

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE ADDING
CHAPTER 25.82 TO THE BURLINGAME MUNICIPAL CODE ESTABLISHING RESIDENTIAL
IMPACT FEES FOR NEW RESIDENTIAL DEVELOPMENTS IN THE CITY**

THE PLANNING COMMISSION OF THE CITY OF BURLINGAME HEREBY FINDS:

WHEREAS, California Government Code Section 65580(d) states that all cities have a responsibility to use the powers vested in them to facilitate the improvement and development of housing and to make adequate provision for the housing needs of all economic segments of the community; and

WHEREAS, the provision of safe and stable housing for households at all income levels is essential for the public welfare of the city. The current shortage of affordable housing has caused many lower- and middle-wage workers to commute longer distances from less expensive areas resulting in increased traffic in the City, and has also caused local residents' housing costs to increase due to high levels of demand for existing housing resulting in a severe housing cost burden for many residents; and

WHEREAS, the City's 2015-2023 Housing Element states that it is the City's policy to establish programs to provide direct financial and technical assistance to facilitate the development of affordable workforce housing. The City can achieve its goal of assisting in the development of new housing that is affordable at all income levels only if adequate funding is available to support the development of such housing; and

WHEREAS, to ensure that future development projects mitigate their impact on the need for affordable housing in Burlingame, and to ensure that any adopted residential impact fees do not exceed the actual affordable housing impacts attributable to the development projects on which the fees relate, the City agreed to participate in the preparation of a nexus study through the countywide 21 Elements collaboration project; and

WHEREAS, in order to meet the needs of Burlingame's workforce, dwelling units will need to house a variety of household types, incomes, and age groups; and

WHEREAS, the City has received and considered a Residential Impact Fee Nexus Study (the "Nexus Study"), dated November 2015, prepared by Strategic Economics and Vernazza Wolfe Associates, Inc.; and

WHEREAS, the Nexus Study uses widely used, appropriate methodology to determine the maximum amount needed to fully mitigate the burdens created by residential development on the need for affordable housing; and

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WHEREAS, the findings provided in the Nexus Study have been further supported in the Financial Analysis of Proposed Affordable Housing Program (the "Financial Analysis"), dated November 2018, prepared by Seifel Consulting, Inc.; and

WHEREAS, to ensure that development projects remain economically feasible, the residential impact fees specified in the Residential Impact Fee Ordinance detailed in Exhibit A, attached, are lower than the maximum amount needed to fully mitigate the burdens created by new development on the need for affordable housing as determined in the Nexus Study and Financial Analysis; and

WHEREAS, the Residential Impact Fee Ordinance detailed in Exhibit A, attached, will substantially advance the City's legitimate interest in providing additional housing affordable to all income levels in the city by providing funds for the development of housing affordable to very low, low, and moderate income households; and

WHEREAS, the City has determined that the Residential Impact Fee should be administered consistent with the requirements applicable to fees for public facilities in California Government Code Section 66000 *et seq.*, commonly referred to as the "Mitigation Fee Act," without determining that it is required to do so; and

WHEREAS, at least ten days prior to the date this resolution being heard, data was made available to the public indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including general fund revenues, in accordance with Government Code Section 66019; and

WHEREAS, at least fourteen days prior to the date this resolution being heard, notice was provided to any persons or organizations who had requested notice, in accordance with Government Code Section 66019; and

WHEREAS, notice of the hearing on the proposed fees was published in a newspaper of general circulation in the manner set forth in Government Code Section 6062a as required by Government Code Section 66018; and

WHEREAS, the Planning Commission of the City of Burlingame, after proceedings duly and regularly held and noticed as provided by law, did on February 11, 2019 review and consider the staff report and all other written materials and testimony presented at said hearing, and recommended to the City Council that it adopt the Residential Impact Fee Ordinance; and

WHEREAS, based on the findings above, the City desires to further the public health, safety and welfare by requiring residential development projects in Burlingame to mitigate their impact on the need for affordable housing in the city; and

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WHEREAS, the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15378(b)(4), which indicates that administrative actions that do not result in physical changes to the environment are not considered “projects” requiring review. The proposed Ordinance is also exempt per Section 15305 (Minor Alterations in Land Use Limitations), which is a categorical exemption that applies to code amendments that will not have any significant environmental effects.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the City Council that it adopt an ordinance adding Chapter 25.82 to the Burlingame Municipal Code establishing residential impact fees for new residential developments in the City, as described herein.

Chair

I, _____, Secretary of the Burlingame Planning Commission, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 11th day of February, 2019 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Secretary