

ORDINANCE NO. \_\_\_\_\_

CITY COUNCIL, CITY OF SOUTH SAN FRANCISCO, STATE OF CALIFORNIA

AN ORDINANCE ADDING CHAPTER 8.68 TO THE  
SOUTH SAN FRANCISCO MUNICIPAL CODE  
REQUIRING THE PAYMENT OF A BICYCLE AND  
PEDESTRIAN IMPACT FEE TO MITIGATE THE IMPACTS  
OF NEW DEVELOPMENTS ON BICYCLE AND  
PEDESTRIAN IMPROVEMENTS IN THE CITY

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WHEREAS, bicycle and pedestrian improvements are vital to the health and welfare of a community; and

WHEREAS, the City of South San Francisco (“City”) aims to provide sufficient levels of bicycle and pedestrian improvements for residents, employees, and visitors; and

WHEREAS, the City’s Bicycle Master Plan, which is included in the City’s General Plan Transportation Element, recommends completion of the City’s existing network of bicycle paths, lanes and routes; and

WHEREAS, the improvements recommended in the Bicycle Master Plan total 16.06 miles, at a total cost of \$11,952,453; and

WHEREAS, new development’s fair share was based on the proportion of the total Citywide average daily trips (ADT) generated by new development by 2040; and

WHEREAS, new development’s fair share of the Bicycle Master Plan improvement projects is 13.08 percent, or \$1,563,381; and

WHEREAS, the cost of \$25.31 per ADT is based on new development’s share of the Bicycle Master Plan Improvement costs and ADT; and

WHEREAS, the City is authorized to assess the Bicycle and Pedestrian Impact Fee through the Mitigation Fee Act; and

WHEREAS, the City contracted with Michael Baker International to analyze the relationship between new development in the City and the cost of public facilities to serve that growth and determined that there is a reasonable nexus between the proposed Bicycle and Pedestrian Impact Fee and the types of new development that will be responsible for paying the fee (*Development Impact Mitigation Fee Update*, May 2017, hereafter “Study,” attached to the associated staff report, but incorporated by this reference as though set out fully herein); and

WHEREAS, new development projects attract new residents, employees and visitors to the city, which generates increased demand for bicycle and pedestrian improvements; and



## Chapter 8.68 Bicycle and Pedestrian Impact Fee Ordinance

- 8.68.010 Purpose.
- 8.68.020 Bicycle and Pedestrian Impact Fee findings.
- 8.68.030 Relation of bicycle and pedestrian improvements to population density and employment growth.
- 8.68.040 Bicycle and Pedestrian Impact Fee established/Timing of payment.
- 8.68.050 Application of bicycle and pedestrian impact fee.
- 8.68.060 Calculation of the bicycle and pedestrian impact fee.
- 8.68.070 Use of bicycle and pedestrian impact fee.

### 8.68.010 Purpose.

The City Council finds and determines that in order to provide sufficient funding to achieve the City's goal of maintaining bicycle and pedestrian infrastructure levels and providing adequate bicycle and pedestrian improvements to residents, employees, and visitors of the city, in accordance with the standards established in the General Plan, Bicycle Master Plan, and other applicable plans and regulations, development projects identified in Section 8.68.050 below shall pay a Bicycle and Pedestrian Impact Fee as outlined in this Chapter, in order to mitigate the impacts of these development projects on bicycle and pedestrian infrastructure in the city.

The specific purpose of the Bicycle and Pedestrian Impact Fee is to mitigate the impact of development projects by collecting sufficient funds to pay for the bicycle and pedestrian improvements in the city that are listed in the Bicycle Master Plan.

### 8.68.020 Bicycle and Pedestrian Impact Fee findings.

(a) Bicycle and Pedestrian Impact Fee. The City Council finds and determines that:

- (1) There is a reasonable relationship between the Bicycle and Pedestrian Impact Fee and the type of development projects to which the fee is imposed because the development projects that are the subject to the fee outlined in this chapter will generate additional daily trips that will place additional demands on bicycle and pedestrian infrastructure in the city. The bicycle and pedestrian improvements built with the proceeds of this fee will address and mitigate the additional impacts created by these development projects.
- (2) There is a reasonable relationship between the need for the additional bicycle and pedestrian improvements and the type of development projects subject to the fee outlined in this chapter because these development projects will attract additional residents, visitors, and employees to the city that will place a greater demand on bicycle and pedestrian infrastructure. The bicycle and pedestrian improvements constructed with the proceeds of this fee will serve those new residents, visitors and employees.

- (3) There is a reasonable relationship between the amount of the fee and the cost of providing the bicycle and pedestrian improvements attributable to the types of development upon which the fee is imposed because, pursuant to Section 8.68.070 below, the fee is calculated by apportioning the cost of paying for the required additional bicycle and pedestrian improvements to the number of trips projected to be generated by each type of new residential unit, and to the number of trips projected to be generated by each new type of non-residential unit.

**8.68.030      Relation of bicycle and pedestrian improvements to health and welfare.**

The City Council finds and determines that the public interest, convenience, health, welfare, and safety require that adequate bicycle and pedestrian facilities are provided for residents, visitors, and employees of the City.

**8.68.040      Bicycle and Pedestrian Impact Fee established/Timing of payment.**

(a) The Bicycle and Pedestrian Impact Fee is hereby established, pursuant to California Government Code sections 66000 et seq.

(b) Payment of the Bicycle and Pedestrian Impact Fee shall be imposed as a condition of development for every type of development project specified in Section 8.68.060.

(c) The Bicycle and Pedestrian Impact Fee shall be charged to and paid by each development subject to the fees upon the date of final inspection or issuance of the certificate of occupancy for the development, whichever is earlier. However, if the fees are to reimburse the City for expenditures previously made, or if the City determines that the fees will be collected for bicycle and pedestrian improvements for which an account has been established and funds appropriated, and for which the City has adopted a proposed construction schedule prior to issuance of the building permit for such development projects, then the fee or fees shall be charged and paid upon issuance of the building permit for such development. However, with respect to a residential development proposed by a nonprofit housing developer in which at least 49 percent of the total units are reserved for occupancy by lower income households, as defined in Health and Safety Code Section 50079.5 at an affordable rent, as defined in Health and Safety Code Section 50053, the payment procedures described in Government Code section 66007(b)(2)(A)-(B) shall apply.

**8.68.050      Application of bicycle and pedestrian impact fee.**

All residential and non-residential development projects shall be required to pay the Bicycle and Pedestrian Impact Fee established pursuant to this Chapter.

**8.68.060      Calculation of the bicycle and pedestrian impact fee.**

(a) In calculating the Bicycle and Pedestrian Impact Fee pursuant to subsection (b), the City will use the data contained in Formula Table 8.68.060(a) below.

**Bicycle and Pedestrian Improvements Formula Table 8.68.060(a)**

<b>Land Use Type</b>	<b>ADT per Units or 1,000 square feet</b>	<b>Cost per ADT(*)</b>
Residential, per unit		
Single Family	9.60	\$25.31
Multi-Family	6.70	\$25.31
Mobile Homes	5.00	\$25.31
Non-Residential, per 1,000 square feet		
Office	3.71	\$25.31
Commercial/Retail	14.40	\$25.31
Hotel/Visitor Services (rooms)	9.45	\$25.31
Industrial	4.91	\$25.31
* Cost per ADT may be adjusted annually pursuant to subsection (d)		

(b) Bicycle and Pedestrian Impact Fee Formula. The Bicycle and Pedestrian Impact Fee formula shall be calculated by multiplying the number of average daily trips (ADT) per unit or 1,000 square feet generated by a particular development type by the cost per ADT.

<b>Formula 8.68.060 (b)</b>				
ADT per unit or 1,000 square feet	X	Cost per ADT	=	Bicycle and Pedestrian Impact Fee

(c) Administrative Fee. The City may collect a reasonable administrative fee to cover the cost of administering the program described in this Chapter, as determined by the Finance Director and approved by resolution of the City Council.

(d) Annual Adjustment. Fees paid pursuant to this section may be adjusted annually in accordance with the Engineering New Record Construction Cost Index (CCI) for the San Francisco area. Such annual adjustment shall be approved by resolution of the City Council.

**8.68.070 Use of bicycle and pedestrian impact fee.**

The Bicycle and Pedestrian Impact Fee funds shall only be used for the purposes outlined in this Chapter.

**SECTION 2. Severability**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of South San Francisco hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 3. Publication and Effective Date**

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective sixty (60) days from and after its adoption.

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Introduced at a regular meeting of the City Council of the City of South San Francisco held the 14<sup>th</sup> day of June, 2017.

Adopted as an Ordinance of the City of South San Francisco at a regular meeting of the City Council held the \_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk

As Mayor of the City of South San Francisco, I do hereby approve the foregoing ordinance this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Pradeep Gupta, PhD, Mayor