

RESOLUTION NO. 19-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA SETTING UPDATED CHARGES FOR THE PARK FACILITIES IMPACT FEE (PACIFICA MUNICIPAL CODE TITLE 8, CHAPTER 19) AND QUIMBY ACT PARKLAND DEDICATION REQUIREMENTS AND IN LIEU FEES IMPOSED ON NEW DEVELOPMENT IN THE CITY OF PACIFICA (PACIFICA MUNICIPAL CODE SECTION 10-1.803)

WHEREAS, the Pacifica Municipal Code (“PMC”) imposes upon new non-subdivision, residential development the requirement to pay a Park Facilities Impact Fee (PMC Title 8, Ch. 19); and

WHEREAS, Section 10-1.803 of the PMC also imposes a parkland dedication or in lieu fee requirement on subdivision developments, pursuant to Government Code section 66477 (“the Quimby Act”), to help defray the impact of development on neighborhood and community parklands (“Quimby Act Fee”); and

WHEREAS, the City contracted with Willdan Financial Services to perform studies for a proposed park development fee update to address both the Quimby Act Fee and Park Facilities Impact Fee; and

WHEREAS, Willdan Financial Services prepared and submitted a Park Development Impact Fee Update, dated April 15, 2022, attached to the staff report accompanying this resolution as Attachment “B” and incorporated by reference (“the Fee Report”); and

WHEREAS, the Fee Report (1) establishes a proposed amount and provides an evaluation of the need for an updated Park Facilities Impact Fee and establishes the nexus between the imposition of the new Park Facilities Impact Fee and the estimated reasonable cost of providing the service for which the fee is charged; and (2) establishes a proposed amount for a Quimby Act Fee and establishes the reasonable relationship between the imposition of the Quimby Act Fee and the use of the park and recreational facilities by the future inhabitants of the proposed subdivision; and

WHEREAS, the Fee Report substantiated the need for the update to the Park Facilities Impact Fee and the Quimby Act Fee; and

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

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

WHEREAS, the Fee Report reviewed the assumptions of the nexus study supporting the existing Park Facilities Impact Fee and Quimby Fee and evaluated the amount of fees collected under the existing fees; and

WHEREAS, the City is adopting a Capital Improvement Plan as part of the Fee Report for the construction and improvement of parks; and

WHEREAS, the Capital Improvement Plan indicates the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees; and

WHEREAS, the Fee Report was presented to the Council along with this resolution, and is hereby adopted by Council; and

WHEREAS, the City Council determined that the Fee Report complies with California Government Code section 66000 *et seq.*; and

WHEREAS, the City desires to rescind and repeal all prior resolutions setting charges, fees, or dedication requirements for the Park Facilities Impact Fee and the Quimby Act Fee, and replace them with the updated fees provided in **Exhibit 1**; and

WHEREAS, the City's Housing Element of the General Plan, adopted in 2015, acknowledges that it is in the City's interest to ensure adequate housing is available for all income levels, including those who are below the median household income for San Mateo County, in which the City is located. It lists many goals aimed at facilitating development of affordable housing, including updating the City's density bonus regulations (Action Program No. 13), contacting developers of affordable housing to explore affordable housing development opportunities (Action Program No. 17), and encouraging development of housing for all income levels (Action Program No. 18). The City's Inclusionary Housing Ordinance codified in PMC Title 9, Chapter 4, Article 47 also sets forth the City's commitment to enhancing the public welfare and assuring that further housing development contributes to the attainment of the housing goals of the City by increasing the production of affordable housing units; and

WHEREAS, to support and encourage the development of new affordable housing units at an affordable housing cost, as defined by PMC section 9-4.4701(b), in the City and to help implement the aforementioned Housing Element Policies, the City desires to provide a reduction of 75% of maximum justified fees (e.g., charge 75% of maximum justified fees) for units affordable to moderate income households as defined in PMC section 9-4.4701(o), a reduction of 25% of maximum justified fees for units affordable to lower income households as defined in PMC section 9-4.4701(m) (e.g., charge 25% of maximum justified fees), and an exemption from fees for units affordable to very low income households as defined in PMC section 9-4.4701(u), of the Park Facilities Impact Fee and Quimby Fee for affordable housing units in residential development projects; and

WHEREAS, pursuant to Government Code sections 66016, 66016.5, 66018, and 6062a

and the Pacifica Municipal Code, the City must adopt the updated Park Facilities Impact Fee only after notice and public hearing; and

WHEREAS, pursuant to Government Code sections 66002, 66016.5, 66018, and 6062a, a notice of a public hearing on the proposed fee schedule was published on April 13, 2022, and April 20, 2022, in the Pacifica Tribune, a newspaper of general circulation; and

WHEREAS, pursuant to Government Code sections 66019 and 66016.5, notice of the time and place of the meeting, including a general explanation of the matters to be considered and a statement that required data is available was mailed at least 30 days prior to the meeting to those members of the public who filed a written request with the City; and

WHEREAS, at least ten (10) days prior to the public hearing referenced above, the City made available for public inspection information required under government Code section 66000, *et. seq.*

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Pacifica hereby rescinds and repeals all prior resolutions setting rates for the Park Facilities Impact Fee and the Quimby Act Fee and replaces them with the fees as shown in **Exhibit 1**, incorporated by this reference.

Section 1. **Findings.** The City Council finds and determines as follows:

- a) The above recitals are correct and are material to this Resolution and are incorporated into this Resolution as findings of the City Council.
- b) The fees proposed bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the new subdivisions.
- c) The Quimby Act Fee is calculated to fund acquisition of the same amount of land that would otherwise have been dedicated.

Section 2. **Adoption of Fee Report.** The City Council has approved and adopted the Fee Report and determined that it is consistent with the General Plan.

Section 3. **Adoption of the Capital Improvement Plan.** The City Council has approved and adopted the Capital Improvement Plan along with the Fee Report.

Section 4. **Exemption.** Pursuant to Government Code section 65852.2(f)(2), the Park Facilities Impact Fee shall not apply to accessory dwelling units of less than 750 square feet.

Section 5. **Effective Date.** This Resolution shall take effect immediately. In accordance with Government Code section 66017, the updated fees set forth in Exhibit 1, 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.

Section 6. **Validity.** The above recitations are true and correct, are material to the adoption of this Resolution, and are incorporated herein by reference.

Section 7. **Environmental review.** The City Council finds that this Resolution is not subject

to the California Environmental Quality Act (“CEQA”). This action is not a project within the meaning of the CEQA Guidelines Section 15378 and 15061(b)(3) as it has no potential for physical effects on the environment because it involves an adoption of certain fees and/or charges imposed by the City, does not commit the City to any specific project, and said fees and/or charges are applicable to future development projects and/or activities, each of which future projects and/or activities will be fully evaluated in full compliance with CEQA when sufficient physical details regarding said projects and/or activities are available to permit meaningful CEQA review (see CEQA Guidelines, Section 15004(b)(1)). Pursuant to CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause significant effect on the environment, is not defined as a “project” under CEQA. Therefore, approval of the fees and/or charges is not a “project” for purposes of CEQA, pursuant to CEQA Guidelines, Section 15378(b)(4); and, even if considered a “project” under CEQA, is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that approval of the fees and/or charges may have a significant effect on the environment.

Section 8. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Resolution be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this Resolution.

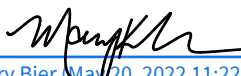
The City Council hereby declares that it would have passed this and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrase, or clauses be declared unconstitutional on their face or as applied.


Section 9. The City Clerk shall certify the adoption of this Resolution and shall cause a certified Resolution to be filed in the Office of the City Clerk.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 25th day of April 2022, by the following vote:

- AYES**, Councilmembers: Bier, Bigstycck, O’Neill, Vaterlaus.
- NOES**, Councilmembers: n/a
- ABSENT**, Councilmembers: Beckmeyer.
- ABSTAIN**, Councilmembers: n/a


Mary Bier (May 20, 2022 11:22 PDT)
Mary Bier, Mayor

ATTEST:

Sarah Coffey, City Clerk


APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

EXHIBIT 1

QUIMBY ACT AND PARK FACILITIES IMPACT FEE FEES

Mitigation Fee Act Fee for Parkland Acquisition

Number of Bedrooms	Land Acquisition		Base Fee	Admin Charge ²	Total Fee per Dwelling Unit	Incremental Fee per Bedroom
	per Capita	Density ¹				
0	\$ 7,725	1.39	\$ 10,738	\$ 215	\$ 10,953	
1	7,725	1.63	12,592	252	12,844	\$ 1,891
2	7,725	2.49	19,235	385	19,620	6,776
3	7,725	3.02	23,330	467	23,796	4,176
4	7,725	3.45	26,651	533	27,184	3,388
5	7,725	3.99	30,823	616	31,439	4,255
Additional Bedroom	7,725	0.54	4,172	83		4,255

¹ Persons per dwelling unit.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Applies to all non-subdivision residential development. May be increased by Council based on Land Cost.

Mitigation Fee Act Fee for Park Improvements

Number of Bedrooms	Improvements		Base Fee	Admin Charge ²	Total Fee per Dwelling Unit	Incremental Fee per Bedroom
	Cost per Capita	Density ¹				
0	\$ 6,781	1.39	\$ 9,426	\$ 189	\$ 9,614	
1	6,781	1.63	11,053	221	11,274	\$ 1,660
2	6,781	2.49	16,885	338	17,222	5,948
3	6,781	3.02	20,479	410	20,888	3,666
4	6,781	3.45	23,394	468	23,862	2,974
5	6,781	3.99	27,056	541	27,597	3,735
Additional Bedroom	6,781	0.54	3,662	73		3,735

¹ Persons per dwelling unit.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Applies to all residential development. Increased Annually per CCI.

Quimby Act Fee for In-Lieu of Parkland Dedication

Number of Bedrooms	Land Acquisiton per Capita	Density¹	Base Fee	Admin Charge²	Total Fee per Dwelling Unit	Incremental Fee per Bedroom
0	\$ 7,725	1.39	\$ 10,738	\$ 215	\$ 10,953	
1	7,725	1.63	12,592	252	12,844	\$ 1,891
2	7,725	2.49	19,235	385	19,620	6,776
3	7,725	3.02	23,330	467	23,796	4,176
4	7,725	3.45	26,651	533	27,184	3,388
5	7,725	3.99	30,823	616	31,439	4,255
Additional Bedroom	7,725	0.54	4,172	83		4,255

¹ Persons per dwelling unit.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Increased Annually per CCI.

The City will provide a reduction of 75% of maximum justified fees for moderate income units, 25% of maximum justified fees for low-income units, and an exemption from fees for very low-income units of the Mitigation Fees for affordable housing units in residential development projects.









For Signature: ResolutionNo19-2022_Final Resolution for Park In-Lieu Fees

Final Audit Report

2022-05-20

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