

R/d 4-9-08 NKC

ORDINANCE NO. 03277

AN ORDINANCE ESTABLISHING A COUNTY-WIDE
MITIGATION FEE FOR COUNTY PUBLIC ROAD
RECONSTRUCTION IMPOSED ON APPLICANTS FOR
BUILDING PERMITS FOR NEW
RESIDENTIAL, COMMERCIAL AND
INDUSTRIAL DEVELOPMENT

The Board of Supervisors of the County of San Mateo, State
of California, ORDAINS as follows:

SECTION 1. Findings; Background.

The Board of Supervisors finds and determines as follows:

(a) The County operates and maintains approximately
320 miles of roadway within the County road
system. The County road system serves and bene-
fits the public at large and, in particular,
residential, commercial, and industrial development
within the unincorporated area of the County.

(b) The County public road system consists of roads of
various widths and structural sections, from
aggregate base roads to fully paved travel lanes
with curbs, gutters, and sidewalks. Many of these
roads were in existence at the time the County took
them into the County's road system, and many are
~~not~~ built to the level of improvement that the
County has adopted as its "standard road" for a
specific area of the County. There have been
numerous requests from residents of the

unincorporated area to perform substantial repair or reconstruction of roadways within the County's public road system as a result of the wide disparity in road widths and structural sections. In many cases, requests have been made to pave roads which are currently constructed of aggregate.

- (c) New residential development in the unincorporated area of San Mateo County adds incrementally to the burden on existing County public roads. New commercial and industrial development adversely impacts existing County public roads by placing a greater burden on roads in terms of an increase in the number of users and/or the increase in size and weight of vehicles using existing roads. In the past, the County has required applicants for building permits or subdivision approvals to provide full half street improvements on that portion of a public road adjacent to the parcel being developed, as a means of insuring that new development pays its share of road improvements attributable to the burden caused by new development. The immediate construction of such improvements has often proved impractical because it results in uncoordinated, nonuniform construction

which creates both aesthetic and operational problems.

(d) There is a need to develop a County-wide program to reconstruct existing public roads which have suffered deterioration to the extent that operational aspects of the road are in danger of becoming impaired, and to upgrade existing public roads to meet the additional burden caused by increased development. In the case of residential development, the Board considers it appropriate to adopt, as a minimum standard for any such reconstruction, the construction of a paved travel surface without curbs, gutters, and sidewalks. In the case of commercial and industrial development, the Board considers it appropriate to adopt, as a standard for such reconstruction, the construction of a paved travel surface with curbs, gutters, and sidewalks.

(e) In order to finance a portion of such improvements, it is appropriate to charge, in the form of a fee ~~to~~ be assessed against new residential, commercial and industrial development, a portion of the present cost of reconstructing those public roads which do not presently meet County standards, and

which have suffered deterioration to the point of presenting potential operational problems. Such a fee would be charged in lieu of the full half street improvements (including curb, gutter, and sidewalk) which the County has previously required as a condition of building permit or subdivision approval.

SECTION 2. Findings; Purpose and Use of Fee.

The Board of Supervisors further finds and determines as follows:

- (a) In the case of residential development, the purpose of the fees imposed by this ordinance is to pay the proportional costs of reconstruction of the travel lanes of existing public roadways, the need for which is attributable in part to new residential development occurring within unincorporated San Mateo County. In the case of industrial and commercial development, the purpose of the fees imposed by this ordinance is to pay the proportional costs of construction of a full County standard improved roadway, the need for which is ~~a~~ attributable to commercial and industrial development occurring within San Mateo County.

(b) In the case of residential development, the use to which the fees are to be put is to pay a proportional share of the cost for reconstructing existing public roadways in unincorporated San Mateo County to a minimum standard of a fully paved travel surface without curbs, gutters, sidewalks, or drainage facilities. In the case of commercial and industrial development, the use to which the fees are to be put is to pay a proportional share of the costs of reconstructing existing public roadways in incorporated San Mateo County to a standard of a fully paved traveled surface with curbs, gutters, sidewalks, and drainage facilities.

(c) There is a reasonable relationship between the fee's use and the types of development projects on which the fee is imposed for the reason that new residential, commercial, and industrial development results in an increased burden on existing public roads which contributes to deterioration of those roads, thus impairing the operational adequacy of the roads.

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(d) There is a reasonable relationship between the roadway facilities and improvements which will be financed with fees collected, and the development

projects upon which the fees will be imposed, in that additional residential, commercial, and industrial development will lead to an increased use of the road facilities with the consequential additional burden on the road facilities. New residential, commercial, and industrial development will benefit by reconstruction of public road facilities in that the reconstruction will offset the further deterioration of roads which would be expected from new development, and provide upgraded facilities which will improve the operational characteristics of the roads. Fees collected will directly benefit development upon which the fees are imposed because they may only be expended for reconstruction in the area in which the development is located.

(e) There is a reasonable relationship between the amount of the fee charged and the cost of reconstructing the County's existing public roadways for the following reasons:

i. The County has determined that the ~~an~~ average fee which would be justified, per residential dwelling unit, to pay the pro rata share of road reconstruction attributable to new residential development would be \$3,800. The method of

calculation of the \$3,800 per unit fee is set forth in detail on Exhibit A attached hereto and incorporated herein by reference.

ii. The average size of houses in the unincorporated area is approximately 1500 square feet. Based on this average size, the pro rata fee which could be charged to an average sized residential structure would be approximately \$2.50 per square foot. Thus, assessing a fee of \$1.00 per square foot of new residential construction would be justified.

iii. As a general rule, larger residential structures have a greater potential for creating additional traffic and, consequently, causing a greater burden on the road system than the average size structure. Conversely, residential structures which are smaller than the average size structure will generate a smaller amount of traffic, thus resulting in a proportionally lesser burden on the road system. For these reasons, this board has concluded that a fair way to apportion the burden ~~is~~ to assess a residential fee based on the square foot basis.

iv. Based on trip generation data obtained from Trip Generation, Fourth Edition, published by the Institute of Transportation Engineers in September 1987, the number of daily trip ends generated from industrial uses per thousand square feet will approximately equal the number of trip ends per thousand square feet of residential construction. For this reason, a fee of \$1.00 per square foot for industrial construction is reasonable and justified.

v. Based on trip generation data obtained Trip Generation, Fourth Edition, published by the Institute of Transportation Engineers in September 1987, the number of daily trip ends generated per thousand square feet of commercial-office uses will be approximately two times the number of trip ends per thousand square feet of residential construction, and the number of daily trip ends generated per thousand square feet of commercial-retail uses will be approximately four times the number of trip ends per thousand square feet of residential construction. Based on this data, a fee of \$2.00 per square foot of commercial-office construction and \$4.00 per square foot of commercial-retail construction is reasonable and justified.

SECTION 3. Amount and Standards for Fees.

Except as otherwise provided herein, a fee shall be imposed on all building permits for new residential, commercial, and industrial development in the following amounts:

<u>Type of Development</u>	<u>Fee</u>
Residential	\$1.00 per square foot of assessable space
Industrial	\$1.00 per square foot of assessable space
Commercial Retail	\$4.00 per square foot of assessable space
Office	\$2.00 per square foot of assessable space

The fee represents the portion of the approximate cost of reconstructing the travel surface of the County's public road system which is attributable to the proposed development.

SECTION 4. Fee Charged For Reconstruction or Remodeling.

A fee in the amount specified in Section 3, above, shall also be charged for building permits for any reconstruction or remodeling of existing residential, commercial, or industrial structures. The fee will be charged only on any increase in assessable space resulting from the reconstruction or remodeling from that existing prior to the reconstruction or remodeling.

SECTION 5. Determination of Areas of Benefit.

The Director of Public Works shall identify and establish areas of benefit for the unincorporated area of the County based on development and traffic patterns. An area of benefit shall be

identified for each area where it can be determined that the roads within the area are predominantly used by development located within the area.

SECTION 6. Establishment of Road Improvement Fund.

There is hereby created in the Office of the County Auditor/Controller and the County Treasurer a special interest-bearing fund entitled "San Mateo County-Wide Roadway Improvement Fund." All amounts collected for roadway development fees under this ordinance shall be deposited in the fund.

SECTION 7. Limitations on Use of Fee.

- (a) Fees collected from development in an established area of benefit may only be used to reconstruct public roads lying within the same area.

- (b) Fees may be used only for reconstruction of roads, and not for routine or periodic maintenance. For purposes of this ordinance, reconstruction must, at a minimum, meet the standards for road construction as set forth in the "Guidelines Relating to Gas Tax Expenditures on Streets and Roads," as published by the Office of the State Controller, as such guidelines may be amended from time to time.

SECTION 8. Adjustment of Fee.

- (a) On January 1 of each year beginning in 1992, the

development fees imposed by this ordinance shall be adjusted by a percentage amount equivalent to the percentage change in the Engineering News Record Construction Cost Index for the preceding twelve (12) month period.

(b) The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of approval of the building permit. The Board of Supervisors shall review the adequacy of the development fees established herein at least once every five (5) years or, if it deems appropriate, more often than once every five (5) years.

(c) The Department of Public Works shall provide an annual report to the Board of Supervisors which specifies any change in the fee due to automatic annual adjustments, the status of trust funds established to fund the cost of mitigating traffic impacts associated with new development, and the status of any improvement projects financed in full or in part by funds collected.

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SECTION 9. Improvements in Lieu of Fee.

Applicants for building permits required to pay fees under this ordinance may, as an alternative to paying the fee, offer to

construct road improvements determined by the Director of Public Works to be appropriate for the type of development being proposed. In making such determination, the Public Works Director shall take into consideration the extent to which the proposed improvements would be consistent with the existing road improvements in the immediate vicinity, and the extent to which the road improvements would either improve or impair the operational characteristics of the public road if installed immediately. In exchange for such offer, the applicant shall receive a partial or full offset of the fee which would otherwise be required.

SECTION 10. Additional Road Improvement Requirements.

The establishment of the fee prescribed in this ordinance shall not relieve an applicant for a building permit from the requirement to make such other road improvements as are provided by County regulations, as they may be amended from time to time, including the requirement to improve private roads serving a parcel and the requirement to construct all roads lying within the limits of a subdivision.

SECTION 11. Definition of "New Residential Development".

For purposes of this ordinance, "new residential development" shall mean a new single or multi-family residential structure.

SECTION 12. Definitions of "Commercial-Retail," "Commercial-Office," and "Industrial."

- (a) For purposes of this ordinance, "commercial-retail" development shall mean any of those uses described in Table 7.1P of the San Mateo County

General Plan as primary feasible uses, or uses similar thereto, under the following land use designations: General Commercial, Neighborhood Commercial, and Coastside Commercial Recreation.

(b) For purposes of this ordinance, "commercial-office development" shall mean any of those uses described in Table 7.1P of the San Mateo County General Plan as primary feasible uses, or uses similar thereto, under the following land use designations: Office Commercial and Office/Residential.

(c) For purposes of this ordinance, "industrial" development shall mean any of those uses described in Table 7.1P of the San Mateo County General Plan as primary feasible uses, or uses similar thereto, under the following land use designations: Solid Waste Site, General Industrial, Heavy Industrial and Airport.

SECTION 13. Definition of "Assessable Space".

(a) ~~In~~ the case of residential development, "assessable space" shall mean all of the square footage within the perimeter of residential structure, not including any carport, walkway, garage,

those units in any development project which meet the definition of lower income housing.

- (c) An applicant for a building permit for a greenhouse shall be exempt from payment of fees provided by this ordinance.

SECTION 15. Credit for Participation in Assessment District.

- (a) If property which would otherwise be subject to payment of a fee under this ordinance has, at any time in the past, been made subject to payment of assessments under an assessment district for road improvements, or has incurred an obligation for payment of specific assessments in the future, the applicant for a building permit on such property shall, upon request, be entitled to a credit against the fee otherwise payable under this ordinance. The amount of the credit shall be the principal amount of the assessments paid, and shall not include any interest paid on the principal.
- (b) If property which has previously paid a fee under this ordinance is made subject to payment of assessments under an assessment district for road improvements at any time in the future, such property shall, upon request, be entitled to a

credit against the principal amount payable under the assessment district, in the amount of the fee previously paid.

SECTION 16. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every 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 or invalid.

SECTION 17. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage thereof, and shall apply to any new development for which a building permit has not been issued prior to the effective date.

SECTION 18. Expiration Date.

This Ordinance shall expire, and be of no further force and effect, five (5) years from the effective date, unless extended by further action of the Board of Supervisors.

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Regularly passed and adopted this 20th day of November, 1990.

AYES and in favor of said ordinance:

Supervisors: MARY GRIFFIN
TOM HUENING
ANNA G. ESHOO
TOM NOLAN
WILLIAM J. SCHUMACHER

NOES and against said ordinance:

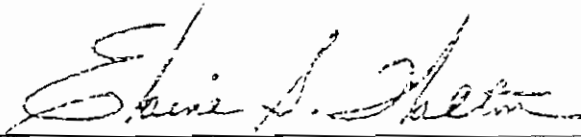
Supervisors: NONE

Absent Supervisors: NONE

TOM HUENING
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.


ELAINE S. WALTON, Assistant
Clerk of the Board of Supervisors