

ORDINANCE NO. 883-C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA
ESTABLISHING A CONSTRUCTION VEHICLE IMPACT FEE**

WHEREAS, the City of Pacifica is responsible for maintaining over 90 centerline miles of street pavement, funded by an annual street maintenance project adopted every year as part of the Capital Improvement Program; and

WHEREAS, heavy construction vehicles and equipment associated with new development cause rapid deterioration and worsen pavement conditions; and

WHEREAS, heavy construction vehicles required for new development degrade City-maintained streets and shorten the life of the surface of the streets, and this degradation increases the frequency and cost to the public of necessary resurfacing, maintenance, and repair; and

WHEREAS, the City Council desires to ensure that new development pays for the impacts of the construction related to that development on the City's streets.

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true, correct, and material to the adoption of this Ordinance.

Section 2. Adopted. Chapter 21, "Construction Vehicle Impact Fee," is hereby added to Title 8 "Building Regulations" of the City of Pacifica Municipal Code as follows:

Chapter 21 - Construction Vehicle Impact Fee

Section 8-21.01 – Authority and Purpose

This Chapter is enacted pursuant to the general police powers of the City and is for the purpose of providing funds to restore City streets, which rapidly deteriorate as a result of the impacts of heavy construction vehicles associated with new development.

Section 8-21.02 – Fee Imposition

The fee imposed by this Chapter shall be applicable to all developments in the City that require a building permit and add new residential or nonresidential building square footage. The fee shall be calculated by reference to the square footage added by the new development.

Section 8-21.04 – Amount of Fee.

(a) The rate of the fee shall be established from time to time by resolution of the City Council in the manner required by Government Code Sections 66000 *et. seq.*

(b) Beginning July 2023 and on each July 1st thereafter, the rate of the fee shall increase without further action by the city according to the following formula:

$$\text{Council-Approved Rate} * \frac{\text{Most Recent ENR}}{\text{ENR at Council-Approval}}$$

Where the “Council-Approved Rate” is the rate contained in the most recently adopted Impact Fee Schedule, “Most Recent ENR” is the most recently published Construction Cost Index for the San Francisco Bay Area in the Engineering News Record when the calculation is made and “ENR at Council-Approval” is the Construction Cost Index published for the month in which the Council adopted the Impact Fee Schedule including the “Council-Approved Rate.” The City Manager shall calculate the increased fee annually and give notice of that calculation in the manner required by law for the publication of ordinance of the City Council.

Section 8-21.05 – Deposit of Fees

The fees paid in accordance with the provisions of this Chapter shall be placed in a special fund to be known as the Construction Vehicle Impact Fee Fund. The fee revenues will be used to pay for street and road maintenance and improvements related to the impacts of construction vehicles associated with new development.

Section 8-21.06 – Determination of Payment

The fees due under this chapter are collected for the restoration of City pavement due to the impacts of new development, and shall be determined and become due and payable to the City at the time of the issuance of any building permit.

Section 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code

Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

Section 6. Effective Date. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

PASSED AND ADOPTED this 27th day of June, 2022, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyck, Vaterlaus.

NOES, Councilmembers: n/a.

ABSENT, Councilmembers: O'Neill.

ABSTAIN, Councilmembers: n/a.



Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney









For Signature: OrdinanceNo883-CS_AdoptingConstructionVehicleImpactFee

Final Audit Report

2022-07-01

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