

RESOLUTION NO. 2022-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
SETTING THE RATE OF THE BAYHILL SPECIFIC PLAN AREA
DEVELOPMENT IMPACT FEE PURSUANT TO SECTION 12.265.040 OF
THE SAN BRUNO MUNICIPAL CODE**

WHEREAS, Section 12.265.040 of the Municipal Code authorizes the City Council, by ordinance or resolution, to set the rates for the Bayhill Specific Plan Area Development Impact Fee ("Fee") listed in Section 12.265.030 of the Municipal Code; and

WHEREAS, new development projects in the Bayhill Specific Plan Area ("Area") will attract new residents and employees to that Area, generating an increased demand for public facilities to serve the Area; and

WHEREAS, the City desires to charge the Fee on development projects within the Bayhill Specific Plan Area in order to ensure that new development contributes its fair share to public facilities, consistent with the City's standards; and

WHEREAS, the City Council has engaged Economic & Planning Systems, Inc. ("EPS") to study the level of a Fee necessary to cover the capital costs of public facilities needed to serve anticipated development in the Bayhill Specific Plan Area; and

WHEREAS, a report of EPS, entitled "Bayhill Specific Plan Area Development Impact Fee Nexus Report," dated September 2022 (the "Report"), documents the results of EPS's study; and

WHEREAS, the Report is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference; and

WHEREAS, the Report substantiates a methodology that will charge each new development project only for the costs necessary to mitigate the impacts to the Bayhill Specific Plan Area expected to be caused by that development project; and

WHEREAS, there is a reasonable relationship between the Fee and the development projects on which the Fee will be imposed because the Fee will only fund costs necessitated by each new development project; and

WHEREAS, the Fee will not exceed the estimated reasonable cost of providing the land and/or facilities for which the Fee is imposed; and

WHEREAS, the Fee will not be levied, collected or imposed for general revenue purposes, but is levied specifically to fund facilities of the types set forth in the Report; and

WHEREAS, the Report identifies the City's existing level of service, identifies the proposed new level of service, and includes an explanation of why the new level of service is appropriate; and

WHEREAS, the Report includes information that supports the City's actions, as required by subdivision (a) of Section 66001 of the Government Code; and

WHEREAS, the Report includes a Bayhill Specific Plan Area Development Impact Fee Capital Improvement Plan ("Bayhill DIF CIP"), which serves as the capital improvement plan pursuant to subdivision (a)(6) of Section 66016.5 of the Government Code for the Fee; and

WHEREAS, on October 25, 2022, the City Council held a duly noticed public hearing regarding the Fee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Bruno as follows:

1. The foregoing recitals are true and correct and incorporated into this Resolution by this reference.

2. The Report has been considered by the City Council, and the Council finds and determines that the Report complies with California Government Code section 66000 *et seq.*, and is consistent with the General Plan, and hereby approves and adopts the Report.

3. The City Council hereby approves and adopts the Bayhill DIF CIP included in the Report.

4. The Fee applies to all development projects in the Bayhill Specific Plan Area. The boundaries of the Bayhill Specific Plan Area are depicted in the map attached hereto, and incorporated herein by reference, as "Exhibit A."

5. The Fee shall be imposed at the rates set forth in Exhibit "B" to this Resolution, attached hereto and incorporated herein by reference. The Fee shall be administered as set forth in Chapter 12.265 of the Municipal Code and in this Resolution. The Fee rates set forth in "Exhibit B" shall be incorporated into the Master Fee Schedule.

6. Based on the Report, the City Council finds that:

a. The purpose of the Fee is as set forth in the Report.

b. The Fee shall be used to fund public facilities as identified in the Report and as set forth in Section 12.265.080 of the San Bruno Municipal Code.

c. For the reasons set forth in the Report, there is a reasonable relationship between each Fee's use and the type of development project on which the Fee is imposed.

d. For the reasons set forth in the Report, there is a reasonable relationship between the need for the public facilities for which a Fee is imposed and the type of development project on which the fee is imposed.

7. Adoption of this resolution is found to be categorically exempt from the California Environmental Quality Act because the adoption of this Ordinance is not a project, in that it is a government funding mechanism which does not involve any commitment to any specific project (CEQA Guidelines Section 15378(b)(4)), and because it can be seen with certainty that there is no possibility that the fee may have a significant effect on the

environment, in that this ordinance contains no provisions modifying the physical design, development, or construction of residences or nonresidential structures CEQA Guidelines Section 15061(b)(3)).

8. This Resolution shall take effect sixty (60) days after adoption of this Resolution, but only if Ordinance _____ is adopted and effective on, or prior to, that date. In accordance with Government Code Section 66019, the updated Fee, set forth in "Exhibit B," shall be in full force and effect 60 days after the adoption of this Resolution and shall be published or posted as required by law.

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I hereby certify that foregoing **Resolution No. 2022 -**
was adopted by the San Bruno City Council at a regular meeting on
_____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

ATTEST:

Vicky Hasha
Deputy City Clerk

Exhibit A: Bayhill Specific Plan Area Map

Exhibit B: Bayhill Specific Plan Area Development Impact Fee Rates

EXHIBIT A: Bayhill Specific Plan Area Map



EXHIBIT B: Bayhill Specific Plan Area Development Impact Fee Rates

Land Use Category	Fee Amount / Unit ¹
Office	\$6.17 per sq.ft.
Retail	\$32.46 per sq.ft.
Hotel	\$5,739 per hotel room
Multi-Family Residential	
Units equal to or less than 407 sq.ft.	\$3,524 per unit
Units between 407-2,034 sq.ft.	\$8.66 per sq.ft.
Units equal to or greater than 2,034 sq.ft.	\$17,618 per unit

[1] Fee includes a 5% administrative charge to cover cost of implementing and administering the Bayhill Area DIF Program.