New Development shall be established by resolution of the city council.

C. **Methodology - Review and Revision.** The Social and Human Service Facility Fee is based upon the reasonably expected increase in demand for social and human service facilities in response to the increase demand for services resulting from New Development. The methodology is set forth in greater detail in the Facility Fee Study and is generally calculated by allocating the costs to acquire and develop property for new social and human service facilities based upon the reasonably anticipated number of occupants per dwelling unit for Residential Development and the number of employees per 1000 square feet of Gross Floor Area for Non-Residential Development.

The conservative methodology from the Facility Fee Study establishes the reasonable relationship between the fee and the cost of the social and human service facilities and infrastructure attributable to the New Development. The city council may review and revise the methodology periodically based upon these factors, or to more fully identify the impacts from New Development on the need for social and human service based upon new information, further study, or an amendment or clarification to the Fee Mitigation Act.

12.70.060 Fund – Use of fees.

A. **Fund.** The city will deposit all Social and Human Service Facility Fees in a fund and allocate the proportional share of the fee to separate accounts designated for childcare, community care, and senior service facilities, and administration, based upon the pro rata share of the fee paid. The city will keep the fees, and all interest earned on the accounts, only for the uses specified in subsection B of this section.

B. **Use of Fees.** The fees and interest earned shall only be used to develop, create, construct, or otherwise acquire facilities to be used for the delivery of childcare, community care, and senior services consistent with this chapter, including:

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1. Acquisition of real property, buildings, facilities, and infrastructure for the development of social and human services facilities;

2. Costs associated with the development, design and construction of social and human service facilities, including but not limited to predevelopment and entitlement costs, environmental review costs, and related permits and fees;

3. Administrative costs associated with the Social and Human Service Facility Fee including, but not limited to, audits, meetings, public hearings, environmental review, and rate studies.

12.70.070 Accounting requirements.

The city will comply with the accounting requirements in the Fee Mitigation Act, including the following:

A. The city shall avoid any commingling of Social and Human Service Facility Fee funds with any other accounts, except for temporary investments. The city shall expend the fees solely for the purposes for which the fees were collected (Government Code Section 66006(a)).

B. Within 180 days after the last day of each fiscal year, the city shall make available to the public the information for the fiscal year prescribed in Government Code Section 66006(b).

The city council shall review this information at the next regularly scheduled public meeting within 15 days after the information is made available to the public. Notice of the time and place of the meeting, including the address where the information may be reviewed, shall be mailed at least 15 days before the meeting to any interested party who has filed a written request for it (Government Code Section 66006(b)).

C. Every five years following the first deposit into the fund, the city council shall make all of the following findings regarding that portion of the fund remaining unexpended (whether committed or uncommitted):

1. Identify the purpose to which the fee is to be put;
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; and
4. Designate the approximate dates on which the funding referred to in subsections (C)(3) of this section is expected to be deposited into the fund.

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Within 180 days after sufficient funds have been collected to complete financing on the incomplete public improvements, the city shall identify an approximate date by which the construction will be commenced or shall refund the unexpended portion of the fees and any interest earned in conformance with Government Code Section 66001(e); and

D. Any person may request and pay for an audit to determine whether the fee is reasonable, under Government Code Sections 66006(d) and 66023.

12.70.080 Refunds.

The city may refund the Social and Human Services Facility Fee if authorized by city council resolution under Government Code Section 66001(d) to (f), or:

1. A building permit or zoning use permit expires (and no extension is granted);
2. No construction or use occurs for a development for which the Social and Human Service Facility Fee was paid;
3. The fees paid have not been committed; and
4. The applicant applies for the refund within one year after the expiration of the building or zoning use permit.

12.70.090 Fee adjustment or waiver.

The developer of a project subject to the Social and Human Service Facility Fee may apply to the community development department for an adjustment to or waiver of the fee. The waiver of the fee must be based upon the absence of any reasonable relationship between the impact of that development on the service demand population or facilities for childcare, community care, or senior services and either the amount of the fee charged. The application must be made in writing and filed with the community development department no later than: (1) 10 days before the public hearing on the development permit application for the project, or (2) if no development permit is required, the time of the application for a building permit. The application must state in detail the factual basis and legal theory for the claim of adjustment or waiver. The applicant bears the burden of proof in presenting substantial evidence to support the application. The community development department shall consider the following factors in its determinations whether or not to approve a fee adjustment or waiver:

1. The factors identified in Government Code Section 66001:
 - a. The purpose and proposed uses of the fee;
 - b. The type of development;

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- c. The relationship between the fee's use and the type of development;
- d. The relationship between the need for social and human service facilities and the type of development;
- e. The relationship between the amount of the fee and the portion of it attributable to the development; and,

2. The substance and nature of the evidence, including the studies, and the applicant's technical data supporting its request. The applicant must show comparable technical information to show that the fee is inappropriate for the particular development

12.70.100 Appeals – Protest procedures – Judicial actions.

A. A developer may appeal to the city council any determination made under section 12.70.090. An appeal must be on a form prescribed by the community development department, state the factual and legal grounds for the appeal, and be filed with the city clerk within 15 days of the date of the decision being appealed. The city council will set the matter for hearing within 30 days of the city clerk's receipt of notice of the appeal. The city council will conduct the hearing, prepare written findings of fact and a written decision, and shall preserve the complete administrative record of the proceeding. The council will consider relevant evidence presented by the appellant and by the community development department. In making its determination, the city council will follow the standards set forth in this chapter.

B. A developer protesting the imposition of fees must comply with the procedures in Government Code Sections 66020 and 66021.

C. Any judicial action brought to challenge the Social and Human Service Facility Fee is subject to Government Code Sections 66022 and 66024.