

**From:** [Jacob Patterson](#)  
**To:** [City Clerk](#)  
**Cc:** [Whippy, Isaac](#)  
**Subject:** Public Comment -- 3/25/24 CC Mtg., Item No. 5E, Housing Element Progress Report  
**Date:** Monday, March 25, 2024 10:54:22 AM

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City Council,

Unfortunately, the City is repeating some of its past mistakes with this year's Housing Element annual progress report, namely misrepresenting our progress--actually our lack thereof--for some of the programs. This should be embarrassing and I certainly find it concerning, although I tend to pay more attention to detail than most. The most glaring example concerns our recent update to the water and sewer capacity fees, which Isaac assures me are coming back for revision in April to address my concerns, which we could have reported on the annual report but did not for some unknown reason.

To illustrate, review Program H-4.1.2, Reduce Capacity Fees for Smaller Units. The notes in the report say "ADU's no longer pay capacity fees per state law. Urban Unit Development units don't pay capacity fees if they are less than 750 SF." However, the actual language of the program itself is "Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs." Thus, what is stated as the purported "progress" is not really related to considering charging capacity fees based on square footage or number of bedrooms rather than on the current Equivalent Dwelling Unit (EDU) basis. In fact, we just reviewed the water and sewer capacity fees and completely failed to consider implementing this program--it wasn't even mentioned at all as part of the analysis of that recent Council action. I think the description of progress needs to be revised to accurately reflect what the program required, not some unrelated assertions about not charging capacity fees for ADUs, etc., which has nothing to do with the listed program.

Regards,

--Jacob