City of Brisbane

City Council Meeting Agenda

Thursday, March 5, 2026 at 6:30 PM ● Hybrid Meeting ● 50 Park Place, Brisbane, CA

The public may observe/participate in City Council meetings using remote public comment options or by attending in person. The City Council may take action on any item listed in the agenda.

To Address the Council

In Person:

Location: Community Meeting Room 50 Park Place, Brisbane, CA 94005

To address the City Council on any item – whether on the posted agenda or not – please fill out a Request to Speak Form located in the Community Meeting Room Lobby and submit it to the City Clerk, preferably before the start of the meeting. Speakers are not required to submit their name or address.

Remote Participation:

Members of the public may observe/participate in the City Council meeting by logging into the Zoom Webinar listed below. City Council meetings may also be viewed live and/or on-demand via the City's YouTube Channel, youtube.com/brisbaneca, or on Comcast Ch. 27. Archived videos may be replayed on the City's website, brisbaneca.org/meetings. Please be advised that if there are technological difficulties, the meeting will nevertheless continue if remote participation is available.

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brisbaneca.org/cc-zoom

Webinar ID: 991 9362 8666
Call In Number: 1 (669) 900-9128
Note: Callers dial *9 to "raise hand" and dial *6 to mute/unmute.

Special Assistance:

If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508- 2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Writings that Are Received After the Agenda Has Been Posted

Any writings that are received after the agenda has been posted but before 4pm of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet (brisbaneca.org/meetings). Any writings that are received after 4pm of the day of the meeting will be distributed to the Council and made available for public inspection at the front lobby and on the internet the day after the meeting (brisbaneca.org/meetings).

Call to Order – Pledge of Allegiance

Roll Call

A. Remote Attendance Under the Just Cause Provisions of the Brown Act

Adoption of Agenda

Awards and Presentations

B. Receive Grants Presentation from California Grants Policy Group

Oral Communications No. 1

Consent Calendar

C. Proclaiming March 2026 as Women's History Month

D. Approve Minutes of City Council Meeting of February 19, 2026

E. Approve Minutes of Closed Session City Council Meeting of February 19, 2026

F. Approve Minutes of Closed Session City Council Meeting of February 23, 2026

G. Accept Investment Report as of January 2026

H. Approve Spring 2026 Co-sponsorship Events

I. Adopt Resolution to Amend the Current Financial Services Manager Job Description

J. Adopt Amended Public Arts Implementation Guidelines Approving Revisions to the Membership of the Public Art Advisory Committee

Old Business

K. Request to Reconsider Utility Payment Requirements by Silverspot Nursery School

L. Development Impact Fees Workshop

New Business

M. Receive Security Update on Flock Cameras

N. Pilot Program for Use of a Camera in the Community Park

Staff Reports

O. City Manager's Report- City Updates and Upcoming Activities
   i. Preparing for the City Council Priorities Study Session on March 31, 2026

Mayor and Council Matters

P. Future Agenda Items

Q. Countywide Assignments and Subcommittee Reports
   i. Parkside 2 Ad Hoc Subcommittee Update
   ii. Report Out on Subcommittee Meetings
   iii. Upcoming Subcommittee Meetings

R. Written Communications

Oral Communications No. 2

Adjournment

City of Brisbane
PROCLAMATION

PROCLAIMING MARCH 2026 AS WOMEN'S HISTORY MONTH

Whereas, the National Women's History Alliance has designated 2026's theme for Women's History Month as "Leading the Change: Women Shaping a Sustainable Future"; and

Whereas, in this pivotal moment of history, we are called to confront a range of overlapping global challenges: climate change, economic insecurity, healthcare disparities, and threats to democratic participation. These issues are deeply intertwined – and women, particularly from marginalized communities, often experience their impacts most acutely; and

Whereas "Leading the Change: Women Shaping a Sustainable Future" expands our understanding of sustainability beyond environmental concerns. It encompasses financial sustainability, community resilience, leadership succession, and intergenerational equity. Whether developing green technologies, advancing economic justice, strengthening education systems, or building civic power – women are designing blueprints for sustainable transformation. This theme affirms that shaping a sustainable future means fostering systems that support both people and the planet; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brisbane does hereby proclaim the month of March 2026 as Women's History Month, encouraging all members of our community to work towards a long-term vision for our future where women's leadership is central to thriving communities and a healthy environment.

Signed on March 5, 2026

Coleen Mackin
Brisbane Mayor

BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING AGENDA
THURSDAY, FEBRUARY 19, 2026

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

6:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Mackin called the meeting to order at 6:30 P.M. and led the Pledge of Allegiance.

ROLL CALL

A. Consider any request of a City Councilmember to attend the meeting remotely under the "Emergency Circumstances" of AB 2449

No requests were made under Roll Call Item A.

Councilmembers Present: Councilmembers Davis, Kern, Lentz, O'Connell and Mayor Mackin
Councilmembers Absent: None

Staff Present: City Manager Dennis, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, North County Fire Authority Acting Deputy Chief Craig Wittner Assistant to the City Manager Cheung, Admin Management Analyst Brown and Admin Management Analyst Ibarra

ADOPTION OF AGENDA

Council has requested to remove Consent Calendar Item Ito be discussed at a future Council meeting. Councilmember O'Connell made a motion, seconded by Councilmember Kern, to adopt the agenda amended. The motion was carried unanimously by all present.

Ayes: Councilmembers Davis, Kern, Lentz, O'Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported out of the Closed Session Meeting of February 19, 2026. Council gave

direction to staff regarding the labor negotiation item and the anticipated litigation item.

ORAL COMMUNICATIONS NO. 1

No members of the public wished to make public comment.

CONSENT CALENDAR

B. Approve Minutes of Closed Session City Council Meeting of January 29, 2026

C. Approve Minutes of Closed Session City Council Meeting of January 30, 2026

D. Approve Minutes of Closed Session City Council Meeting of February 2, 2026

E. Approve Minutes of Closed Session City Council Meeting of February 5, 2026

F. Approve Minutes of City Council Meeting of February 5, 2026

Mayor Mackin requested to pull Consent Item G & H off of the consent calendar for discussion and as noted earlier Consent Calendar Item I will be moved to a future council meeting.

Councilmember O'Connell made a motion, seconded by Councilmember Davis, to approve Consent Calendar Items B-F. The motion was carried unanimously by all present.

Ayes: Councilmembers Davis, Kern, Lentz, O'Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

G. Receive 2025 Annual Mandated Fire and Life Safety Inspections Report

North County Fire Authority Acting Deputy Chief Wittner answered clarifying questions regarding their Annual Mandated Fire and Safety Inspections Report. He reported that all 475 businesses in Brisbane, which include Short Term Rentals, are inspected annually. Council directed staff to ensure inspections of all short term rentals are tied with permit renewals.

Council received the report from North County Fire Authority and thanked Deputy Chief Wittner for the information.

H. Adopt a Resolution Establishing Procedures for Placing Matters on the Agenda of a City Council Meeting

Mayor Mackin clarified that two councilmembers can also make a request to place matters on the agenda at any time, even after a Council Meeting. The City Manager will provide an oral report for these requests during a council meeting. After clarifying questions from Council, Councilmember Lentz made a motion, seconded by Councilmember Davis, to adopt Consent Calendar Item H. The motion was carried unanimously by all present.

Ayes: Councilmembers Davis, Kern, Lentz, O'Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

I. Adopt Amended Public Arts Implementation Guidelines Approving Revisions to the Membership of the Public Art Advisory Committee

This item was removed from the agenda and will be considered at a future City Council meeting.

NEW BUSINESS

J. Consider Adoption of a Resolution Establishing Procedures for Recessing and Reconvening a Meeting in the Event of a Disruption of Telephonic or Audiovisual Service During a Meeting and the Efforts That Will Be Made to Restore Service

City Clark Padilla reported that the Ralph M. Brown Act (the State's Open Meeting Law) requires that all open and public meetings shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audio-visual platform, except if adequate telephonic or internet service is not operational at the meeting location. From time to time, however, there may be a disruption of telephonic or internet service occurring during the meeting and the Brown Act now requires the City Council to approve at a noticed public meeting in open session, and not on a consent calendar, a policy to address the procedures for recessing and reconvening a meeting in the event of a disruption and the efforts that the City Council and its Commissions and Committees shall make to attempt to restore the service.

Councilmember Kern asked legal counsel if the language in the procedures is too specific since the document mentions the brand name of applications and the equipment being used.

After further council questions**,** no public comment and Council discussion, Councilmember Davis made a motion, seconded by Councilmember O'Connell, to adopt a resolution establishing the procedures the City Council, and its Commissions and Committees, will use for recessing and reconvening a meeting in the event of a disruption of telephonic or audiovisual service during a meeting and describing the efforts that will be made to restore service, with language amended not specifying the brand names of the applications and equipment being used. The motion was carried unanimously by all present.

Ayes: Councilmembers Davis, Kern, Lentz, O'Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

OLD BUSINESS

K. Development Impact Fees Workshop
(Staff recommend council continue discussion on proposed development impact fees and provide direction and feedback on fee setting.)

Mayor Mackin provided a summary of previous Council discussion about development impact fees. After

council questions, Chris Florkowski asked whether the City can structure an impact fee that is not a one time cost, one that actually sustains over time.

After council discussion, staff was directed to bring back the item with more information regarding development agreement versus impact fees and allow additional time for review and questions to staff.

STAFF REPORTS

L. City Manager's Report- City Updates and Upcoming Activities

City Manager Dennis reported on upcoming city events and updates on current and potential City projects.

MAYOR/COUNCIL MATTERS

M. Recruitment Update

City Clerk Padilla provided an update on the latest recruitment to fill vacancies in the Complete Streets Safety Committee (CSSC) and Opens Space & Ecology Committee. Council directed City Clerk Padilla to begin recruitment for remaining committee vacancies in the IDEA Committee, CSSC, and the Public Art Advisory Committee (upon the approval of the new Public Art Implementation Guidelines), until April 1st, 2026 and schedule interviews for all applicants mid- April.

N. Countywide Assignments and Subcommittee Reports
- **i. Parkside 2 Ad Hoc Subcommittee Update**
- **ii. Report Out on Subcommittee Meetings**
- **i. Upcoming Subcommittee Meetings**

Councilmembers reported out on their county assignments and subcommittee meetings. Councilmember Davis requested that event co-sponsorships should be approved at least sixty days before the event.

O. Written Communications

Written communication was received from Mackin regarding SB79 on February 11, 2026. And a supplemental document was posted regarding an attachment for the Public Art Implementation Guidelines Item.

ORAL COMMUNICATIONS NO. 2

Chris Florkowski spoke about the bicycle education sessions from Commute.org and San Mateo County's E-bike Summit.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 8:16 P.M.

_____
Ingrid Padilla
City Clerk

DRAFT

BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL CLOSED SESSION MEETING AGENDA
THURSDAY, FEBRUARY 19, 2026

HYBRID MEETING, 50 PARK PLACE CITY HALL CONFERENCE ROOM,
BRISBANE, CA 94005

5:00 P.M. CALL TO ORDER

A. Approval of the Closed Session Agenda

B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda

C. Adjournment into Closed Session

D. CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6
Designated representative: Jeremy Dennis, City Manager
Employee organization: All Bargaining Units

E. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Government Code, Section 54956.9 (d). Number of Cases: One

Mayor Mackin called the meeting to order at 5:04 P.M.
Councilmember O'Connell made a motion, seconded by Councilmember Davis to approve the Closed Session Meeting agenda as it stands. The motion passed unanimously by all present.

Ayes: Councilmembers Davis, Kern, Lentz, O'Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

There was no public comment. Mayor Mackin adjourned the meeting into Closed Session.

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that direction was provided to staff regarding the Conference with Labor Negotiator Item D and the Anticipated Litigation Item E.

ADJOURNMENT

The meeting was adjourned at 6:27 P.M.

_____
Ingrid Padilla, City Clerk

DRAFT

BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL CLOSED SESSION MEETING AGENDA
MONDAY, FEBRUARY 23, 2026

HYBRID MEETING, 50 PARK PLACE CITY HALL CONFERENCE ROOM,
BRISBANE, CA 94005

3:30 P.M. CALL TO ORDER

A. Approval of the Closed Session Agenda

B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda

C. Adjournment into Closed Session

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Under Government Code section 54956.7
Title: City Manager

E. CONFERENCE WITH LABOR NEGOTIATORS
Under Government Code section 54956.7
Negotiators: Members of the Brisbane City Council
Unrepresented Employee: City Manager

Mayor Mackin called the meeting to order at 3:35 P.M.
Councilmember Kern made a motion, seconded by Councilmember O'Connell to approve the Closed Session Meeting agenda as it stands. The motion passed unanimously by all present.

Ayes: Councilmembers Davis, Kern, Lentz, O'Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

There was no public comment. Mayor Mackin adjourned the meeting into Closed Session.

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that direction was provided to staff regarding the Public Employee Performance Evaluation Item D and Conference with Labor Negotiators Item E.

ADJOURNMENT

The meeting was adjourned at 6:00 P.M.

_____
Ingrid Padilla, City Clerk

DRAFT

CITY OF BRISBANE
CASH BALANCES & INVESTMENTS
SOURCE OF FUNDING
January 31, 2026

NAME OF DEPOSITORY	INVESTMENT TYPE	DATE OF INVESTMENT	FACE VALUE OF INVESTMENT	CARRY VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	COUPON INTEREST RATE %	MATURITY DATE	RATING/ COLLATERAL
WELLS FARGO	Checking A/C		$ 4,569,395	$ 4,569,395	$ 4,569,395	0.000		110% collateral
STATE FUND (LAIF)	Deposit on call	continuous	$ 13,334,735	$ 13,334,735	$ 13,334,735	3.930	on call	no rating
Other Investments								
	FHLB	3/25/2022	$ 1,000,000	$ 1,000,000	$ 988,290	2.600	03/25/2027	
	FHLB	5/26/2022	$ 1,000,000	$ 1,000,000	$ 998,650	3.750	05/26/2027	
	FFCB	11/28/2025	$ 1,000,000	$ 1,000,000	$ 999,260	3.970	11/28/2028	
	FFCB	11/28/2025	$ 1,000,000	$ 1,000,000	$ 997,030	4.150	05/28/2030	
	FHLB	10/21/2025	$ 1,000,000	$ 1,000,000	$ 998,230	4.125	10/21/2030	
	FHLM	12/23/2025	$ 1,000,000	$ 1,000,000	$ 1,000,010	4.000	12/23/2030	
	FHLB	12/30/2025	$ 1,000,000	$ 1,000,000	$ 995,710	4.215	12/27/2030	
BNY Mellon	Treasury Obligations	continuous	$ 5,014,866	$ 5,014,866	$ 5,014,866	3.620	on call	110% collateral
Sub-total			$ 12,014,866	$ 12,014,866	$ 11,992,046			
U.S. Bank	2014 BGPGA Bond (330)	Improvements	Fed Treas Obl	$ -	*10031*			
		Reserve Fund	Fed Treas Obl	$ 1	*10032*			
		Revenue Fund	Fed Treas Obl	$ -	*10034*			
		Expense Fund	Fed Treas Obl	$ -	*10035*			
		Principal	Fed Treas Obl	$ 1	*10036*			
		Interest Fund	Fed Treas Obl	$ 0	*10037*			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	$ -	*10031*			
		Reserve	Fed Treas Obl	$ 451	*10032*			
		Expense Fund	Fed Treas Obl	$ -	*10035*			
BNY Mellon	2023 BGVMIDFA Bond (328)	Improvements	Fed Treas Obl	$ 66	*10031*			
		Reserve / Project	Fed Treas Obl	$ 1,442,522	*10032*			
		Expense Fund	Fed Treas Obl	$ -	*10035*			
		Principal	Fed Treas Obl	$ -	*10036*			
		Interest Fund	Fed Treas Obl	$ 36	*10037*			
PARS	OPEB Trust	Trust Cash	Investments	$ 5,246,532	*13050*			
PARS	Retirement Trust	Trust Cash	Investments	$ 1,906,851	*13050*			
Sub-total	Cash with Fiscal Agents			**$ 8,596,460**				
	Total other investments		$ 20,611,326	**$ 20,611,326**	$ 11,992,046			
TOTAL INVESTMENTS & CASH BALANCES			$ 38,515,456	$ 38,515,456	$ 29,896,176			

Outstanding Loans to Department Heads / Former Employees

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	**4/1/2002**	**318,750**	**$ 318,750**	**Variable, LAIF + 1%**

FFCB - Federal Farm Credit Bank
FHLB - Federal Home Loan Bank
FHLM - Federal Home Loan Mortage Corporation
FNMA -Federal National Mortgage Association

Two year Treasury	3.52%	
Weighted Interest	3.25%	
Weighted maturity	0.90	Years

TREASURER'S CERTIFICATE

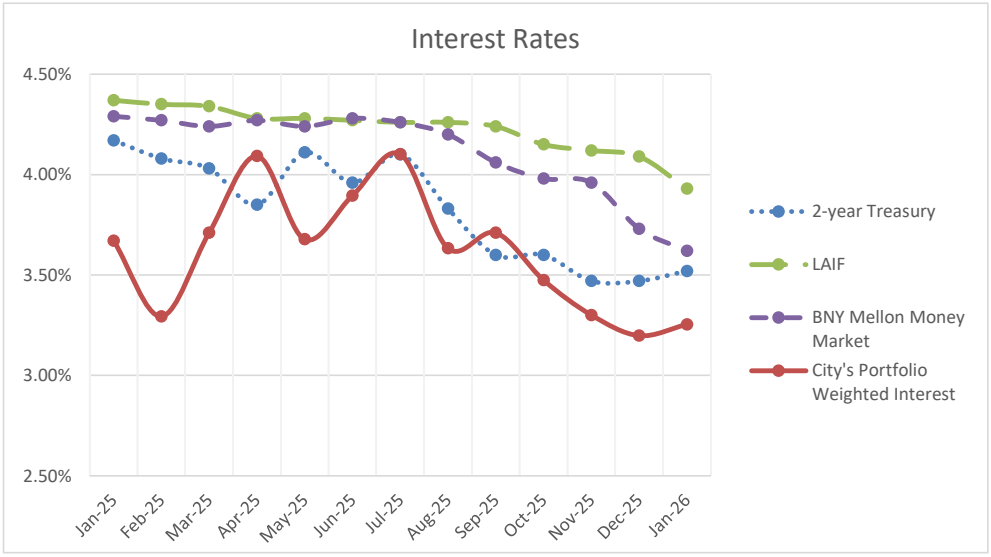
These are all the securities in which the city funds, including all trust funds and oversight agencies funds, are invested and that (excluding approved deferred compensation plans) all these investments are in securities as permitted by adopted city policy.

It is also certified that enough liquid resources (including maturities and anticipated revenues) are available to meet the next six months' cash flow.

Carolina Yuen
CITY TREASURER

CITY OF BRISBANE
CASH BALANCES & INVESTMENTS
Comparative Review
January 31, 2026

NAME OF DEPOSITORY	INVESTMENT TYPE	FACE VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	Previous Month FACE VALUE OF INVESTMENT	Change in Face Value		Previous Year FACE VALUE OF INVESTMENT	Change in Face Value	
WELLS FARGO	Checking A/C	$ 4,569,395	$ 4,569,395	$ 5,916,971	$ (1,347,575)	(22.8%)	$ 3,886,357	$ 683,038	17.6%
STATE FUND (LAIF)	Deposit on call	$ 13,334,735	$ 13,334,735	$ 13,259,083	$ 75,652	0.6%	$ 2,617,684	$ 10,717,051	409.4%
Other Investments									
Sub-total	BNY Mellon	$ 12,014,866	$ 11,992,046	$ 11,996,254	$ 18,611	0.2%	$ 25,075,221	$(13,060,355)	(52.1%)
Sub-total	Cash with Fiscal Agents	$ 8,596,460		$ 8,489,619	$ 106,842	1.3%	$ 7,905,251	$ 691,209	8.7%
	Total other investments	$ 20,611,326		$ 20,485,873	$ 125,453		$ 32,980,471	$ (12,369,146)	
TOTAL INVESTMENTS & CASH BALANCES		**$ 38,515,456**	**$ 29,896,176**	**$ 39,661,926**	**$ (1,146,470)**	(2.9%)	**$ 39,484,512**	**$ (969,056)**	(2.5%)



January 2026 Review

The City's overall investments and cash balances decreased by net $1.1M from the previous month, primarily due to Successor Agency ROPS payment ($897K) transferred to the Successor Agency account. Utility billing receipts, other county and were offset with a large pool electrification project payment.

As reflected on Page 1, the BNY Mellon agency bonds subtotal remained at $7M. The City continues to seek and purchase longer term bonds with rates higher than LAIF to ladder maturities when available. The net increase of $18.6K was for interest earned.

The shift in balances from WFB to higher-earning accounts in LAIF and BNY Custody Money Market accounts resulted in a slight increase in the City's portfolio weighted interest to 3.25%, slightly below the 2-year Treasury rate benchmark of 3.52%.

The City's Cash with Fiscal Agents January 2026 $8.6M balance is primarily comprised of $7.2M of the PARS trust accounts and $1.4M of the 2023 Bond proceeds held in trust, as reflected on Page 1. The increase of $107K was for interest earned on the 2023 Bond series and PARS trust accounts.

CITY COUNCIL AGENDA REPORT

Meeting Date: Mach 5, 2026
From: Jeff Franco, Recreation Coordinator
Noreen Leek, Parks & Recreation Director
Subject: Spring 2026 Event Cosponsorships

Recommendation

Staff recommends that the Council review and consider approving the Spring 2026 event cosponsorship requests.

Background

In 2003, following construction of the Mission Blue Center, the Brisbane City Council adopted a policy establishing guidelines for event cosponsorships. The policy supports and encourages recreational, educational, and cultural programs that are accessible to all individuals regardless of age, gender, race, religion, or national origin. As such, the City has a long-standing tradition of partnering with local nonprofit organizations by cosponsoring community events and waiving facility rental and staffing fees, thereby expanding access to programs that enrich residents' lives and strengthen civic connections. This collaborative approach maximizes public resources, increases community engagement, encourages volunteerism, fosters inclusivity, and activates public spaces in meaningful ways.

Qualifying criteria for cosponsored events include Brisbane residency, designation by the State of California as a non-profit organization (i.e. 501c3), and the event must be open to the public and suitable for the community at large.

Discussion

Historically, staff have presented individual cosponsorship applications to the Council as they are received in advance of scheduled events. However, given the increasing volume of recurring annual cosponsorships and the staff time required to prepare accompanying reports, staff are proposing a seasonal review process. Under this approach, applications from nonprofit organizations hosting recurring events will be compiled into a single seasonal packet for Council review and consideration. This process is intended to reduce administrative workload and streamline Council agendas by minimizing the number of individual cosponsorship items. New or unique cosponsorship requests will continue to be brought forward to the Council on an individual basis.

To date in 2026, the City has cosponsored the following events: Artists' Evening of Sharing, Mothers of Brisbane MOB Shop, and the Lions Club Crab Feed. The cosponsorship applications being presented for Council consideration at this time are listed below. Brief descriptions and fiscal impact summaries are provided. Complete applications are included as Attachment 1 for Council's review.

It should be noted that all groups are requesting waiver of the deposit (which ranges from $200-$500 depending on the facility) and insurance certificates which are typically required for private facility rental groups. All organizations listed below are also requesting the City's support with promotion and marketing of their events (i.e. signboards, social media).

Brisbane Library
Event Name: Holi Celebration
Event Date: 3/8/2026
The Brisbane Library is a Non-profit 501(c)(3) organization established in 1981. Their mission is "together, we build meaningful connections and inspire lifelong curiosity" and their vision is "where community grows and thrives". The Brisbane Library Holi Celebration will be held at the Brisbane Community Park gazebo and lawn area on Sunday, March 8, 2026, from 2:00-2:45pm. The event will include a Holi color throwing celebration with a story-time and craft prior. Event is open and free to the general public.

FISCAL IMPACT SUMMARY BASED ON APPLICATION	
Rental of Community Park Gazebo & Lawn Area	Gazebo = $80/hour x 1 hour = $80 Lawn Area = $257/day **TOTAL = $337**

Lyrical Opposition
Event Name: Hip Hop in the Park: Spring Equinox
Event Date 3/21/2026
Lyrical Opposition a is Non-profit 501(c)(3) organization established in 2020. Their mission is to foster lyrical arts that advance social justice and systemic change efforts by cultivating messages of hope that inspire and empower. Hip-Hop in the Park: Spring Equinox will take place at Brisbane Community Park on Saturday, March 21, 2026, from 12:00–6:00 p.m., with proceeds supporting the organization's nonprofit initiatives. This family-friendly outdoor celebration will feature films, live performances, DJ sets, dance showcases, spoken-word poetry, and food vendors, highlighting the artistry, creativity, and cultural impact of hip-hop. The curated program is designed to uplift and inspire, showcasing diverse voices and genres while emphasizing hip-hop's role as a powerful platform for storytelling, empowerment, and community connection. Event is open and free to the general public.

FISCAL IMPACT SUMMARY BASED ON APPLICATION	
Rental of Community Park Gazebo & Lawn Area	Gazebo = $80/hour x 8 hours = $640 Lawn Area = $257/day **TOTAL = $897**

Note: Food and beverage permits are required through San Mateo County and an amplified sound permit is required through the City of Brisbane.

Mother's of Brisbane (MOB)
Event Name: Egg Hunt
Event Date: 4/4/2026
Mothers of Brisbane (MOB) is a Non-profit 501(c)(3) organization established in 2006. Their mission as a parent's club is to create a welcoming community of support for parents of young children in Brisbane, and the surrounding communities. They are single, partnered, married, gay, straight, working, stay-at-home, and self-employed. They come from different backgrounds, cultures, and experiences – but through it all, they are families. The Mothers of Brisbane's Egg Hunt event will be held at the

Brisbane Community Park gazebo on Saturday, April 4, 2026, from 11:00am-1:15pm. The event will include an egg hunt supplemented with craft activities and performers. Event is open and free to the general public.

FISCAL IMPACT SUMMARY BASED ON APPLICATION	
Rental of Community Park Gazebo & Lawn Area	Gazebo = $80/hour x 3 hours = $240 Lawn Area = $257/day = $257 **TOTAL = $497**

Note: MOB is also requesting to borrow City tables and chairs.

Brisbane Chamber of Commerce (2 events)
Event Name: Students in Business and Government
Event Date: 4/22/2026
The Brisbane Chamber of Commerce is Non-profit 501(c)(6) organization created through a partnership of businesses, civic leaders, and residents working together to enhance Brisbane's economic landscape. The Chamber continues to print The Luminary, offer scholarships to college students, partner with Lipman Middle School on a job shadowing day, create wooden holiday stars for residents, and sponsor the Brisbane Garden Show.

On Wednesday, April 22nd from 11:00am-1:30pm, the Chamber will host Students in Business & Government. This program has been happening for nearly 30 years. The program partners 8th graders with Brisbane businesses to learn about how the business operates. Participants & business representatives then gather together for a luncheon at Mission Blue Center where the students give presentations on what they learned.

FISCAL IMPACT SUMMARY BASED ON APPLICATION	
Rental of Mission Blue Center	$371/hour x 2.5 hours = $742 **TOTAL = $927.50**

Event Name: A Night in Little Reno
Event Date: 5/2/2026
The "A Night in Little Reno" fundraiser and event will be held on Saturday, May 2nd, 2026, from 6:00-11:00pm at the Mission Blue Center. The event will include casino games *(not actual gambling),* live music, food, a raffle, and more. Event admission is fee-based and tickets will be available for purchase through the Chamber.

FISCAL IMPACT SUMMARY BASED ON APPLICATION	
Rental of Mission Blue Center	Approximately 11 hours @ $371/hour = $4,081
Alcohol Surcharge Fee	$106/day
	TOTAL = $4,187

Note: The Chamber will be responsible for securing an ABC license to serve and sell alcoholic beverages at the event.

Brisbane Dance Workshop (BDW)
Event Name: Spring Performance
Event Dates: 5/16/2026-5/17/2026

Founded in 1982, Brisbane Dance Workshop (BDW) is a non-profit organization established to provide creative and skill based performing arts learning to children 3 and older. BDW embraces a real challenge in teaching dance: to preserve the innocence, playfulness and creativity in a child while developing the more demanding technical and aesthetic aspect of the performing arts. BDW offers scholarships to students who participate in BDW classes as well as scholarships for students who have a proven record of dedication and wish to expand their learning experience outside Brisbane.
BDW strives to create entertainment for the community by hosting their annual Spring Performance of "Hook" at the Mission Blue Center on Saturday & Sunday, May 16th & 17th. This event is open to people of all ages and helps to support the mission of the Brisbane Dance Workshop. Event admission is fee-based and tickets will be available for purchase through the BDW website.

FISCAL IMPACT SUMMARY BASED ON APPLICATION	
Rental of Mission Blue Center	Approximately 20 hours @ $371/hour = $7,420
Staff time to set up and break down theatre risers	Approximately 10 staff labor hours @ $50/hour = $500
Lighting Technician	$2,700
	TOTAL = $10,620

Note: This summary does not include facility time used for rehearsals since they generally replace it with their designated class times at the Community Center.

The next cosponsorship event package will come before the Council in late Spring and will include events between June-September.

Attachments

1. Cosponsorship applications

Jeff Franco

Jeff Franco, Recreation Coordinator

Noreen Leek

Noreen Leek, Parks & Recreation Director

Jeremy Dennis

Jeremy Dennis, City Manager

City of Brisbane
CO-SPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

PHONE: 415-508-2140 | EMAIL: BRISBANEREC@BRISBANECA.ORG | OFFICE: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Cary Mossing **Contact Person's Phone:** 650-684-0877

Contact Person's Email: mossing@smcl.org

Name of Organization: Brisbane Library **Organization's Website:** www.smcl.org/brisbane

Organization's Address or P.O. Box: 163 Visitacion Ave, Brisbane CA 94005

Circle ONE of the following items below that best describes your organization.

a. **Brisbane Non-Profit Organization**
b. **Non-resident, Non-Profit Organization (Outside of Brisbane)**
c. **School District, School, or School Affiliated Group (ex. PTO)**
d. **Private Group, Club, or Organization**

What year did your organization begin serving the Brisbane community? 1981

How has your organization contributed to the Brisbane community in the past 2 years?

The Brisbane Library is a community hub, open 7 days a week and offering free resources and programs for all ages. From storytime for children and families to computer classes for adults, 3D printing appointments to craft activities, everyone is welcome to learn and explore at the library.

What is your organization's mission and/or purpose?

Our Vision

Where community grows and thrives

Our Mission

Together, we build meaningful connections and inspire lifelong curiosity

EVENT DETAILS

Name of Event: Holi Celebration **Event Set-up Start Time:** 1:45 pm

Event Date (mm/dd/yy): March 8, 2026 **Event Start Time:** 2:00 pm

Event Day of Week: Sunday **Event Close Time:** 2:45 pm

Event Location: Brisbane Community Park, Lawn

Reservation Permit Number (if applicable): _____

Describe what can be expected from this event? (ex. Performance, shopping, activities, etc.)

Activity: Holi color throwing celebration, with storytime or craft activity before

Will there be any fundraising at this event? No **If yes, what will the funds raised be used for?** _____

Are there any admission fees for this event? No **If yes, please list them here:** _____

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. Age, membership, residency, etc.)

INDOOR FACILITY ACCESS REQUEST

City Staff must be present to accommodate the use of any of our indoor facilities. The following schedule will be used to ensure someone will be available when you need access. (If you are not requesting indoor facility use, you may skip to the next section)

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

EQUIPMENT USE REQUEST

<Insert Equipment Use Liability Notice>
Indicate the equipment you wish to borrow for this event.

Bluetooth Speaker? _____ **with Microphone?** _____

Projector & Screen? *(Mission Blue Only)* _____

Other: _____

Quantity:	Item:
_____	6ft Long Rectangle Tables
_____	5ft Diameter Round Tables
_____	Chairs
_____	10ft x 10ft Canopy/Pop-up Tent
_____	Weighted Sandbags

PERMITS

Food & Beverage Permits

Will any food or non-alcoholic beverages be sold at your event? No **If yes, this permit is required** smchealth.org/food-program

Will alcoholic beverages be served or sold at your event? No **If yes, you must attach a copy of an Alcoholic Beverage Permit**
***Full Liquor Liability: If beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.**

Traffic Permits

Will this event require any street or parking closures? No **If yes, you must obtain a Brisbane Encroachment Permit**

Amplified Sound Permits

Do you wish to use amplified sound at this event? No **If yes, you must submit an Brisbane Amplified Sound Permit Application**

ADDITIONAL SUPPORT

Do you need any promotional support for this event?

Signboards? Yes **Social Media?** Yes

Digital Graphics / Flyers? **Programs?**

Other: Blast feature

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature_____ **Date** 1/14/2026

City of Brisbane
CO-SPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

PHONE: 415-508-2140 | EMAIL: BRISBANEREC@BRISBANECA.ORG | OFFICE: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Christian Allan Bustos **Contact Person's Phone:** 415-359-5540

Contact Person's Email: christian@lyricalopposition.org

Name of Organization: Lyrical Opposition **Organization's Website:** https://www.lyricalopposition.org

Organization's Address or P.O. Box: 132 Visitacion Ave, Brisbane, CA 94005

Circle ONE of the following items below that best describes your organization.

a. **Brisbane Non-Profit Organization**
b. **Non-resident, Non-Profit Organization (Outside of Brisbane)**
c. **School District, School, or School Affiliated Group (ex. PTO)**
d. **Private Group, Club, or Organization**

What year did your organization begin serving the Brisbane community? 2020

How has your organization contributed to the Brisbane community in the past 2 years?

Hosted multiple co-sponsored arts and culture events with the City of Brisbane and the Chamber of Commerce.

Opened a record store in 2022 with very affordable prices of $5 or less for all records for Brisbane residents.

Two Lyrical Opposition members currently serve on the board of the Friends of the Library.
In addition to serving on the IDEA commitee the last 2 years. Hosted Block by Block Artist Gatherings

What is your organization's mission and/or purpose?

Lyrical Opposition's purpose is to cultivate lyrical artists and activists to oppose systemic oppression through creative expression, education, and communal joy.

EVENT DETAILS

Name of Event: Hip-Hop in the Park: Spring Equinox **Event Set-up Start Time:** 10am

Event Date (mm/dd/yy): 03/21/2026 **Event Start Time:** 12pm

Event Day of Week: Saturday **Event Close Time:** 6pm

Event Location: Brisbane Community Park

Reservation Permit Number (if applicable): _____

Describe what can be expected from this event? (ex. Performance, shopping, activities, etc.)

Music, Community Vibes, Food Vendors

Will there be any fundraising at this event? Yes **If yes, what will the funds raised be used for?** Produce admission-free events

Are there any admission fees for this event? No **If yes, please list them here:** _____

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. Age, membership, residency, etc.)

Yes, open to public.

INDOOR FACILITY ACCESS REQUEST

City Staff must be present to accommodate the use of any of our indoor facilities. The following schedule will be used to ensure someone will be available when you need access. (If you are not requesting indoor facility use, you may skip to the next section)

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

EQUIPMENT USE REQUEST

<Insert Equipment Use Liability Notice>
Indicate the equipment you wish to borrow for this event.

Bluetooth Speaker? _____ **with Microphone?** _____

Projector & Screen? *(Mission Blue Only)* _____

Theater Risers? *(Mission Blue Only)* _____

Theatrical Lighting? *(Mission Blue Only)* _____ **Lighting Technician?** _____

Other: _____

Quantity:	Item:
_____	6ft Long Rectangle Tables
_____	5ft Diameter Round Tables
_____	Chairs
_____	10ft x 10ft Canopy/Pop-up Tent
_____	Weighted Sandbags

PERMITS

Food & Beverage Permits

Will any food or non-alcoholic beverages be sold at your event? Yes **If yes, this permit is required** smchealth.org/food-program

Will alcoholic beverages be served or sold at your event? No **If yes, you must attach a copy of an Alcoholic Beverage Permit**
***Full Liquor Liability: If beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.**

Traffic Permits

Will this event require any street or parking closures? No **If yes, you must obtain a Brisbane Encroachment Permit**

Amplified Sound Permits

Do you wish to use amplified sound at this event? Yes **If yes, you must submit an Brisbane Amplified Sound Permit Application**

ADDITIONAL SUPPORT

Do you need any promotional support for this event?

Signboards? Yes **Social Media?** Yes

Digital Graphics / Flyers? **Programs?**

Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature_____ **Date** 11/25/2025

City of Brisbane
CO-SPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

PHONE: 415-508-2140 | EMAIL: BRISBANEREC@BRISBANECA.ORG | OFFICE: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Ranjani Akula Gupta **Contact Person's Phone:** 832-567-0501

Contact Person's Email: Ranjani.Akula@gmail.com

Name of Organization: Mothers of Brisbane **Organization's Website:** _____

Organization's Address or P.O. Box: 234 Santa Clara St, 94005

Circle ONE of the following items below that best describes your organization.

a. **Brisbane Non-Profit Organization**
b. **Non-resident, Non-Profit Organization (Outside of Brisbane)**
c. **School District, School, or School Affiliated Group (ex. PTO)**
d. **Private Group, Club, or Organization**

What year did your organization begin serving the Brisbane community? _____

How has your organization contributed to the Brisbane community in the past 2 years?

Mothers of Brisbane (MoB) supports local families through inclusive, free community programs such as a public egg hunt, Play Gym and music classes, MoB Shop, meal trains, and seasonal exchanges like the Winter Closet and Halloween Costume Exchange.MoB also offers parent wellness and family-centered gatherings that foster connection and mutual support while reducing waste through resale and exchange programs. Our email list and social media platforms connect Brisbane families to trusted local resources, services, and community support.

What is your organization's mission and/or purpose?

The MOB is a 501 (c)(3), non-profit parents' club and welcoming community of support for parents of young children in Brisbane, California, and surrounding communities. We are single, partnered, married, gay, straight, working, stay-at-home, and self-employed. We come from different backgrounds, cultures, and experiences – but through it all, we are families.

EVENT DETAILS

Name of Event: Mothers of Brisbane Egg Hunt **Event Set-up Start Time:** 9:00 AM

Event Date (mm/dd/yy): April 4th, 2026 **Event Start Time:** 11:00 AM

Event Day of Week: Saturday **Event Close Time:** 01:15 PM

Event Location: Brisbane Community Park- Gazebo

Reservation Permit Number (if applicable): MOB Egg hunt

Describe what can be expected from this event? (ex. Performance, shopping, activities, etc.)

An open to the public egg hunt (preferred Brisbane Resisdents) supplemented with arts and crafts and performer/kids ve a mic/mega phone for announcments

Will there be any fundraising at this event? No **If yes, what will the funds raised be used for?** _____

Are there any admission fees for this event? No **If yes, please list them here:** _____

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. Age, membership, residency, etc.)

INDOOR FACILITY ACCESS REQUEST

City Staff must be present to accommodate the use of any of our indoor facilities. The following schedule will be used to ensure someone will be available when you need access. (If you are not requesting indoor facility use, you may skip to the next section)

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

EQUIPMENT USE REQUEST

<Insert Equipment Use Liability Notice>
Indicate the equipment you wish to borrow for this event.

Bluetooth Speaker? _____ **with Microphone?** _____

Projector & Screen? *(Mission Blue Only)* _____

Other: _____

Quantity:	Item:
2	**6ft Long Rectangle Tables**
	5ft Diameter Round Tables
5	**Chairs**
	10ft x 10ft Canopy/Pop-up Tent
	Weighted Sandbags

Please ensure that Brisbane Parks & Recreation delivers the tables and chairs to the Brisbane Park Gazebo by 9:30 a.m. on the day of the event, and arranges for pickup of the tables and chairs later that afternoon following the event.

PERMITS

Food & Beverage Permits

Will any food or non-alcoholic beverages be sold at your event? no **If yes, this permit is required** smchealth.org/food-program

Will alcoholic beverages be served or sold at your event? no **If yes, you must attach a copy of an Alcoholic Beverage Permit**
***Full Liquor Liability: If beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.**

Traffic Permits

Will this event require any street or parking closures? no **If yes, you must obtain a Brisbane Encroachment Permit**

Amplified Sound Permits

Do you wish to use amplified sound at this event? no **If yes, you must submit an Brisbane Amplified Sound Permit Application**

ADDITIONAL SUPPORT

Do you need any promotional support for this event?

Signboards? yes **Social Media?** yes targeted to Brisbane families

Digital Graphics / Flyers? **Programs?**

Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature _____ **Date** 12/22/2025

CITY OF BRISBANE
COSPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

Phone: (415) 508-2140 | Email: brisbanerec@brisbaneca.org | Office: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Madison Davis **Phone:** 415-706-5276

Email: madison@brisbanechamber.org

Name of Organization: Brisbane Chamber of Commerce **Organization Website:** brisbanechamber.org

Organization Address or P.O. Box: 50 Park Place, Brisbane

Circle ONE of the following descriptions below that best describes your organization:

a. Brisbane Non-Profit Organization
b. Non-resident, Non-Profit Organization (Outside of Brisbane)
c. School District, School, or School Affiliated Group (ex. PTO)
d. Private Group, Club, or Organization

What year did your organization begin serving the Brisbane community? 1946

How has your organization added value to the Brisbane community in the past?
The Brisbane Chamber assisted small businesses throughout COVID with critical information, partnered with the City of Brisbane to distribute grants, prints Brisbane's only newspaper-The Luminary, gives college scholarships to students, partners with Lipman on a job shadowing day, creates Holiday stars for residents, and sponsors the garden show. These are just a few of our programs.

What is your organization's mission and/or purpose?
The Brisbane Chamber of Commerce is non-profit 501(c)(6) organization created through a partnership of businesses, civic leaders, and residents working together to enhance Brisbane's economic landscape.

EVENT DETAILS

(If you are requesting multiple days & times, please attach those details on a separate sheet of paper.)

Name of Event: Students in Business & Government

Event Set-up Start Time: 10:00 am

Event Date (mm/dd/yy): 4/22/26

Event Start Time: 11:00 am

Event Day of Week: Wednesday

Event End Time: 1:30 pm

Event Location: Mission Blue

Describe what can be expected at this event? (ex. Performance, Dinner, Activities, etc.)

The Chamber has hosted Students in Business & Government for close to 30 years. This program partners 8th graders with Brisbane businesses to learn about how the business operates. We then join together for a luncheon at Mission Blue where the students give presentations on what they learned.

Will there be any fundraising at this event? No **If yes, what will the funds raised be used for?**

Are there any admission fees for this event? No **If yes, please list them here:**

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. age, membership, residency, etc.)

Guests are Lipman students and teachers, and the businesses who hosted them for their visit in March

INDOOR FACILITY ACCESS REQUEST

City Staff must be present to accommodate the use of any indoor facilities. The below requested times will be used to ensure staff will be available when you need to access the facility. (If you are not requesting indoor facility use, you may skip to the next section.)

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

EQUIPMENT USE REQUEST

If you would like to request any equipment for an **outdoor event**, please include those details below. (If your event is at one of our indoor facilities, you my indicate your equipment needs on the rental layout.)

Quantity:	Item:
_____	6ft Long Rectangle Tables
_____	Chairs
_____	10ft x 10ft Canopy/Pop-up Tent
_____	Weighted Sandbags

Mission Blue Center ONLY

If your event will be at the Mission Blue Center, please indicate if you wish to request any of the equipment listed below.

Bluetooth Speaker? Yes with Microphone? Yes

Projector & Screen? Yes

*Theatrical Lighting? _____ with *Lighting Technician? _____

*Theater Risers? _____

*Any additional fees associated with reservation of special equipment will be the responsibility of the applicant, and may require additional planning time.

PERMITS

Alcoholic Beverage Permit

Will alcoholic beverages (beer/wine) be sold at your event? _____ If yes, you must attach a copy of an Alcoholic Beverage Permit

*Full Liquor Liability: If beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.

Food & Beverage Permits - *Outdoor Events Only*

Will any food or non-alcoholic beverages be sold at your event? _____ If yes, this permit is required smchealth.org/food-program

Traffic Permits

Will this event require any street or parking closures? No If yes, you must obtain a Brisbane Encroachment Permit

Amplified Sound Permits - *Outdoor Events Only*

Do you wish to use amplified sound at this event? _____ If yes, you must submit an Brisbane Amplified Sound Permit Application

Brisbane Business License

Do you intend to sell goods of any kind at your event? _____ If yes, you must have a valid Brisbane Business License

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note: promotional support is not guaranteed. Any graphics or content for your event are expected to be provided by the applicant.)

a. Brisbane Signboards b. Social Media c. City Website d. City Publications Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature_____ **Date** 1/22/26

ADMINISTRATIVE SECTION

Facility Application? _____ Permit # _____ CC Report Due _____ CC Meeting Date: _____

CITY OF BRISBANE
COSPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

Phone: (415) 508-2140 | Email: brisbanerec@brisbaneca.org | Office: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Madison Davis/Sharon Boggs **Phone:** 415-706-5276

Email: madison@brisbanechamber.org/Sharonlboggs@gmail.com

Name of Organization: Brisbane Chamber of Commerce/Brisbane Lions Club **Organization Website:** brisbanechamber.org/brisbanelions.org

Organization Address or P.O. Box: 50 Park Place, Brisbane/ PO Box 317-Brisbane

Circle ONE of the following descriptions below that best describes your organization:

a. Brisbane Non-Profit Organization
b. Non-resident, Non-Profit Organization (Outside of Brisbane)
c. School District, School, or School Affiliated Group (ex. PTO)
d. Private Group, Club, or Organization

What year did your organization begin serving the Brisbane community? 1946/1947

How has your organization added value to the Brisbane community in the past?

The Brisbane Chamber assisted small businesses throughout COVID with critical information, partnered with the City of Brisbane to distribute grants, prints Brisbane's only newspaper-The Luminary, gives college scholarships to students, partners with Lipman on a job shadowing day, creates Holiday stars for residents, and sponsors the garden show. These are just a few of our programs.

What is your organization's mission and/or purpose?

The Brisbane Chamber of Commerce is non-profit 501(c)(6) organization created through a partnership of businesses, civic leaders, and residents working together to enhance Brisbane's economic landscape.

The Brisbane Lions Club is a 501(c)(3) committed to serving the community. The Lions Clubs are places where individuals join together to give their time and effort to improving their communities, and the world.

EVENT DETAILS

(If you are requesting multiple days & times, please attach those details on a separate sheet of paper.)

Name of Event: A Night in Little Reno

Event Date (mm/dd/yy): 5/2

Event Day of Week: Saturday

Event Location: Mission Blue

Event Set-up Start Time: 12pm

Event Start Time: 6:00

Event End Time: 10:30/11

Describe what can be expected at this event? (ex. Performance, Dinner, Activities, etc.)

The Chamber and Lions are partnering together to host a fundraising event, supporting our organizations and our scholarship programs. We are calling it "A Night in Little Reno" to pay homage to Brisbane's nickname in the 30's. We will have casino games (NO ACTUAL GAMBLING), live music, food, raffle, etc.

Will there be any fundraising at this event? Yes **If yes, what will the funds raised be used for?** Chamber, Lions, & Scholarship funds

Are there any admission fees for this event? Yes **If yes, please list them here:** $50 per person

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. age, membership, residency, etc.)

Guests should be 21+

INDOOR FACILITY ACCESS REQUEST

City Staff must be present to accommodate the use of any indoor facilities. The below requested times will be used to ensure staff will be available when you need to access the facility. (If you are not requesting indoor facility use, you may skip to the next section.)

Date of Facility Access (mm/dd/yy): 5/1 (room set up) **Opening Time:** TBD **Closing Time:** TBD

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

Date of Facility Access (mm/dd/yy):_____ **Opening Time:** _____ **Closing Time:** _____

EQUIPMENT USE REQUEST

If you would like to request any equipment for an **outdoor event**, please include those details below. (If your event is at one of our indoor facilities, you my indicate your equipment needs on the rental layout.)

Quantity:	Item:
_____	6ft Long Rectangle Tables
_____	Chairs
_____	10ft x 10ft Canopy/Pop-up Tent
_____	Weighted Sandbags

Mission Blue Center ONLY

If your event will be at the Mission Blue Center, please indicate if you wish to request any of the equipment listed below.

Bluetooth Speaker? _____ with Microphone? _____

Projector & Screen? Yes

*Theatrical Lighting? _____ with *Lighting Technician? _____

*Theater Risers? _____

*Any additional fees associated with reservation of special equipment will be the responsibility of the applicant, and may require additional planning time.

PERMITS

Alcoholic Beverage Permit

Will alcoholic beverages (beer/wine) be sold at your event? Yes **If yes, you must attach a copy of an Alcoholic Beverage Permit**

*Full Liquor Liability: If beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.

Food & Beverage Permits - *Outdoor Events Only*

Will any food or non-alcoholic beverages be sold at your event? _____ If yes, this permit is required smchealth.org/food-program

Traffic Permits

Will this event require any street or parking closures? No **If yes, you must obtain a Brisbane Encroachment Permit**

Amplified Sound Permits - *Outdoor Events Only*

Do you wish to use amplified sound at this event? _____ If yes, you must submit an Brisbane Amplified Sound Permit Application

Brisbane Business License

Do you intend to sell goods of any kind at your event? Yes **If yes, you must have a valid Brisbane Business License**

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note: promotional support is not guaranteed. Any graphics or content for your event are expected to be provided by the applicant.)

a. Brisbane Signboards b. Social Media c. City Website d. City Publications Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature_____ **Date** 1/22/26

ADMINISTRATIVE SECTION

Facility Application? _____ Permit # _____ CC Report Due _____ CC Meeting Date: _____

City of Brisbane
CO-SPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

PHONE: 415-508-2140 | EMAIL: BRISBANEREC@BRISBANECA.ORG | OFFICE: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Camille Salmon **Contact Person's Phone:** 650-576-7126

Contact Person's Email: Camosal51@yahoo.com

Name of Organization: Brisbane Dance Workshop **Organization's Website:** brisbanedanceworkshop.org

Organization's Address or P.O. Box: P.O Box 844 Brisbane Ca 94005

Circle ONE of the following items below that best describes your organization.

a. **Brisbane Non-Profit Organization**
b. **Non-resident, Non-Profit Organization (Outside of Brisbane)**
c. **School District, School, or School Affiliated Group (ex. PTO)**
d. **Private Group, Club, or Organization**

What year did your organization begin serving the Brisbane community? 1980

How has your organization contributed to the Brisbane community in the past 2 years?

providing After-school performing arts classes to students ages 3 thru adult and Choreographing for FOL gifts open to all comm. members-

What is your organization's mission and/or purpose?

BDW partners w/ professional artists to facilitate classes & Experiences in the Performing Arts We believe in nurturing the creative & magical experience of each participant. In building our inclusive community, their achievements are showcased in collaborative performances. Beyond the stage, the skills learned enable personal growth for success in life.

EVENT DETAILS

Name of Event: BDW. Mary Shaw's (Hook) **Event Set-up Start Time:** _____

Event Date (mm/dd/yy): _____ **Event Start Time:** _____

Event Day of Week: _____ **Event Close Time:** _____

Event Location: _____ SEE attached sheet

Reservation Permit Number (if applicable): _____

Describe what can be expected from this event? (ex. Performance, shopping, activities, etc.)

Performance

Will there be any fundraising at this event? ✓ **If yes, what will the funds raised be used for?** cost of shows.

Are there any admission fees for this event? ✓ **If yes, please list them here:** $18/$12-senior&under12 | $10 Gala

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. Age, membership, residency, etc.)

_____

INDOOR FACILITY ACCESS REQUEST SEE Attached Sheet

City Staff must be present to accommodate the use of any of our indoor facilities. The following schedule will be used to ensure someone will be available when you need access. (If you are not requesting indoor facility use, you may skip to the next section)

Date of Facility Access (mm/dd/yy):_____ Opening Time: _____ Closing Time: _____

Date of Facility Access (mm/dd/yy):_____ Opening Time: _____ Closing Time: _____

Date of Facility Access (mm/dd/yy):_____ Opening Time: _____ Closing Time: _____

EQUIPMENT USE REQUEST

<Insert Equipment Use Liability Notice>
Indicate the equipment you wish to borrow for this event.

Bluetooth Speaker? ✓ with Microphone? _____

Projector & Screen? *(Mission Blue Only)* ✓

Other: _____

Quantity:	Item:
_____	6ft Long Rectangle Tables
_____	5ft Diameter Round Tables
_____	Chairs
_____	10ft x 10ft Canopy/Pop-up Tent
_____	Weighted Sandbags

PERMITS

Food & Beverage Permits

Will any food or non-alcoholic beverages be sold at your event? NO If yes, this permit is required smchealth.org/food-program

Will alcoholic beverages be served or sold at your event? _____ If yes, you must attach a copy of an Alcoholic Beverage Permit
*Full Liquor Liability: If beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.

Traffic Permits

Will this event require any street or parking closures? NO If yes, you must obtain a Brisbane Encroachment Permit

Amplified Sound Permits

Do you wish to use amplified sound at this event? NO If yes, you must submit an Brisbane Amplified Sound Permit Application

ADDITIONAL SUPPORT

Do you need any promotional support for this event?

Signboards? ✓ Social Media? ✓

Digital Graphics / Flyers? ✓ Programs? ✓

Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature Camilla Thelen **Date** 1/20/26

BDW 2026
Mission Blue Schedule

May 4	May 5	May 6	May 7	May 8
Monday	Tuesday	Wednesday	Thursday	Friday
3:30 – 5:30	3:30 – 6:00	3:00 -6:00	3:30 – 6:00	2:00 – 7:00
		*adult tap call held at Comm. Center		

Please note week of May 11 / There will be times that JoeJoe Martin & Danielle Kellestdt will need to get inside Mission Blue to set lights and sets outside times when students are there. We ask that since the costumes, and sets will be on stage one one else will use Mission Blue for that week – Thanks

May 11	May 12	May 13	May 14	May 15
3:00- 6:00	3:00 – 7:00	3:00 – 6:00	3:00 – 9:00	3:00 – 9:00
		* adult tap @ Comm. Center		
Saturday	Sunday			
May 15	16			
11am- 10pm	11am – 6pm			

CITY COUNCIL AGENDA REPORT

Meeting Date: March 5, 2026
From: Abby Partin, Human Resources Director
Subject: Resolution to Amend the Current Financial Services Manager Job Description

Recommendation

Staff recommend adoption of the resolution to amend the current Financial Services Manager job description.

Background

The existing Financial Services Manager job description was adopted in 2003. Since that time, the fields of municipal finance, accounting standards, regulatory compliance, and financial management technology have evolved significantly. During this same period, the City of Brisbane has continued to grow as a full-service city, increasing both the scope and complexity of services provided to the community.

To ensure the position accurately reflects current professional standards and organizational needs, the Finance Director engaged a consultant to conduct a comprehensive review of the job description.

Discussion

The review determined that the current description contains outdated terminology and references that no longer align with modern financial practices or technology systems. Over the past two decades, there have been substantial advancements in financial software, enterprise resource planning systems, digital reporting requirements, and governmental accounting standards. The updated language reflects these changes and better aligns the position with today's professional environment.

In addition, the role of the Financial Services Manager has expanded in both complexity and responsibility. The position now requires greater oversight in financial reporting, budget development, audit coordination, compliance, internal controls, long-term financial planning, and strategic financial analysis. As a full-service city, Brisbane offers exposure to a broad range of municipal services, capital improvement projects, interdepartmental collaboration, and strategic initiatives. Candidates in this role will engage in diverse projects and participate at multiple organizational levels, opportunities that may not be available in other cities of similar size. The revised description more accurately reflects this scope and enhances the City's ability to attract competitive candidates.

Lastly, the current job description includes certification requirements that may unnecessarily limit the applicant pool and are no longer typically attainable prior to entering the position. Maintaining the Government Finance Officers Association (GFOA) certificate requirement in Government Accounting or Government Budgeting, could discourage otherwise qualified candidates from applying. The amended description removes the mandatory certification requirement and instead increases the minimum experience requirement from three to five years. This adjustment maintains a high standard of professional expertise while broadening recruitment opportunities.

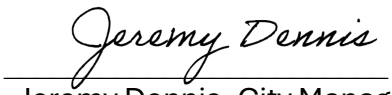
Fiscal Impact

The position is included in both the current and upcoming fiscal year budgets, and this amendment to the job description does not result in any additional fiscal impact.

Attachments

Resolution 2026-__

Abby Partin, Human Resources Director



Jeremy Dennis, City Manager

RESOLUTION NO 2026-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE AMENDING RESOLUTION 2001-11 TO INCLUDE THE AMENDMENT TO THE CLASSIFICATION OF FINANCIAL SERVICES MANAGER IN THE CLASS SPECIFICATION MANUAL

WHEREAS, on February 13, 2001, the City Council approved Resolution 2001-11 establishing the Classifications and Pay Plan and approving the class descriptions included in Exhibit “A” of said resolution for development of the Class Specification Manual; and

WHEREAS, the City Manager has established the need for the amendments in the classification of Financial Services Manager; and

WHEREAS, the class description amendments for Financial Services Manager were developed in cooperation with and have been approved by the City Manager; and

WHEREAS, this newly developed class description for Financial Services Manager meets the requirements established Rule 6.02b of the City of Brisbane Personnel Rules and Regulations for the Class Specification Manual.

NOW, THEREFORE, the City Council of the City of Brisbane resolves as follows:

The class description for the classification of Financial Services Manager in Exhibit “A” is approved for inclusion in the Class Specification Manual.

_____

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2026-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on March 5, 2026, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____

Ingrid Padilla, City Clerk

CITY OF BRISBANE

FINANCIAL SERVICES MANAGER

Definition

Under general direction of the Finance Director, manages, organizes, and provides direction and oversight for financial services of the City including general accounting, budget development, financial reporting and audit process, payroll, accounts payable, and accounts receivable and debt management functions and activities; manages and coordinates the cash management, banking relationships, investment of funds, financial reporting and audit, rate and fee studies, short and long-range financial forecasting, and finance staff; ensures that functions meet all applicable laws, regulations, and City policies; provides professional assistance to City management staff in areas of expertise; fosters cooperative working relationships with intergovernmental and regulatory agencies; assists the Finance Director with related program tasks; and performs other related duties as assigned ~~provides supervision to the accounting staff and performs a wide range of complex professional accounting duties in the analysis, preparation and maintenance of financial records and reports; makes complex and difficult account analyses and reports; develops, implements and revises accounting systems, procedures and internal controls; coordinates the outside audit preparation of the comprehensive annual financial report; coordinates various automated accounting systems and modules and trains accounting staff in the use of such systems; and performs related duties as assigned.~~

Class Characteristics

The Financial Services Manager is ~~the experienced level in the accounting series. This single-position class is at the management level and performs diverse and specialized accounting work that is complex and involves significant accountability and decision making responsibility. This class is responsible for supervising accounting staff and managing areas such as, payroll, billing, accounts payable, accounts receivable, general ledger, grant accounting, capital project accounting, fixed asset accounting, enterprise fund accounting, and other accounting related activities for all City funds.~~ a mid-management level classification responsible for planning, organizing, reviewing, and evaluating financial services. Responsibilities include developing and implementing policies and procedures for assigned programs, budget administration and reporting, and program evaluation. Incumbents serve as a professional-level resource for organizational managerial and operational analysis and studies and are accountable for accomplishing divisional planning and operational goals and objectives, and for furthering City goals and objectives. Performance of the work requires the use of considerable independence, initiative, and discretion withing established guidelines. This classification is distinguished from the Finance Director in that the latter has overall responsibility for providing administrative direction and oversight in all financial and related functions and activities for the Finance Department. This classification is distinguished from other lower-level accounting classes by its supervisory and administrative responsibilities.

Examples of Duties (Illustrative Only)

- Assists in the development and implementation of goals, objectives, policies, procedures and work standards for the Finance department.
- ~~Perform a variety of accounting duties in support of accounting programs including accounting, financial reporting and fixed assets; prepare monthly journal entries; and maintain fixed asset register and schedules.~~ Manages the timely and accurate preparation of budgeting documents and financial reports, including the Annual Comprehensive Financial Report, and participates as an active member of the Budget Team.
-

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- ~~Participate in posting, balancing and reconciliation of the general ledger and subsidiary accounts; ensure all transactions comply with accepted accounting practices.~~ Prepares complex journal entries and reviews and approves ~~District~~ financial transactions including journal entries, accounts payable invoices, revenue collection, accounts receivable billing, payroll postings, and purchasing documents~~e and change orders~~.
- Prepares a variety of monthly, periodic and annual financial and statistical reports and accounting summaries required by the City, Successor ~~Redevelopment~~ Agency and outside agencies.
- Coordinates financial reporting and auditing activity with external auditors and other agencies; researches, compiles and analyzes data; prepares reports as required.
- Oversees ~~Perform~~ fixed assets accounting to ensure ~~; maintain~~ accurate fixed asset records, and provides information ~~statistics~~ for capital and operating budgets.
- ~~Provide a~~Assists ~~ance~~ in preparing financial reports and other information required by City departments and external agencies.
- ~~Assist in the annual closing of the City's financial records and in the compilation and review of the annual budget.~~
- Prepares audit schedules and ~~confirmations~~ reconciliations; responds to inquiries from auditors and provides information within area of assignment.
- Provides professional, technical accounting and budget advice to City staff; coordinates activities with other department; assists in special projects as assigned.
- Coordinates and conducts financial and management analyses, studies, assignments and projects, and performs ad-hoc analyses for the Council and senior management.
- Assists in rate and fee studies; makes related recommendations to senior management.
- Trains, motivates and assists in evaluating personnel; assists in establishing and monitoring employee performance objectives; assists in the preparation of employee performance reviews; provides and coordinates staff training.
- Provides backup support to ~~other staff in~~ the Finance Director ~~Department~~; may provide occasional or emergency backup to the Information Technology & Systems Manager.

Qualifications

Knowledge of:

- Operations, services and activities of accounting programs including fund accounting, ~~accounts,~~ enterprise funds, financial reporting and fixed assets.
- Principles, methods and practices of municipal finance administration, budgeting and forecasting, accounting, rate setting, investments, debt financing, ~~and~~ fiscal operations and record keeping.
- GAAP and GASB accounting standards and requirements.
- General and municipal accounting and auditing principles and practices.
- Principles and practices of effective supervision, work planning, training and performance evaluation.
- ~~Principles of financial administration, including budgeting and reporting.~~
- Methods and techniques of conducting audits and cost depreciation.
- Applicable federal, state and local laws, City regulations, codes, policies and procedures. ~~public finance and fiscal operations.~~
- ~~Software applications utilized in accounting programs.~~
- Computers and software applications ~~programs~~ (e.g. Microsoft 365) to conduct, complete, and/or generate documentation. Modern equipment and communication tools and systems used for business functions , programs and projects. ~~office procedures, methods and equipment including computers and supporting word processing and spreadsheet applications.~~

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- ~~Provide professional, technical accounting and budget advice to City staff; coordinate activities with other department; assist in special projects as assigned.~~
- ~~Train, motivate and assist in evaluating personnel; assist in establishing and monitor employee performance objectives; assist in the preparation of employee performance reviews; provide and coordinate staff training.~~
- ~~Provide backup support to other staff in the Finance Department; may provide occasional or emergency backup to the Information Technology & Systems Manager.~~

~~**Qualifications**~~

~~**Knowledge of:**~~

- ~~Operation, services and activities of accounting programs including accounts, financial reporting and fixed assets.~~
- ~~Principles, methods and practices of municipal finance, budgeting, accounting and fiscal operations and record keeping.~~
- ~~GAAP and GASB accounting standards and requirements.~~
- ~~General and municipal accounting and auditing principles and practices.~~
- ~~Principles and practices of effective supervision, training and performance evaluation.~~
- ~~Principles of financial administration, including budgeting and reporting.~~
- ~~Methods and techniques of conducting audits and cost depreciation.~~
- ~~Applicable laws, regulations, public finance and fiscal operations.~~
- ~~Software applications utilized in accounting programs.~~
- ~~Modern office procedures, methods and equipment including computers and supporting word processing and spreadsheet applications.~~

Skill in:

- Performing professional level analysis and interpretation of financial and accounting records and fixed assets; examining, preparing and verifying financial statements, reports and documents.
- Preparing complex financial, economic, statistical and administrative ~~statements,~~ reports and analyses.
- Examining, completing and analyzing detailed financial documents, forms and records.
- Developing and implementing modified and new accounting procedures and systems.
- Supervising, training and evaluating assigned personnel.
- Effectively representing the department and the City in meetings with other agencies, community groups, various businesses, and professional and regulatory organizations.
- Interpreting, applying and explaining rules and regulations regarding accounting and auditing practices.
- Establishing and maintaining cooperative and effective working relationships with those contacted in the course of work.
- Effectively using computer systems, software applications, ~~AI,~~ and modern business equipment to perform a variety of work tasks.
- Working independently in the absence of direct supervision.
- Communicating clearly and concisely, both orally and in writing. Participating in public speaking and visual presentations.

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Education and Experience:

Education: Equivalent to a bachelor's degree ~~graduating~~ from an accredited college or university ~~with a Bachelor's Degree~~ with major coursework in accounting, finance, business administration, public administration, or a related field. ~~Depending on the current needs of the City, either a GFOA examination certificate in Government Accounting, Auditing and Financial Reporting or GFOA examination certificate in Government Budgeting is required.~~ A CPA certificate ~~is~~ or ~~desirable~~ Master's Degree in Public Administration or Business Administration is desirable.

Experience: ~~Three~~ Five years of increasingly responsible professional experience in accounting, auditing or finance, with at least two years of ~~in a~~ supervisory experience ~~capacity.~~. Municipal finance experience preferred.

License: Possession of, or the ability to obtain, an appropriate valid California Driver's license, which must be maintained as a condition of employment.

Working Conditions: Work in a standard office environment using a computer and standard office equipment. The ability to work protracted and irregular hours, and available for evening meetings.

Physical Demands: Most possess mobility to work in a standard office setting and to use standard office equipment, including a computer; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone.

Approved Date: January 27, 2003
Resolution: 2003-05

Revised Date: March 5, 2026
Resolution: 2026-XX

Bargaining Unit: Mid-Management/Professional Employees Group
Resolution: 2003-06

Former Titles:

Abolished:

City Council Staff Report

Meeting Date: March 5, 2026

From: Jeremy Dennis, City Manager

Subject: Adopt Amended Public Arts Implementation Guidelines Approving Revisions to the Membership of the Public Art Advisory Committee

Recommendation

Staff recommends that the City Council adopt amended Public Arts Implementation Guidelines that will reflect revisions to the membership of the Public Art Advisory Committee (PAAC) by replacing the seats held by two City Council members and seats held by two Parks and Recreation Commission members with at large appointments from Brisbane residents.

Background

The Brisbane Public Art Advisory Committee (PAAC) is the City Committee entrusted with ensuring that all public art projects in the City of Brisbane adhere to the program criteria and guidelines for the selection of an artist or artist team, artwork, and artwork location as outlined in the Public Arts Implementation Guidelines. Membership of the PAAC is set forth in the PAAC Guidelines. Membership of the current PAAC consists of two Parks and Recreation Commissioners, two City Councilmembers, and three Brisbane Community members. Among the community members, there must be one individual professionally engaged in the art community, one individual employed by or owning a Brisbane business, and the remaining seat may be filled by either a resident of Brisbane or an employee/owner of a Brisbane business. While serving on the Committee and for one year after vacating their seat, PAAC members are ineligible to propose public art projects.

Discussion

At a Special City Council meeting held on January 15, 2026, the City Council decided on its assignments for 2026. During this process, it discussed the structure of the PAAC. To align the PAAC with other Council appointed committees and commissions, Council unanimously agreed that the membership on the PAAC should be revised. This revision involves replacing the seats held by two City Council members and seats held by two Parks & Recreation Commission members with four Brisbane residents. The recruitment for those seats will be conducted in the coming months. Membership for the three existing community seats will remain unchanged. In order to effectuate this change, Council must approve revised Guidelines, and such Guidelines are attached. In order to maintain a quorum should the PAAC need to meet, the Council and Park and Recreation membership will continue until the four new members have been selected and appointed.
As to the new members, staff recommend that four new seats be filled by Brisbane residents

without regard to whether the person is professionally engaged in the artistic community or whether person owns a business in Brisbane
Council will continue to have final approval of any public art project, after taking into consideration the recommendation of the PAAC.

Fiscal Impact

There is no fiscal impact in revising the membership of the PAAC.

Attachments

1. Public Art Implementation Guidelines

City Manager Approval

Jeremy Dennis, City Manager 02/27/2026

Public Art Implementation Guidelines

City of Brisbane

Amended by the City Council on __/__2026

Purpose

The City of Brisbane adopted a Public Arts Ordinance in 2014 in order to increase citizens' appreciation of art, to improve quality of life, and to enhance Brisbane's identity as a unique community within the greater Bay Area. Additionally, public art should stimulate creativity, imagination, induce creative conflict, and add a unique human quality to the community environment and enrich public spaces. A city rich in art becomes an outdoor cultural museum accessible to everyone. Public art can and should be an integral part of the design and the planning process of all development.

Mission

The mission for public art in the City of Brisbane is to support community identity, unity, and pride through diverse artwork that grabs attention and distinguishes a unique sense of place.

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Goals

1. Community Involvement – A community develops a specific identity and character over time. Residents are uniquely qualified to provide insight into the types of public artwork that are best suited for the community depending on the size of the project. Those who reside in the community are encouraged to participate in the selection process of public art pieces by participating at public meetings.
2. Diversity of Art – The collection should be diverse in its representation of artists and artistic styles and be reflective of the ethnic and cultural diversity of the community.
3. Creation of Sense of Place – Art is important to our common experience because it brings focus, importance, and cohesion to public spaces. Public art develops images and provides experiences that reflect the historical and cultural essence of a community. Public art transforms public spaces by giving them context and relevance and making them places of community interest and pride. Public art has the potential to improve the appearance of an entire business block; to heighten the ethnic, historical or cultural aspects of the community and to attract foot traffic to an area that formerly had little or none.
4. Artist Participation – By encouraging collaboration between artist, architects, and engineers, we can provide an aesthetic dimension that expands possibilities for creating public spaces for the community.

Definitions

- **Artist:** An individual or team of individual artists whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts. Members of architectural, engineering, design or landscaping firms retained for the design and construction of a

development project covered by these Guidelines shall not be considered artists for the purpose of meeting the requirement to provide public art.

- **Arts professional:** An individual who works in the fine arts field (such as arts consultant, fine arts curators, fine arts collectors, art critics, or art educators).
- **Artwork or work of art:** All forms of original creations of visual arts, including but not limited to: 1) sculpture in any material or combination of materials; 2) painting- all media including portable and permanently affixed works, such as murals and frescoes; 3) graphic arts, print making and drawing; 4) mosaics; 5) photography; 6) crafts in clay, fiber and textiles, wood, metal, plastics and other materials; 7) calligraphy; 8) stained glass; and 9) mixed media – any combination of forms or media, including collage.
- **Artwork cost:** Artwork cost is the total amount budgeted by the City for a public artwork project.
- **Building valuation**: The total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.
- **Conceptual design plan:** The initial phase of the approval of public artwork that includes review of the artist's or artist team's qualifications, conceptual artwork design, and artwork location.
- **Deaccession:** Refers to the permanent removal of a work of art from a collection.
- **Design:** Artwork detailing project design, including scale drawings within site context, sealed by an engineer, if required.
- **Fabrication:** A detailed description of the methods of fabrication as well as any uncommon or unusual details regarding the approach to creating an artwork piece.
- **Final design plan:** The final phase of the approval of public artwork that involves consideration of a highly defined proposal that conforms to the concept previously considered and approved by the Committee.
- **In-lieu contribution:** In place of an approved artwork on the site, a developer may elect to pay to the City an amount equal to the program allocation set forth in the Public Arts Ordinance. In-lieu fees shall be submitted to the City and deposited into the Public Art Fund before the issuance of a building permit for the development project except when a different time period is approved by the Community Development Director and Parks and Recreation Director.
- **Installation:** A detailed description of the installation procedure if the artwork will not be fabricated directly on the selected site. Installation would include the construction of any required footings or foundation.
- **Public art:** Any permanent display of a work of visual art that was specifically designed to be located on a site where it would be easily accessible to the public, either on private or public property within the City of Brisbane.
- **Public Art Advisory Committee:** A committee made of ~~2 Parks and Recreation Commissioners as designated by the Parks and Recreation Commission, 2 Council Members, and~~ seven~~3~~ Brisbane c~~C~~ommunity members, appointed by City Council. The Community members shall serve two-year terms and one of whom will be professionally engaged in the art community, one of whom will be an employee or owner of a business located in Brisbane, and the other members will be residents of Brisbane. This change in membership will not be effective until City Council has made four appointments to replace the two City Council and the two Park and Recreation

members. ~~may be either a resident of Brisbane or an owner or employee of a business located in Brisbane~~. Members of

the Public Art Advisory Committee will be ineligible to propose public art projects while they serve on the Committee and for 1 year after they leave the Committee.

- **Public art fund:** An interest-bearing account that is managed by the City Manager, or designee, into which public art funds, including donated funds, in-lieu funds and/or public art grant funds are deposited.
- **Public Art Master Plan:** The Public Art Master Plan, adopted by the City Council in 2025, is a strategic guide for developing and managing the city's public art program. It outlines the vision, goals, and policies for incorporating art into public spaces, and defines processes for art selection, acquisition, maintenance, and deaccession.
- **Public place:** An interior or exterior area on public or private property that is easily accessible by and highly visible to the general public.
- **Request for Proposals (RFP):** A formal document published by the City to solicit bids or proposals from prospective artists for projects under $75,000.
- **Request for Qualifications (RFQ):** A formal document published by the City to solicit bids or proposals from prospective artists for projects $75,000 or more.

General Procedure

Public artwork is limited to permanent, or semi-permanent (i.e. loaned art on rotation), visual works of art, as opposed to performing, written, or temporary art. Visual art includes but is not limited to murals, sculptures, artist-designed landscape features, streetscape features, earthworks, environmental installations, and water and digital displays.

Any money donated to or collected through the Building Permit process will be deposited in the Public Art Fund. The City Manager, or designee, shall administer the funds and establish accounting records according to Generally Accepted Accounting Principles (GAAP). The City Manager or designee will authorize all disbursements from the Public Art Fund. The account shall not be added to the City's General Fund.

The process for selecting the public piece to be installed will depend on whether or not the artwork is commissioned by the City of Brisbane or by a private person or entity.

All privately installed Public Art will be reviewed by a Public Art Advisory Committee. The Public Art Advisory Committee is responsible for reviewing and making decisions on conceptual design plans submitted by a developer of a project subject to the public art requirement.

Additionally, on an annual basis the Public Art Advisory Committee will meet to review the balance of funds in the Public Art Fund to determine if they should propose any projects be initiated and commissioned by the City.

The Public Art Advisory Committee shall ensure all public art projects meet the public art selection criteria as outlined in the Public Art Master Plan for selection of an artist or artist team, artwork, and artwork location established in this procedure, before submittal of the Final Design Plan to the City Council.

The following procedure will be used to review and approve public art projects:

Public Art Selection process for private developers on private property

A process map within the Public Art Master Plan outlines the procedure for public art initiated by private developers. Options for private developers include:

1) contributing the required amount to the city's Public Art Fund;

2) procuring public art themselves with support from the Public Art Advisory Committee; or

3) executing a public art project independently.

In options 2 and 3, the private developer must submit detailed design plans to the Public Art Advisory Committee for review, including artist qualifications and budget details. The Public Art Advisory Committee may make a recommendation concerning the project to the City Council for consideration. Between options 2 and 3, it is in the better interest of the private developer to follow option 2 in order to include the community in the public art process and thereby build goodwill, as well as to increase the likelihood of receiving City Council approval.

For option 2:

1. The project contact will meet with the designated staff from the City prior to submitting concept design plans.
2. The Public Art Advisory Committee will assess project goals and internal capacity and make a determination whether to facilitate the developer's art procurement process. If the Public Art Advisory Committee elects to take on the project, it will follow the City's Public Art selection process for City-initiated projects as outlined in the Public Art Master Plan. Alternatively, the Public Art Advisory Committee may refer the developer to a public art partner (e.g. an independent firm) to support the developer's process of art procurement.

For options 2 and 3:

3. Once artwork is selected, the developer will submit the required documentation to appropriate City staff for review. Proposals must include preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed work.
4. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs. If the value of a proposed artwork (by past records of comparable work sold, etc.) cannot be verified, City staff may choose to have the artist's proposal and or/other completed works appraised by a qualified art appraiser selected by the City. The developer will pay up-front for any art appraisal service fees. This expense will be deducted from the total artwork allocation cost.
5. Preliminary plans must contain such detailed information as may be required by the Public Art Advisory Committee to adequately evaluate the location of the artwork in relation to the

proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary.

6. A preliminary budget must show the proposed public art project is consistent with the public art ordinance requirements.
7. Within 30 days of receiving a completed application, the Public Art Advisory Committee will hold an open meeting to discuss the proposed project. The meeting will be noticed to all properties within 1,000 feet of the property and posted as required by law. With the agreement of the developer, the meeting may take place more than 30 days from receiving the completed application.

   The proposed artwork project will be reviewed using the following criteria as applied to the supporting documentation and past projects: Artistic quality (vision, originality, and craftsmanship); Context (architectural, historical, geographical, and socio-cultural context of the site); quality and permanency of materials; maintenance; safety; diversity of artists; representation in the existing collection of publicly-accessible artworks; and diversity of artworks (media, scale, style, intention) in the existing collection of publicly accessible artworks.

8. The Public Art Advisory Committee will make a recommendation on the proposed artwork to the City Council.
9. The City Council will have the final approval for any public artwork project. If the Council does not approve the proposed project, it can refer the item back to the Advisory Committee for reconsideration.
10. All costs of maintaining a privately installed Public Art work will be the expense of the private entity unless the City accepts the Public Art piece as a donation. Refer to the art donation policy in the Public Art Master Plan.

Public Art selection process for the City of Brisbane

1. A process map within the Public Art Master Plan outlines the procedure for selecting public art initiated by the city. The Public Art Advisory Committee will recommend to the City Council the amount of money from the Public Art Fund to be used on any publicly installed public art pieces and the breakout between Administrative and Maintenance costs of the project. The Public Art Advisory Committee will also recommend a location for the art project, type of artwork when appropriate, process for involving the community, and method of calling for artists.
2. The Council will approve available funds for the artwork and solicit members to be part of an Art Selection Committee, if needed.
3. The Public Art Advisory Committee shall select an artist, or group of artists, through a public process using one of the following methods:
   a. Request for Qualifications (RFQ), for projects $75,000 or more
   b. Request for Proposals (RFP), for projects under $75,000
   c. Invitational competition.

4. The Public Art Advisory Committee will rank various artist proposals during open public meetings at which the community may participate, after which the Committee will make a recommendation to the City Council for the award of an artist contract.
5. The City Council shall consider the Public Art Advisory Committee's recommendations on the artist or artist group and then make a decision.
6. The Public Art Advisory Committee, any outside professional hired by the City for assisting with the selection of the artwork, and the appropriate City staff (as needed for the particular project) shall meet regularly with the selected artist, or group of artists, in developing the Conceptual Design Plan that meets the artwork and location criteria.
7. Once the Conceptual Design Plan has been approved by the Public Art Advisory Committee, the artist or artist's team shall refine the project objectives and the Conceptual Design Plan according to the direction of the Public Art Advisory Committee.
8. The final design will be approved by the City Council.

Use of Funds

All funds appropriated for public art will be deposited in the Public Art Fund. The City Council shall authorize projects for funding as prescribed in the public art implementation guidelines. In circumstances where it is not feasible to incorporate artistic features into a particular project, such money will be pooled and used for art in other projects. Disbursements shall be made in connection with projects approved by City Council. Nothing herein prohibits the City from soliciting or receiving grants, donations, bequests or gifts from private or public sources.

For individual pieces of art, the Public Art Advisory Committee will recommend to the City Council what percentage of the funds will be set aside for the Public Art, Maintenance and Administration, and Education based on the guidelines below and those established in the Public Art Master Plan:

1. Public Art Funds

   No less than sixty-five percent (65%) of the fees collected shall be directed for Public Art Acquisition and may be spent for the following purposes:

   a) Artists' services and fees.
   b) Acquisition of art.
   c) Artist selection processes, including jury selection costs and model or design fees.

   No more than fifteen percent (15%) of the money collected may be directed for maintenance and curatorial services:

   a) Identifying plaques
   b) Repair, maintenance, surveys, curatorial services, and other conservation work necessary to keep all artworks in the City collection in standard condition.

   No more than twenty percent (20%) of the fee may be directed for Public Art Administration and may be spent for the following purposes:

   a) Project administration.

b) Community education programs, publicity, dedications, temporary ephemeral projects, and other purposes as recommended by the Public Art Advisory Committee and approved by the City Council.

City Council Staff Report

Meeting Date: March 5, 2026

From: Jeremy Dennis, City Manager

Subject: Request to Reconsider Utility Payment Requirements by Silverspot Nursery School

Recommendation

Staff recommends that the Council consider Silverspot Nursery School's request to reconsider its responsibility for water utility payments under the current lease agreement and provide direction to staff accordingly.

Background

On July 17, 2025, the City Council considered the terms of a new lease agreement between the City and Silverspot Nursery School. Following discussion, the Council directed that the lease include the following provisions: payment by Silverspot for certain utilities not previously covered (e.g., water); an increase in monthly rent from $310 to $1,000; a reduction in the lease term from five years to two years; and any other minor revisions deemed necessary. Staff was directed to prepare the agreement consistent with this direction. The lease was subsequently executed by all parties and took effect on August 1, 2025 (Attachment 1).

In October 2025, at the request of Silverspot, the Council revisited the matter. Silverspot requested that the Council reconsider specific terms of the lease, including reducing the monthly rent from $1,000 to an amount "closer to $500" and extending the lease term from two years to three years. After consideration, the Council affirmed its original decision and maintained the lease terms as approved at the July 17, 2025 meeting.

Discussion

On October 29, 2025, Silverspot was issued its first water bill for the service period of August 15 through October 15 (Attachment 2). During prior Council discussions regarding renewal of Silverspot's lease, the Council emphasized its expectation that Silverspot would assume responsibility for utility costs associated with its program operations.

During lease renewal discussions, there was some uncertainty regarding how to allocate water service costs between the City and Silverspot, as the City maintains and irrigates the surrounding landscaped areas. Public Works reviewed the two meters located onsite and identified the meter serving the building exclusively occupied by Silverspot. As the City had absorbed all water expenses under the previous lease, the Finance Department analyzed historical consumption data from that specific meter and staff provided the below summary of findings to Silverspot.

2024						
12/23/2024	3/4 INCH COMM	69.97	6	Active	10/15/2024	12/15/2024
10/30/2024	3/4 INCH COMM	97.01	10	Active	08/15/2024	10/15/2024
08/29/2024	3/4 INCH COMM	76.73	7	Active	06/15/2024	08/15/2024
06/27/2024	3/4 INCH COMM	71.15	7	Active	04/15/2024	06/15/2024
04/29/2024	3/4 INCH COMM	71.15	7	Active	02/15/2024	04/15/2024
02/29/2024	3/4 INCH COMM	71.15	7	Active	12/15/2023	02/15/2024
		457.16				
2023						
12/26/2023	3/4 INCH COMM	64.85	6	Active	10/15/2023	12/15/2023
10/26/2023	3/4 INCH COMM	77.45	8	Active	08/15/2023	10/15/2023
08/30/2023	3/4 INCH COMM	77.45	8	Active	06/15/2023	08/15/2023
06/28/2023	3/4 INCH COMM	91.67	9	Active	04/15/2023	06/15/2023
04/26/2023	3/4 INCH COMM	77.79	7	Active	02/15/2023	04/15/2023
02/27/2023	3/4 INCH COMM	82.98	8	Active	12/15/2022	02/15/2023
		472.19				
2022						
12/28/2022	3/4 INCH COMM	72.6	6	Active	10/15/2022	12/15/2022
10/26/2022	3/4 INCH COMM	100.36	10	Active	08/15/2022	10/15/2022
08/31/2022	3/4 INCH COMM	67.41	5	Active	06/15/2022	08/15/2022
06/29/2022	3/4 INCH COMM	72.6	6	Active	04/15/2022	06/15/2022
04/27/2022	3/4 INCH COMM	72.6	6	Active	02/15/2022	04/15/2022
02/28/2022	3/4 INCH COMM	77.79	7	Active	12/15/2021	02/15/2022
		463.36				

Based on the information available at the time and prior consumption patterns, Silverspot anticipated an additional annual expense of approximately $500. However, discussions during the lease renewal period did not account for recent citywide rate increases affecting all water customers, nor for additional components reflected on utility bills, including water service fees, sewer charges, capital project assessments, and drought contingency fees. Silverspot's first utility bill, dated October 29, 2025, totaled $518.46.

Silverspot has requested that the Council reconsider the requirement that it assume full responsibility for water utilities, noting that the projected annual cost is closer to $3,100 rather than the $500 initially anticipated. Silverspot has indicated that this increase presents a financial hardship and would necessitate reallocating funds budgeted for the current school year, potentially reducing planned enrichment opportunities for students. They are requesting financial relief in order to sustain their
partnership with the City.

Fiscal Impact

Yet to be determined based on Council direction.

Attachments

1. Silverspot Lease Agreement Att1
2. Silverspot Water Bill Att 2

City Manager Approval

Jeremy Dennis, City Manager 02/27/2026

LEASE AGREEMENT

THIS LEASE AGREEMENT, ("Lease") effective as of August 1, 2025, between THE CITY OF BRISBANE, a municipal corporation ("Landlord") and SILVERSPOT NURSERY SCHOOL, a California nonprofit corporation ("Tenant"). Landlord and Tenant are sometimes referred to in this Lease jointly as the "Parties" and individually as a "Party.

RECITALS

A. Landlord is the owner of the real property and improvements thereon located at 4 Solano Street, in the City of Brisbane, County of San Mateo, State of California, as more particularly shown in the drawing attached hereto as Exhibit "A" and incorporated herein by reference ("the Property").

B. Landlord and Tenant have been in a landlord and tenant relationship as to the Property since March 2003; since June 1, 2019, the tenancy has been on a month-to-month basis.

C. Tenant has requested Landlord to enter into this Lease and Landlord is willing to enter into this Lease on the terms and conditions set forth herein.

NOW, THEREFORE, for the consideration set forth herein, Landlord and Tenant agree as follows:

ARTICLE 1
PROPERTY AND COMMON AREAS

1.01 Landlord, for and in consideration of the rents, covenants and agreements on the part of the Tenant to be paid, kept and performed, does hereby lease the Property to Tenant and Tenant does hereby rent the Property from Landlord, on the terms of conditions set forth in this Agreement.

1.02 Tenant shall have the non-exclusive right to use the playground area adjacent to the Property, it being understood that such playground area shall at all times remain open and available for use by the general public. Tenant shall also have the non-exclusive right to use the public parking spaces on Solano Street for all of Tenant's off-street parking requirements, subject to any rules and regulations concerning such use as may be adopted by Landlord from time to time, and Tenant shall not be required to provide any parking facilities on the Property. The execution of this Lease by Landlord shall constitute a waiver of any and all off-street parking requirements that might otherwise be applicable to Tenant's use and occupancy of the Property.

ARTICLE 2
TERM

2.01 The term of this Lease shall be a period of two years, commencing on August 1, 2025(the "Commencement Date") and ending on July 31, 2027, unless sooner terminated as provided herein.

2.02 Tenant may request to renew the Lease for an additional term of two years, i.e., from August 1, 2027, until July 31, 2029, (the "Renewal Term") by giving written notice to Landlord of Tenant's no earlier than January 1, 2027and request no later than April 1, 2027.

2.03 At the written request of Tenant for an extension of the Lease term, which shall be submitted as provided in Section 2.02, Landlord shall conduct a performance review of Tenant's operations on the Property to determine whether such operations have been conducted to the reasonable satisfaction of the Landlord. The factors to be considered for such review shall include, but are not limited to, number of children served, number of Brisbane residents and persons employed in Brisbane utilizing Tenant's childcare services, hours of operation, compliance by Tenant with the terms and conditions of this Lease, and the nature of complaints, if any, received by Landlord concerning the childcare or other services provided by Tenant at the Property. If the Landlord determines, in its sole discretion, that Tenant's operations have been conducted in a satisfactory manner, the term of this Lease shall be extended for an additional two years as provided in Section 2.02. Thereafter, the Lease shall be renewed for additional one-year terms upon approval of each extension by the City Manager. Landlord may require a performance review before any extension is granted.

2.04 Notwithstanding any other provision of this Lease, Tenant may terminate this Lease at any time during the Lease term by giving sixty (60) days prior written notice to Landlord.

ARTICLE 3
RENT/WAIVER OF RENT

3.01 The monthly rent shall be $1,000; provided, however, Landlord shall waive the payment of monthly rent ("Monthly Waiver") if Tenant expends an equivalent amount of the monthly rent in a manner that, in Landlord's sole discretion, provides a direct benefit to the Brisbane community, such as provided in Section 3.02.

3.02 Landlord approves Tenant's proposed use of the Monthly Waiver toward a Tuition Assistance Program operated by Tenant that will reduce the tuition charged by Tenant to households that require financial assistance to participate in Tenant's childcare program. If the entire Monthly Waiver is not needed for financial assistance as set forth in the previous sentence, Tenant may, with Landlord's approval, apply any remaining Monthly Waiver toward other uses that will directly benefit the Brisbane community. Tenant shall provide a written annual report to Landlord not later than September 1 describing in reasonable detail the manner in which the Monthly Waiver has been used during the preceding 12 months (but without disclosing the identity of any household receiving financial assistance).

ARTICLE 4
USE AND OPERATION OF THE PROPERTY

4.01 The Property shall be used and occupied by Tenant solely for operation of a cooperative preschool and childcare facility and activities directly related to such use, such as membership and board meetings, consultations with parents, membership community events, and

fundraising events. The Property shall not be used for any other or additional purpose without the prior written consent of Landlord. Tenant shall obtain all state and local permits and licenses that may be required for the conduct of such use and shall keep the same in full force and effect at all times during the term of this Lease. A copy of each permit and license and each extension or renewal thereof shall be provided to Landlord.

4.02 Tenant's use of the Property shall be in accordance with the following requirements:

(a) Tenant's services shall be available on a year-round basis on Mondays through Fridays (excluding holidays and school closures), between the hours of 8:00 am and 5:00 pm. Tenant's services will not be available for periods of time during the Holiday season generally consistent with periods of time when the Brisbane Elementary School is closed. Tenant shall provide to the Landlord in August an annual schedule showing such closure periods.

(b) The preschool and childcare programs shall be designed for children between the ages of 2 years, and 5 years, 11 months.

(c) Except as Landlord, in its sole discretion, agrees, Tenant shall regularly provide services to not less than 15 children. Should the number of children fall below 15, Tenant shall not be considered in default of this requirement if the number is increased to at least 15 children within 120 days. Tenant shall regularly provide services to not more than the maximum number of children allowed under Tenant's childcare license issued by the State of California.

(d) In the determination as to which households receive services from Tenant, and to the extent it is permissible under the law, preference shall be given to people living or working in Brisbane. The order of priority shall be as follows: first, households whose children have received services from Tenant in past years; second to Brisbane households whose children have not received service from Tenant or who have not received services in past years; third, to persons employed full time or employed at least 20 hours/week in Brisbane; and fourth, all others. Preferences shall apply only when there are openings and when they become available and do not require termination of services to any household or person currently receiving services from Tenant.

(e) Tenant shall in August of each year provide to Landlord a written annual report showing in the preceding 12 months the number of children enrolled in the program, the ages of the children, place of residence of the children, place of employment of parent(s) of children who are not residents of Brisbane, a general description of the activities conducted, and a summary of Tenant's financial condition.

4.03 Tenant shall not use the Property or permit anything to be done in or about the Property within Tenant's reasonable control which is prohibited by or will in any way conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be in

force, or which is prohibited by the standard form of fire insurance policy, or will in any way increase the existing rate of any fire or other insurance covering the Property, or cause any change or cancellation of such insurance. The judgment of any court of competent jurisdiction or the admission of Tenant in any action against Tenant, whether Landlord be a party thereto or not, that Tenant has violated any law, statute, ordinance or governmental rule, regulation or requirement, shall be conclusive of that fact as between Landlord and Tenant. Tenant shall not use or allow the Property to be used for any improper, unlawful or objectionable purpose, nor shall Tenant cause, maintain or permit any nuisance in, or about the Property or commit or suffer to be committed any waste in, on or about the Property.

ARTICLE 5
CONDITION OF THE PROPERTY, ALTERATIONS AND IMPROVEMENTS BY TENANT

5.01 The Property is being leased to Tenant in "AS IS" condition and Landlord shall have no obligation to make any alterations or improvements to the Property for the benefit of Tenant. Tenant acknowledges that Tenant has exclusively occupied the Property since 2003 and Tenant is satisfied with and accepts the present condition of the Property.

5.02 Tenant shall not, without the prior written consent of Landlord (which shall not be unreasonably withheld or delayed), make any alterations, additions or improvements in, on or about the Property, or construct, install or paint any sign on the roof or exterior walls of the Property. As a condition to giving such consent, Landlord may require Tenant to provide Landlord a surety bond or other security satisfactory to Landlord to insure Landlord against mechanics' and materialmen's liens and to insure completion of the work. If any work to be performed by Tenant requires the issuance of a building permit or other form of governmental approval, Tenant shall obtain all such permits and approvals at Tenant's own expense before commencement of the work.

5.03 All alterations and improvements, whether temporary or permanent in character, made by Tenant in, on or about the Property, except removable trade fixtures installed at the expense of Tenant, shall, in the absence of a written request by Landlord for their removal, become the property of Landlord and shall remain upon and be surrendered with the Property at the termination of this Lease by lapse of time or otherwise without compensation to Tenant. To the extent Landlord is able to make a determination at the time the installation work is being done, Landlord shall advise Tenant of any alterations or improvements which Landlord desires be removed from the Property at the termination of this Lease; in all other cases, such determination shall be made by Landlord at the time of termination.

ARTICLE 6
UTILITIES AND SERVICES

6.01 Tenant shall pay, in addition to rent, the cost of the following utility and other services furnished to the Property, electricity, gas, water, telephone, internet, and refuse service. Whenever possible, Tenant shall establish a separate account with the utility or service provided so that all charges for service are billed directly to Tenant. However, in the event any of such charges are billed to Landlord, Landlord shall submit a statement showing the amount thereof

payable by Tenant and Tenant shall pay such amount to Landlord within thirty (30) days after receipt of the statement.

6.02 Landlord shall not be in default hereunder or be liable for any damages directly or indirectly resulting from, nor shall the rent provided herein be abated by reason of Landlord's failure to furnish or delay in furnishing any utilities or services when such failure or delay is caused by accident, breakage, repairs, strikes, lockouts or other labor dispute, or by limitation, curtailment, rationing or restrictions on use of electricity, gas, water or other utility, or any other cause, similar or dissimilar, beyond the reasonable control of Landlord.

ARTICLE 7
INDEMNITY AND INSURANCE

7.01 Tenant hereby waives any and all claims against Landlord for damage to any property or injury to or death of any person in, upon or about the Property, arising at any time and from any cause except to the extent caused by the negligence or willful misconduct of Landlord. Tenant further expressly indemnifies, defends, and holds Landlord harmless from and against any and all claims, demands, causes of action, liabilities, costs or expenses, including reasonable attorney's fees, occasioned by or in any way connected with the condition, use or misuse of the Property, or occasioned by any act or omission of Tenant and Tenant's agents, servants, employees, invitees, subtenants, or other persons who may come upon the Property, for damage to any property or injury to or death of any person except to the extent caused by the negligence or willful misconduct of Landlord. The indemnity obligations of Tenant set forth herein shall survive and continue beyond the term of this Lease.

7.02 Tenant hereby agrees to maintain in full force and effect at all times during the term of this Lease, at Tenant's expense, a policy or policies of comprehensive general liability insurance, insuring against all liability of Tenant and Landlord for bodily injury and property damage arising out of or in connection with Tenant's use and occupancy of the Property and also insuring performance by Tenant of the indemnity provisions set forth in Section 7.01. The amount of such insurance shall be at least $2,000,000.00, combined single limit. However, the amount of such general liability insurance shall not limit Tenant's liability nor relieve Tenant of any obligations under this Lease. The general liability insurance policy shall name Landlord as an insured party thereunder and shall be endorsed to provide that: (i) the insurance provided thereunder shall be primary with respect to Landlord; and (ii) no cancellation or reduction in coverage will be made without twenty (20) days prior written notice to Landlord. A copy of the policy or a certificate of insurance shall be furnished to Landlord. In addition to the foregoing, Tenant shall be responsible for maintaining its own insurance covering the personal property, trade fixtures and removable leasehold improvements owned by Tenant and located upon the Property. Tenant shall also maintain workers' compensation insurance coverage as required by law.

7.03 Landlord and Tenant each hereby waive any and all rights of recovery against the other, or against the agents, employees or representatives of the other, on account of loss or damage to the property of the waiving party to the extent that such loss or damage is insured against under any insurance policies which either Landlord or Tenant may have in force at the time of such loss or damage. Tenant shall, upon obtaining the insurance required hereunder, give notice to the

insurance carrier that the foregoing mutual waiver of subrogation is contained in this Lease and Tenant shall cause each insurance policy obtained by Tenant to provide that the insurance company waives all right of recovery by way of subrogation against either Landlord or Tenant in connection with any damage covered by such policy.

ARTICLE 8
REPAIRS AND MAINTENANCE

8.01 Tenant shall, at all times during the term hereof and at Tenant's own expense, keep and maintain the Property and every part thereof in good condition and repair, including, without limiting the generality of the foregoing, all plumbing, heating, air conditioning, electrical systems, lighting fixtures, and all other equipment within the Property that do not require the replacement of the systems themselves, the interior surfaces of walls, ceilings, and floor coverings, and the windows, doors, and glass located within the Property. Tenant hereby waives all rights to make repairs at the expense of Landlord or in lieu thereof to vacate the Property as provided by California Civil Code Section 1942 or any other law, statute or ordinance now or hereafter in effect.

8.02 The maintenance and repair obligations of the Landlord shall include any repairs and maintenance to the exterior walls and roof of the Property, any significant, as determined by Landlord, structural repairs, and any necessary replacement of plumbing, heating, air conditioning or electrical systems. Repairs and maintenance as described in this section, shall be performed by Landlord, at Landlord's own expense, but without liability for failure to do so unless first notified by Tenant in writing of the necessity for such maintenance, repair or replacement. It is also understood that the Tot Lot playground area adjacent to the Property is not being leased to Tenant and Tenant has no responsibility for maintenance of such area. However, Tenant shall not allow any dangerous condition to be created in the Tot Lot playground area as a result of Tenant's own use.

ARTICLE 9
DAMAGE OR DESTRUCTION

9.01 If the Property is damaged, by fire or other casualty to the extent of less than fifty percent (50%) of the floor area of the structure, Landlord shall forthwith repair the same, provided such repairs can, in Landlord's opinion, be completed within ninety (90) days. In such event, this Lease shall remain in full force and effect except that if there is damage to the Property and such damage was not the result of negligence or willful misconduct of Tenant or Tenant's employees or invitees, the rent payable by Tenant shall be abated while the repairs are being made by the extent to which the Property is unusable by Tenant in the normal conduct of Tenant's business. If the repairs cannot, in Landlord's opinion, be completed within ninety (90) days, Landlord shall give written notice of such fact to Tenant within thirty (30) days after the date on which the damage occurred and either Landlord or Tenant may, within thirty (30) days after the giving of such notice, terminate this Lease.

9.02 Notwithstanding the provisions of Section 9.01 above, Landlord shall have the option of terminating this Lease in any of the following circumstances:

(a) Where the damage or destruction arises from a casualty or cause not covered by insurance then in force maintained by Landlord, or if, for any reason, the proceeds from such insurance are not available or are inadequate to cover the entire cost of the repair.

(b) Where the repairs cannot be made by reason of any statute, ordinance, rule or regulation of any governmental authority.

9.03 If Landlord is obligated or elects to repair any damage pursuant to this Article, Landlord shall not be required to repair or replace any improvements installed in the Property by Tenant and Tenant shall, at Tenant's own expense, repair and restore Tenant's own improvements.

9.04 In the event of damage or destruction of the Property to the extent of fifty percent (50%) or more of the floor area of the structure, either party may elect to terminate this Lease.

ARTICLE 10
ASSIGNMENT AND SUBLETTING

10.01 Tenant shall not voluntarily or by operation of law assign, transfer, mortgage, sublet, pledge, hypothecate or encumber all or any part of Tenant's interest in this Lease or in the Property or any part thereof, and any attempt to do so shall be wholly void and shall constitute a breach of this Lease.

10.02 Tenant shall not sublet the Property or any portion thereof without Landlord's prior written consent, which Landlord shall be entitled to withhold in Landlord's absolute and sole discretion. Any request by Tenant for Landlord's approval of a proposed subletting shall be in writing and shall include the following information:

(a) The name and legal composition of the proposed subtenant;

(b) The terms and provisions of the proposed sublease, including, but not limited to, the amount of rent or other compensation, if any, to be paid by the subtenant; and

(c) Such financial information as Landlord may reasonably request concerning the proposed subtenant.

10.03 No consent by Landlord to any subletting by Tenant shall relieve Tenant of any obligation to be performed by Tenant under this Lease, whether occurring before or after such consent or subletting, including the obligation to indemnify Landlord in accordance with Section 7.01 of this Lease. The consent by Landlord to any subletting shall not relieve Tenant from the obligation to obtain Landlord's express written consent to any other subletting. The acceptance of rent by Landlord from any other person shall not be deemed to be a waiver by Landlord of any provisions of this Lease or to be a consent to any subletting. Consent to one subletting shall not be deemed to constitute consent to any subsequent subletting.

ARTICLE 11

TRANSFER OF LANDLORD'S INTEREST

Landlord shall have the right at any time to sell, transfer, assign, pledge, hypothecate or otherwise dispose of Landlord's interest in the Property and in this Lease. In the event of any such sale, transfer, assignment, pledge, hypothecation or other disposition, all obligations of Landlord hereunder shall devolve upon the transferee and Landlord shall be released and discharged from all further obligation or liability hereunder; provided, that Landlord shall be responsible for any funds in the hands of Landlord in which Tenant has an interest until such funds have been delivered to the transferee. Tenant agrees to attorn to the transferee provided all of Landlord's obligations hereunder are assumed by the transferee in writing for the benefit of Tenant.

ARTICLE 12
MECHANICS' LIENS

Tenant shall keep the Property free and clear of all mechanics' liens resulting from any construction work done by or for Tenant. Tenant shall have the right to contest the correctness or validity of any such lien if, immediately on demand by Landlord, Tenant procures and records a lien release bond issued by a corporation authorized to issue surety bonds in California in an amount equal to one and one-half (1-1 / 2) times the amount of the claim of lien or other security satisfactory to Landlord. If used, the bond shall meet the requirements of Section 3143 of the California Civil Code and shall provide for the payment of any sum that the claimant may recover on the claim, together with costs of suit. Should Tenant fail to discharge any such lien or cause the same to be released within sixty (60) days from the date the lien is filed, Landlord may, without inquiring into the validity thereof, cause the same to be discharged and all amounts so expended by Landlord, together with reasonable attorney's fees and expenses, shall be paid by Tenant to Landlord as additional rent hereunder, together with interest thereon at the rate of ten percent (10%) per annum. Tenant shall give ten (10) days prior written notice to Landlord of the date on which any construction work will be commenced so as to afford Landlord the opportunity to post a notice of nonresponsibility.

ARTICLE 13
ENTRY BY LANDLORD

13.01 Landlord and Landlord's authorized representatives shall have the right to enter the Property at reasonable hours and, except for emergencies, upon 24-hour prior notice to Tenant, for any of the following purposes:

(a) To examine and inspect the Property;

(b) To supply any service to be provided by Landlord to Tenant hereunder;

(c) To perform any necessary maintenance or repairs that Landlord is required or permitted to perform hereunder;

(d) To serve, post or keep posted any notices required or allowed under the provisions of this Lease;

(e) To post "for sale" signs at any time during the term, to post "for rent" or "for lease" signs during the last ninety (90) days of the Lease term, or during any period while Tenant is in default;

(f) To show the Property to prospective tenants, buyers, lenders or other persons at any time during the Lease term;

(g) To do any other act or thing necessary for the safety or preservation of the Property, or to comply with the directives of any governmental authority having jurisdiction over the Property.

13.02 Tenant hereby waives any claim for damages for any injury or inconvenience to or interference with Tenant's business, any loss of occupancy or quiet enjoyment of the Property or any other loss occasioned by Landlord's entry pursuant to Section 13.01. Landlord shall at all times have and retain a key with which to unlock all of the doors in, on or about the Property and Landlord shall have the right to use any and all means which Landlord may deem proper to open said doors in an emergency in order to obtain entry to the Property, and any entry to the Property obtained by Landlord by any of said means, or otherwise, shall not under any circumstances be construed or deemed to be a forcible or unlawful entry into or a detainer of the Property, or an eviction, actual or constructive, of Tenant from the Property, or any portion thereof.

ARTICLE 14
DEFAULT BY TENANT OR LANDLORD

14.01 The occurrence of any one or more of the following events ("Events of Default") shall constitute a material default and breach of this Lease by Tenant:

(a) Any failure by Tenant to pay any rental or any other sum required to be paid by Tenant hereunder, except as provided in Section 3.01, and when the same becomes due and payable and after being given a 3-Day Notice to do so.

(b) Any failure by Tenant to observe and perform any other provision of this Lease to be observed or performed by Tenant, where such failure continues for thirty (30) days after written notice thereof by Landlord to Tenant; provided, however, that if the nature of such default is such that it cannot reasonably be cured within such thirty (30) day period, Tenant shall not be deemed to be in default if Tenant shall within such period commence such cure and thereafter diligently prosecute the same to completion.

(c) The making by Tenant of any general assignment or general arrangement for the benefit of creditors; the filing by or against Tenant of a petition to have Tenant adjudged a bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within ninety (90) days); the appointment of a trustee or receiver to take possession of substantially all of Tenant's interest in this Lease, where possession is not restored to Tenant within sixty (60) days; or the attachment, execution or other judicial seizure of

substantially all of Tenant's assets located at the Property or of Tenant's interest in this Lease, where such seizure is not discharged within forty-five (45) days.

(d) Tenants' failure to provide services regularly to less than 20 children.

14.02 Any notice given under this Article shall specify the Event of Default and the applicable Lease provisions and shall demand that Tenant perform the provisions of this Lease or pay the rent that is in arrears, as the case may be, within the applicable period of time. No such notice shall be deemed a forfeiture, or a termination of this Lease provided Tenant cures the default within the applicable period of time.

14.03 Any failure by Landlord to observe and perform any provision of this Lease to be observed or performed by Landlord, where such failure continues for thirty (30) days after written notice thereof by Tenant to Landlord, shall be deemed a material default and breach of this Lease by Landlord; provided, however, that if the nature of such default is such that it cannot reasonably be cured within such thirty (30) day period, Landlord shall not be deemed to be in default if Landlord shall within such period commence such cure and thereafter diligently prosecute the same to completion.

ARTICLE 15
LANDLORD'S REMEDIES UPON DEFAULT

Upon the occurrence of an Event of Default, Landlord may terminate Tenant's right to possession of the Property at any time during the continuance of such default in accordance with the provisions of Section 1951.2 of the California Civil Code. No act by Landlord other than giving written notice to Tenant shall terminate this Lease. Acts of maintenance, efforts to relet the Property, or the appointment of a receiver on Landlord's initiative to protect Landlord's interest under this Lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant all rent that may accrue to the date on which possession of the Property is returned to Landlord together with any other amount necessary to compensate Landlord for all detriment proximately caused by Tenant's default.

ARTICLE 16
LANDLORD'S RIGHT TO CURE DEFAULTS

If Tenant shall fail to pay any sum of money, other than rental, required to be paid by Tenant hereunder, or shall fail to perform any other act on Tenant's part to be performed hereunder, and such failure shall continue for thirty (30) days after notice thereof by Landlord, Landlord may, but shall not be obligated to do so, and without waiving or releasing Tenant from any obligations of Tenant, make such payment or perform any such other act on Tenant's part to be made or performed hereunder. All sums expended by Landlord, including necessary incidental costs, shall be deemed additional rent hereunder and shall be payable to Landlord immediately upon demand, together with interest thereon at the rate of ten percent (10%) per annum from the date of expenditure to the date of reimbursement.

ARTICLE 17
COSTS OF SUIT

17.01 In the event legal action between Landlord and Tenant shall become necessary in order to enforce or interpret this Lease, or any provision contained herein, the prevailing party shall be entitled to recover all costs and expenses as may be incurred in connection therewith, including reasonable attorney's fees.

17.02 Should Landlord, without fault on Landlord's part, be made a party to any litigation instituted by Tenant or by any third party against Tenant, or by or against any person holding under or using the Property by license of Tenant, or for the foreclosure of any lien for labor or materials furnished to or for Tenant or any such other person or otherwise arising out of or resulting from any act or transaction of Tenant or of any such other person, Tenant covenants to save, defend, and hold Landlord harmless from any judgment rendered against Landlord or the Property or any part thereof, and all costs and expenses, including reasonable attorney's fees, incurred by Landlord in connection with such litigation.

ARTICLE 18
ESTOPPEL CERTIFICATE

Each party, within ten (10) business days after notice from the other, shall execute and deliver to the other, in recordable form, a certificate stating that this Lease is unmodified and in full force and effect, or in full force and effect as modified stating the modifications. The certificate also shall state the amount of monthly rent, the dates to which the rent has been paid in advance, the amount of any security deposit or prepaid rent, and shall further certify that there is no uncured default by the other party under the Lease, or specify such default, if any is claimed. Failure to deliver the certificate within the ten (10) days, shall be conclusive upon the party failing to deliver the certificate for the benefit of the party requesting the certificate, and any successor to the party requesting the certificate, that this Lease is in full force and effect and has not been modified except as may be represented by the party requesting the certificate, that there are no uncured defaults by the party requesting the certificate and that monthly rent has not been paid in advance except as stated by the party requesting the certificate.

ARTICLE 19
HOLDING OVER

If Tenant remains in possession of all or any part of the Property after the expiration of the Lease any renewal term hereof without such term being further extended pursuant to Article 2, such tenancy shall be from month to month only, and not a renewal hereof or an extension for any further term of this Lease. In such case, to apply tenancy shall be subject to every term, covenant and agreement contained herein.

ARTICLE 20
SURRENDER

20.01 Upon the expiration or earlier termination of this Lease, Tenant shall surrender the Property in the same condition as received, ordinary wear and tear and damage by fire, earthquake, act of God or the elements alone excepted. Tenant shall remove all of Tenant's personal property and trade fixtures and shall repair, at Tenant's expense, any damage to the Property caused by such removal, including, without limitation, repair of floors and patching and repainting of walls where required, all to Landlord's reasonable satisfaction. Any personal property or trade fixtures not removed at the expiration or earlier termination of this Lease shall be deemed abandoned by Tenant. If Landlord so elects, Tenant shall also remove any alterations or improvements installed by or for Tenant which would otherwise remain as part of the Property and Tenant shall restore the Property to their condition prior to such installation.

20.02 Should Tenant fail to remove any personal property or trade fixtures or fail to remove any alterations or improvements as requested by Landlord, Tenant shall be liable to Landlord for any and all removal costs, transportation and storage expenses, and the cost of restoring the Property as required herein. Tenant shall indemnify Landlord against any loss, damage or liability resulting from delay by Tenant in so surrendering the Property, including, without limitation, any claims made by any succeeding tenants founded on such delay.

ARTICLE 21
WAIVER

No covenant, term or condition or the breach thereof shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of any covenant, term or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term or condition. Acceptance by Landlord of any performance by Tenant after the time the same shall have become due shall not constitute a waiver by Landlord of the breach or default of any covenant, term or condition unless otherwise expressly agreed to by Landlord in writing. The receipt and acceptance by Landlord of delinquent rent shall constitute only a waiver of timely payment for the particular rent payment involved.

ARTICLE 22
NOTICES

22.01 All notices or demands required or permitted to be given hereunder shall be in writing and shall be either personally served or mailed by certified mail, return receipt requested, to the other party at the following addresses:

To Landlord:
City of Brisbane
Attn: City Manager
50 Park Place
Brisbane, California 94005

To Tenant:
Silverspot Nursery School
Attn: Board of Directors
4 Solano Street
Brisbane, California, 94005

22.02 Either party may change the foregoing address by giving notice to the other in the manner provided herein. Any notice sent by mail shall be deemed received on the third business day following deposit of the notice in the United States Mail, with proper postage prepaid thereon.

ARTICLE 23
MISCELLANEOUS PROVISIONS

23.01 **Captions.** The captions used in this Lease are for convenience only and shall not be deemed to be relevant in resolving any question of interpretation or construction of any provision contained herein.

23.02 **Entire Agreement.** This Lease constitutes the entire agreement between the parties and supersedes and cancels any prior agreements or understandings, whether written or oral. This Lease may only be modified by a written amendment hereto executed by both parties.

23.03 **Severability.** If any term or provision of this Lease shall, to any extent, be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Lease shall not be affected thereby, and each term and provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

23.04 **Time.** Time is hereby declared to be of the essence of this Lease and each and every provision hereof.

23.05 **Corporate Authority.** Each of the persons executing this Lease on behalf of Tenant does hereby represent and warrant that Tenant currently is in good standing as a California nonprofit corporation; that the corporation has full right and authority to enter into this Lease; and that each person executing this Lease on behalf of the corporation is duly authorized and empowered to do so.

23.06 **Calendar Days.** Unless otherwise expressly stated, all references herein to any acts or obligations to be performed within a certain number of days shall mean calendar days.

23.07 **Choice of Law.** This Lease shall be governed by and interpreted in accordance with the laws of the State of California.

23.08 **Successors and Assigns.** Subject to the restrictions against assignment and subletting by Tenant, this Lease shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

Balance of this page intentionally left blank.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Lease as of the day and year first above written.

LANDLORD: City of Brisbane, a municipal corporation

By: _____
Jeremy Dennis, City Manager

ATTEST:

_____
Ingrid Padilla, City Clerk

_____
Approved as to form Michael Roush, Legal Counsel

TENANT: Silverspot Nursery School, a California Nonprofit Corporation

By: _____
Jessica Farkas, Board President

By: _____
Laura Shoolery, Board Secretary

CITY OF BRISBANE
50 Park Place
Brisbane, CA 94005
(415) 508-2154
www.brisbaneca.org

Account Number	006-0730-002
Pay By Date	**Total Amount Due**
12/5/2025	**$518.46**
Account Name	
SILVERSPOT NURSERY SCHOOL	
Service Address	
4 SOLANO ST	
Amount Enclosed	

SILVERSPOT NURSERY SCHOOL
4 SOLANO ST
BRISBANE, CA 94005

This bill is payable upon receipt. Payment in full must be received by the pay by date above to avoid late fee. Online payments can be made at www.brisbaneca.org/utilities.

Detach and return above portion with payment. Retain lower portion for your records.

Name	Service Address	Account Number
SILVERSPOT NURSERY SCHOOL	4 SOLANO ST	006-0730-002

Status	Service Dates			Bill Date	Total Amount Due	Pay By Date
	From	To	# Days			
New	8/15/2025	10/15/2025	61	10/29/2025	$518.46	12/5/2025

PREVIOUS BALANCE	$0.00
PAYMENTS	$0.00
PENALTIES	$0.00
LATE NOTICE CHARGE	$0.00
PAST DUE AMOUNT	**$0.00**

PREVIOUS		CURRENT				
DATE	READING	DATE	READING	USAGE		
8/15/2025	1753	10/15/2025	1768	15	WATER USE	101.64
					WATER SERVICE	39.23
				15	SEWER	302.27
					CAPITAL PROJECT CHRG	73.00
					DROUGHT CONTINGENCY	2.32
					CURRENT BILL	**$518.46**
					AMOUNT DUE	**$518.46**

Be sure you're signed up for emergency alerts from the City at smcalert.info

City Council Staff Report
Meeting Date: March 5, 2026
From: Christina Fernandez, Assistant City Manager
Subject: Development Impact Fees Workshop

Recommendation

Staff recommends the City Council continue the discussion on Development Impact Fees and provide staff with feedback and direction on these fees for the purpose of scheduling a public hearing at which time Council would decide whether to adopt some or all of the fees and the amount(s) thereof.

Background

The City Council is considering the adoption of a comprehensive set of Development Impact Fees (DIFs) to ensure that new development pays its share of capital improvements and affordable housing needed to support growth. Adoption of these DIFs must comply with California's Mitigation Fee Act (AB 1600), which mandates a clear connection ("nexus") between new development, the need for capital improvements or affordable housing, and the fees imposed.
Nexus Studies & Fee Categories:
Four nexus studies were completed to establish the legal and policy basis for fees to fund:

- Parks, Park and Recreation Facilities, Open Space and Trails
- Affordable Housing (Commercial Linkage Fee)
- Transportation
- Public Facilities (e.g., Library, General Government, Police, Fire)

Each study quantifies infrastructure or other needs caused by new development, allocates costs by land use, and calculates the maximum justifiable fee per unit or square foot. Nexus Studies are included in Attachment 1 following a copy of the January 15, 2026 and February 19, 2026 staff reports.

Discussion

At the January 15, 2026 City Council meeting, Council determined additional time was necessary to review the nexus studies and jurisdictional fee comparison survey. Council also directed staff to provide a matrix to help guide the Council's discussion around fee setting. A copy of those questions and responses is included in the February 19, 2026 staff report (Attachment 1).

At the February 19, 2026 City Council meeting, Council had additional questions for staff (listed

below).

- For what purpose may these funds be used? (e.g.Mission Blue kitchen, elevator, expansion,etc)
    - Impact fees may only be used to fund capital improvements needed due to new development and must have a reasonable relationship to the development. While impact fees may be used for example, to expand an existing facility, such fees may be used only when new development necessitates the need for the expansion. Impact fees may not be used for general operations or services.

- To what development projects will these fees likely impact?
    - These impact Fees will likely impact very few projects in Brisbane. Only certain projects are at the scale that would require the imposition of development impact fees. Minor home remodels or tenant improvements that do not increase square footage would not be subject to impact fees.

- May the Council rank the individual fees (parks, facilities, transit, housing?)
    - Yes,see the matrix. While the focus of staff has been the total impact fee charged per development type, the matrix provides the opportunity for Council to indicate which range a particular fee be set.

- May impact fees be imposed overtime??
    - Impact fees are one-time fees. Ongoing maintenance costs need to be funded in another way.

- How defensible are impact fees?
    - Impact fees are very defensible when backed with the appropriate nexus studies.

Fee Setting

For purposes of scheduling a public hearing at which time Council will make a final decision as to whether to adopt any or all of the DIFs and the amount(s) thereof, staff requests feedback from Council on where to set the development impact fees per development type. The matrix in the previous packet has been modified to include a ranking of various development fees per

development type.

It is important to acknowledge that where rates are set will impact the amount of development in Brisbane and this is inherently a policy decision for a governing body. The collected funds will accumulate over time and the Council's ability to expend funds on capital improvements or affordable housing projects may be constrained if the accumulated funds are inadequate. It is also important to note that impact fees may serve as a baseline from which to negotiate fees in a Development Agreement.

For each development type, please indicate whether the Council's preference is for a low, an average, or an above average fee. For instance, in looking at a range of fee amounts, if Council prefers a low transportation impact fee for single family residential developments, please assign a '1' to that cell. Staff will compile this data and bring forward a recommendation based on this feedback at a subsequent City Council meeting.

City of Brisbane – Development Impact Fee Matrix						
Development Type	Transportation	Parks & Recreation	Commercial Linkage*	Public Facilities	Overall Score	Notes
Single Family Residential			X			
Multifamily Residential			X			
Hotel						
Industrial						
R&D / Office						
Commercial / Retail						
*Commercial Linkage applies to commercial development only.						

Legend:						
Rank 1- Low Impact Fee						
Rank 2 - Average Impact Fee						
Rank 3 - High Impact Fee						

Fiscal Impact

The fiscal impact varies depending on the number and type of development projects in the pipeline and the level at which the fees are set.

Attachments

1. Impact Fee Staff Reports & associated attachments – 01/15/26 and 2/19/26
2. Revised Matrix for Council Use

City Manager Approval

Jeremy Dennis, City Manager 02/27/2026

CITY COUNCIL AGENDA REPORT

Meeting Date: February 19, 2026
From: Christina Fernandez, Assistant City Manager
Subject: Impact Fees (continued)

Recommendation

Staff recommend the City Council continue the discussion on Development Impact Fees and provide staff with feedback and direction on these fees for the purpose of scheduling a public hearing at which time Council would decide whether to adopt some or all of the fees and the amount(s) thereof.

Background

City Council is considering the adoption of a comprehensive set of Development Impact Fees (DIFs) to ensure that new development pays its share of capital improvements and affordable housing needed to support growth. Adoption of these DIFs must comply with California's Mitigation Fee Act (AB 1600), which mandates a clear connection ("nexus") between new development, the need for the capital improvements or affordable housing, and the fees imposed.

Nexus Studies & Fee Categories:

Four nexus studies were completed to establish the legal and policy basis for fees to fund:

- Parks, Park and Recreation Facilities, Open Space and Trails
- Affordable Housing (Commercial Linkage Fee)
- Transportation
- Public Facilities (e.g., Library, General Government, Police, Fire)

Each study quantifies infrastructure or other needs caused by new development, allocates costs by land use, and calculates the maximum justifiable fee per unit or square foot. Nexus Studies are included in Attachment 1 following a copy of the January 15, 2026 staff report.

Key Findings:

- Legal Compliance: Fees must be based on demonstrated need, benefit, and proportionality. They cannot be used for maintenance or correcting existing deficiencies.

- Fee Structure:
    - Residential (Single Family & Multifamily): Fees are calculated for Public Facilities, Parks etc. and Transportation. Affordable housing is not included.
    - Commercial, Hotel, Office, Industrial, R&D/Life Science, Warehouse: Each has a tailored fee structure based on impact and all DIFs will apply to these uses other than affordable housing.
    - Comparative Analysis: Brisbane's maximum justifiable fees are generally higher than those in neighboring cities, but the Council may set fees at any level up to the maximum.
- Policy Flexibility: Fee setting is a policy decision. The Council should balance setting the fees with economic competitiveness and their impact on development feasibility.

Discussion

At the January 15, 2026 City Council meeting, Council determined additional time was necessary to review the nexus studies and jurisdictional fee comparison survey. Council also directed staff to provide a matrix to help guide the Council's discussion around fee setting. A matrix is attached for this purpose. (Attachment 2)

Additionally, as a part of this discussion, Council had the following follow-up questions:

- Why are some of the fee categories not 1:1 when comparing the fees in other cities?
    - Cities have various names for different development impact fees. To ensure that the city is comparing the right fees with other cities' fees, the fees have been titled generally: for example, Public Facilities include what some other cities include as General Government, Library, Public Safety, Utilities, and Childcare. The other categories, such as Parks, Affordable Housing and Transportation/Traffic generally track how those DIFs are characterized in other cities.

- May impact fees be charged for expansions?
    - Impact fees may be applied to expansions if those improvements increase demand on the various categories for which DIFs may be imposed (e.g., significant square footage expansion). Many jurisdictions set thresholds (such as minimum square footage) to capture only substantial expansions. This aligns with the principle that fees must have a "rational nexus" to the impact of development.

- Are impact fees one-time fees?

- Yes, impact fees are one-time fees collected typically at the time of issuance of a building permit, though many cities have adopted fee deferral programs and State law requires deferral of DIFs for residential developments to certificate of occupancy.

- May impact fees be deferred?
  - Yes, impact fees may be deferred, either as a matter of policy (in order to encourage development) or be law. Currently, fees associated with certain residential developments are deferred until occupancy. Millbrae, Ontario, and Placer County, have deferral programs in place aligning with SB 937, which allows for impact fee deferrals for designated residential development projects. In Millbrae, a developer can request to defer impact fee payments by entering into a formal agreement with the City. The agreement is recorded as a lien against the property, ensuring the City can collect fees even if ownership changes. The requests must be submitted at the time of the building permit application, so the agreement can be prepared before permit issuance. The City manages and tracks unpaid fees in the City's permitting system. AB 874, introduced in January and being discussed in Committee, goes even further. It would reduce the economic impact of building affordable housing by requiring non-school local agencies to allow qualified affordable rental and ownership housing projects to repay development impact fees over up to 55 years with a low rate of interest on the remaining balance.

- Rather than use impact fees, may the City impose these fees through a development agreement?
  - Yes, but few project developers request development agreements. Generally, large development projects will request a development agreement and development agreements may be used as an alternative to imposing impact fees through an ordinance. But since few development projects request or need a development agreement, the City would collect relatively few DIFs if such were limited to development agreements. One benefit of using a Development Agreement to collect funds equivalent to impact fees otherwise required by ordinance is that the use of such funds is not restricted by the Mitigation Fee Act.

- When may the City start collecting the fees?
  - If an ordinance is adopted, the ordinance goes into effect 60 days after adoption. Generally, the City may collect impact fees at the time of issuance of a building permit. However, SB 937 amended California Government Code §66007 under the Mitigation Fee Act, prohibiting local agencies from requiring payment of

Development Impact Fees (DIFs) for certain residential projects until the final inspection or issuance of a certificate of occupancy (or temporary certificate).

- May impact fees be used for operations and maintenance?
    - Impact fees cannot be used for operations, maintenance, or repairs. They are restricted to funding capital improvements and affordable housing needed to serve new development.

Fiscal Impact

The fiscal impact varies dependent on the number and type of development projects in the pipeline and how the fees are set.

Attachments

1. Impact Fee Staff Report & associated attachments – 01/15/26
2. Matrix for Council use

Christina Fernandez, Assistant City Manager

Jeremy Dennis, City Manager

CITY COUNCIL AGENDA REPORT

Meeting Date: January 15, 2025
From: Christina Fernandez, Assistant City Manager
Subject: Development Impact Fees

Recommendation
Staff recommends the City Council receive a report on proposed Development Impact Fees and provide direction and feedback on fee setting.

Background
On September 7, 2023 and October 19, 2023, staff provided updates to the City Council concerning Development Impact Fees (DIF), including an informational report discussing the legal authority of the City to impose DIF. The report laid out the need to identify and establish the need, benefit, and proportionality of such fees in order to impose DIF. Council agreed that new development should contribute to capital improvements to mitigate the impacts of new development on the community. Council expressed concern over constraints of utilizing DIF, for example, that DIF cannot be used for routine maintenance and services.

Council directed staff to prepare several nexus studies to establish the need, benefit, and proportionality of proposed Development Impact Fees. Those studies include:

1. Development Impact Fee for Parks and Recreation
2. Development Impact Fee on commercial development for Affordable Housing
3. Development Impact Fee for Transportation
4. Development Impact Fee for Public Facilities

Council directed Staff to finish all four nexus studies and to move forward with a feasibility study, if required, to assess the impact of all DIFs on development in the City, i.e, would adopting such fees, in an amount permitted under the law, render development in the City, as a practical matter, infeasible.

A feasibility study was conducted for an affordable housing DIF (see Discussion below for more detail), but the cost of conducting additional feasibility studies for the other fees is costly and time consuming. Feasibility studies are not legally required to implement DIF, and the majority of cities do not conduct feasibility studies in setting their rates but base fees by comparing rates with other cities that share similarities including size, proximity, and economic makeup.

AB 1600, known as the Mitigation Fee Act, provides procedural and substantive provisions that sets forth the requirements for establishing, increasing, and imposing development impact fees. To align with these requirements, all four nexus studies established (1) need, (2) benefit, and (3) proportionality. Regarding need, a DIF must show that the new development will create a need for the item to be funded by the DIF and without the infusion of fees from new development, the community would be negatively impacted. Concerning benefit, the study must show that new development will benefit from the item to be funded by DIF. To establish proportionality, it must show that the DIF is proportional to the impact created by a particular development. Due to these requirements, there is no "one fits all" development impact fee that may be imposed and the City undertook four separate nexus studies. Different methodologies are employed to allocate costs and calculate fees. For more detail, please see *Attachments 1-4*. The final nexus study, the Public Facilities Impact Fee study was finalized in October 2025, completing all four nexus studies.

Currently, the only fee that Brisbane imposes on development is the parkland dedication fee on residential development (Brisbane Municipal Code Section 16.24.020 and 16.24.030), the authority of which stems from State Law (the Quimby Act). If the residential development is for more than 50 lots and the land within the proposed subdivision will properly accommodate public recreational facilities, the subdivider must dedicate an area for such purposes on the basis of three acres for each 1000 population within the subdivision, assuming 2.35 persons per household. If the residential development is for 50 lots or fewer, the subdivider is to pay a fee based on the following formula: the number of proposed units times 2.35 persons per household, divided by 1000 times three acres times the fair market value of one acre of the subject property as determined by the planning director.

While not a DIF, developers of certain residential and commercial properties must also contribute to the City's Public Art Fund (Brisbane Municipal Code Section 15.85.050). For commercial projects that have building development costs between $1M and $5M the developer must contribute one percent of such costs of to the public art fund. Commercial projects that have development costs above $5M must either contribute one percent of such costs or devote a comparable amount for the acquisition and installation of publicly accessible art. Residential projects with ten to 20 units must contribute one half of one percent of the building development costs to the fund. For residential projects with more than 20 units, the developer must contribute one percent of the building development costs to the fund. Regardless of the number of units, if the development costs are above $10M, the developer must contribute one percent of the development costs or dedicate a comparable amount for the acquisition and installation of publicly available art. Low- or moderate-income housing is exempt from these provisions.

Discussion

The completed nexus studies provide a clear connection between new development and the need for development impact fees relating to housing (for commercial projects), parks, park

and recreation facilities, transportation, and public facilities. They also demonstrate the maximum justifiable fee for each of the proposed impact fees. The maximum justifiable fee is data driven by quantifying infrastructure needs created by growth, estimated capital costs, allocating those costs by land uses, and translating these costs into per unit or per square footage.

The final nexus studies were finalized in late 2025, prompting City staff to engage Matrix Consulting Group (Matrix) to provide a comparative, or benchmarking, survey to help guide the City in setting the fees at the appropriate levels. While the nexus study sets the maximum justifiable fee, it does not mean that the market can absorb it. The comparison survey shows what nearby cities are charging developers and may help the City identify whether proposed fees are unusually high or low. The comparison survey assists policy makers in determining what nearby cities with similar markets are charging for their fees. Fee setting is a policy decision dependent on how competitive the City wishes to be with developers.

Comparison Surveys typically select comparable jurisdictions based on size, growth, and urban form. The following cities were selected for comparison to Brisbane:

- San Bruno
- Millbrae
- South San Francisco
- Emeryville
- Burlingame
- Daly City

Five of the six cities are located in San Mateo County, and many have similar growth patterns and urban form. For the complete comparison survey, please see Attachment 5.

For each development type, please view the Impact Fees of the six cities noted above. As the names of impact fees vary by city, Matrix identified the total impact fees charged in each city in general buckets including General Government, Housing, Library, Parks & Recreation, Childcare, Public Safety, Transportation, and Utilities. (As discussed below, the names attributable to those “buckets” do not fully correlate to names of fees proposed in Brisbane.) The nexus studies and proposed development impact fees undertaken by the City would translate into the following:

Title of Nexus Study	Title of City of Brisbane Proposed Impact Fee	Comparative Study Title
Brisbane Commercial Linkage Fee Nexus Analysis	Affordable Housing Development Impact Fee for Commercial Development	Housing

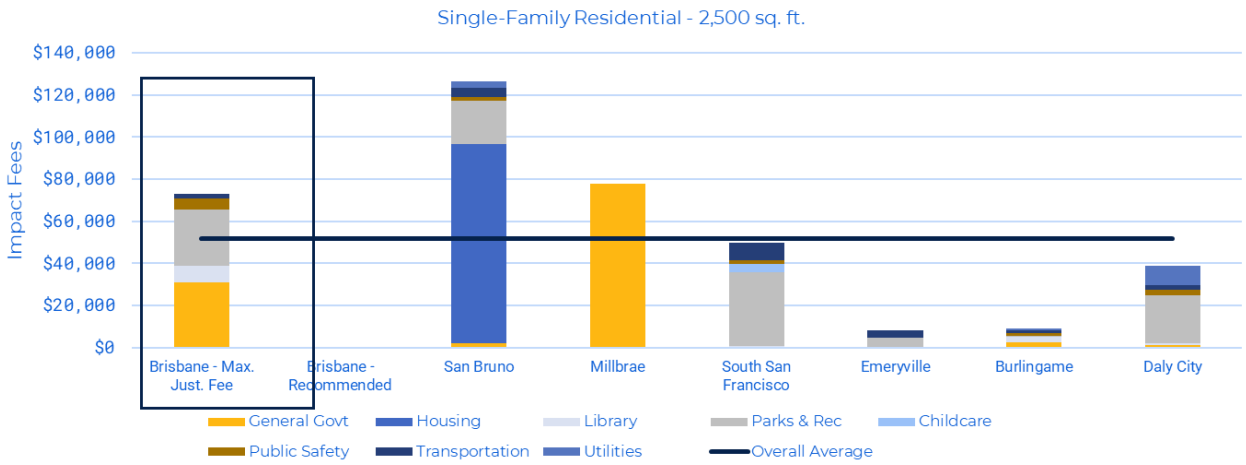
Parks and Recreation Impact Fee Study	Parks and Recreation Facilities Development Impact Fee	Parks & Recreation
Brisbane Transportation Impact Fee (TIF) Nexus Study	Transportation Development Impact Fee	Transportation
Public Facilities Impact Fee Study	Public Facilities Development Impact Fee	General Government

As noted in the Background, in 2023, the City engaged ECONorthwest to prepare an updated nexus and feasibility study for the affordable housing fee for commercial development, including hotel, retail, office, life sciences, and warehouse uses. ECONorthwest's updated feasibility analysis determined that under then-current market conditions, only warehouse development could potentially absorb an affordable housing impact fee (commercial linkage fee). The updated feasibility analysis acknowledges that development markets are cyclical and provides a toolkit for setting appropriate fee levels anticipating future market upswings.

1. Single Family Residential:

If Brisbane were to employ the same categories of fees as do other jurisdictions, i.e, General Government, Library, Parks and Recreation, Public Safety and Transportation, as proposed, the maximum DIF that the City could impose for single family residential development would be $68,138 (General Government, $31,121; Library, $7678; Parks and Recreation, $26,949; Public Safety, $4991; and Transportation, 2399. Note that staff is not recommending any affordable housing fees for single family residential development.) By comparison, Daly City's DIF for residential development is only $29,825 (General Government, $1,150, Library, $1,050, Parks and Recreation, $22,450, Public Safety, $2,675, and Transportation, $2,500).

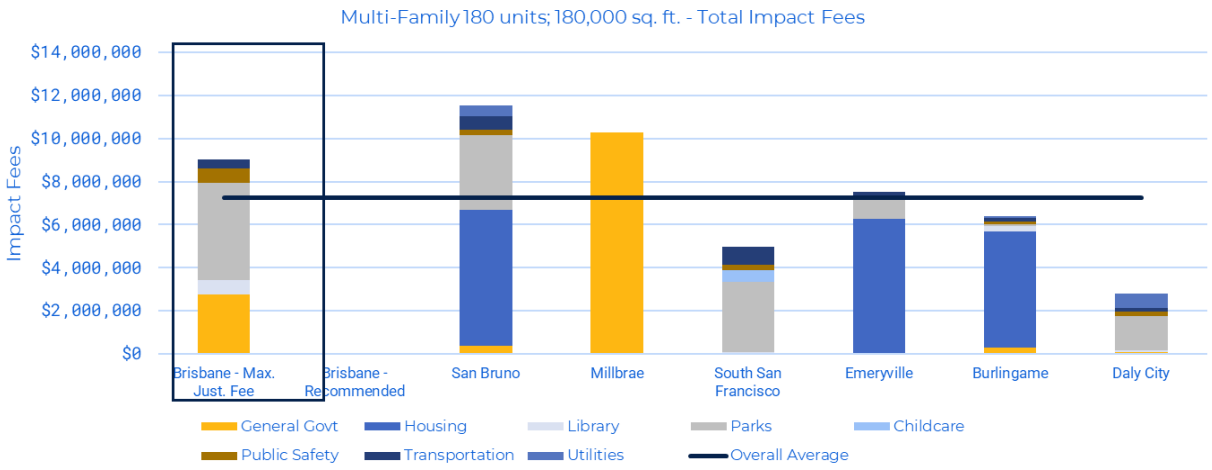
With the exception of Transportation, Daly City's fees are well below the maximums set forth in the nexus studies. The black line on the chart below indicates the overall average. Of the six cities, only San Bruno and Millbrae are above average in their DIF for single family residential developments. For single family residential developments, San Bruno's highest DIF is for Housing at $94,625 and much smaller DIFs relate to Public Safety, Utilities, Transportation, and Parks & Recreation. Millbrae's only DIF for single family residential development is for General Government.



2. Multifamily Residential:

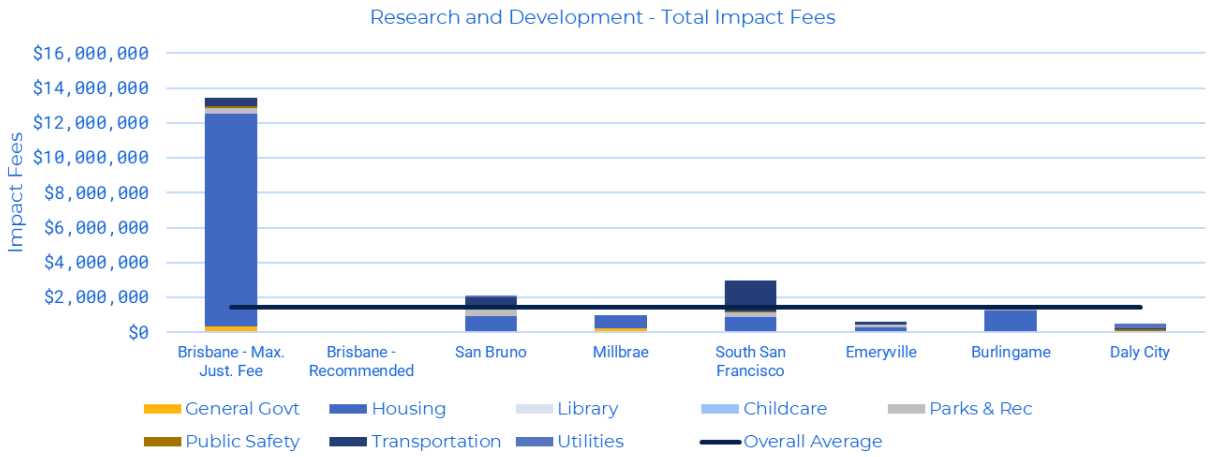
If Brisbane were to employ the same categories of fees as do other jurisdictions, i.e., General Government, Library, Parks and Recreation, Public Safety and Transportation, as proposed, the maximum DIF that the City could impose for multifamily residential development would be $9,021,005 (General Government, $2,765,340; Library, $682,380; Parks and Recreation, $4,482,000; Public Safety, $660,240; and Transportation, $431,845. Note that staff is not recommending any affordable housing fees for multifamily residential development.) By comparison, Daly City's DIF for multifamily residential development is only $2,808,000 (General Government, $82,800, Library, $75,000, Parks and Recreation, $1,616,400, Public Safety, $192,600, and Transportation, $180,000).

When compared to the surveyed cities, San Bruno and Millbrae are significantly above average whereas South San Francisco, Burlingame, and Daly City are below average. Emeryville's fees are set at average. For multifamily residential developments, San Bruno and Millbrae are again above average in the totality of their DIF. San Bruno's largest DIF is attributed to Housing at $6,309,000 followed by Parks and Recreation at $3,462,008. San Bruno's other DIFs make up much smaller portions of the total fees. Millbrae is also above average in their DIF for multifamily residential with a single DIF for General Government at $10,257,482.



3. Research & Development/Office:

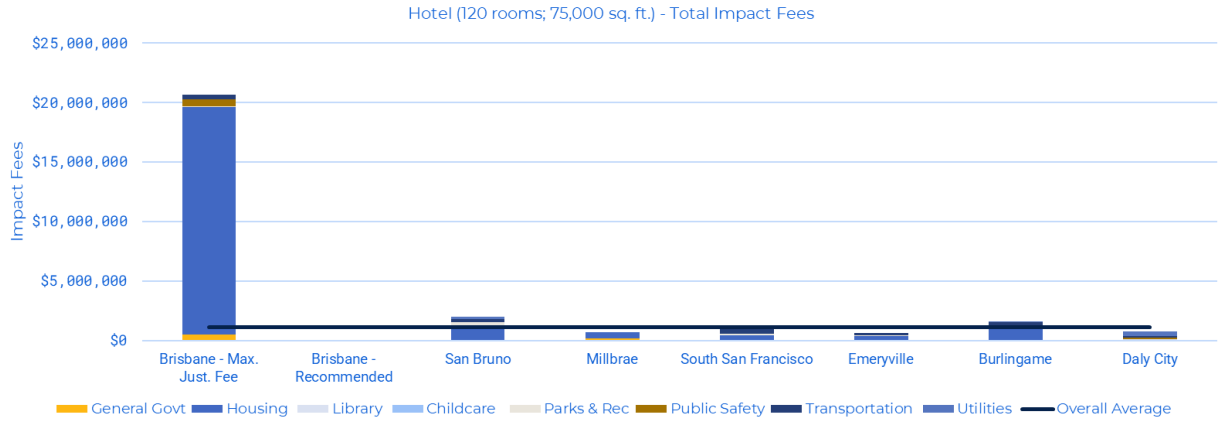
Five of the six cities combined R&D and Office into one land use type. The only city to differentiate between the two is Emeryville. Brisbane's total maximum justifiable fee is $13,456,050 (comprising of General Government, $357,950; Housing, $12,150,000; Parks and Recreation, $335,050; Public Safety, $92,550; and Transportation, $520,500). For Research & Development and Office, the majority of cities' total impact fees are at or below the average. Only South San Francisco and San Bruno's total impact fees are above average and not by a significant amount. South San Francisco's total impact fees are above average, of which the Transportation DIF takes up the majority of those costs at $1,757,500. San Bruno's total impact fee is also above average with the Housing DIF making up the majority of those fees at $876,000.



4. Hotel:

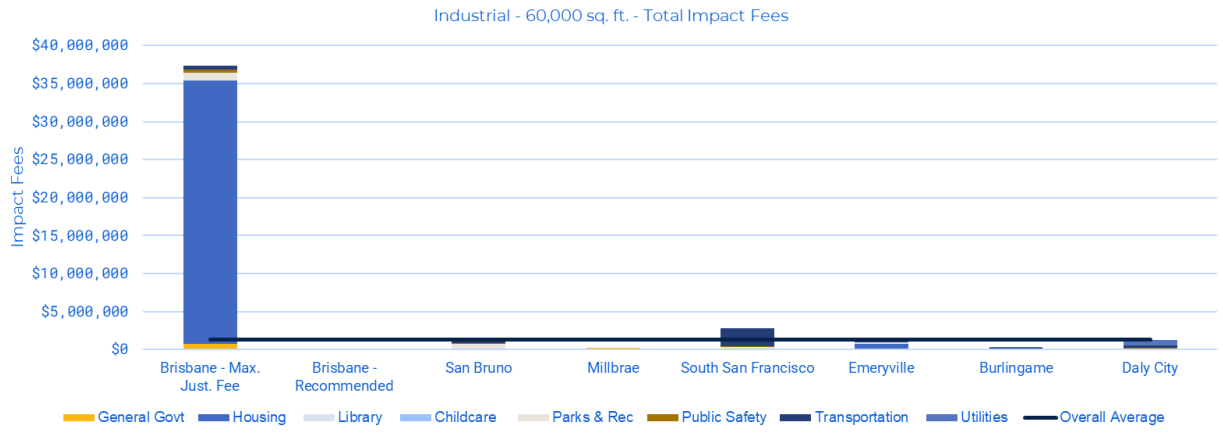
As it relates to hotel developments, the comparison was made based on an average hotel size of 75,000 square feet with 120 rooms. The City's total maximum justifiable fee is $20,688,187 (comprising of General Government, $561,240; Housing, $19,050,000; Parks and Recreation,

$93,840; Public Safety, $571,080; and Transportation, $412,027). The cities of Millbrae, Daly City, and Emeryville have total impact fees below the average whereas San Bruno and Burlingame are above average. South San Francisco fees for hotels are average. The Housing DIF makes up the largest portion of San Bruno's total impact fees at $1,314,000. Burlingame's total impact fees are also above average and the majority of this is made up of their Transportation DIF.



5. Industrial:

For industrial developments, the total maximum justifiable fee for the City is $37,399,200 (comprising of General Government, $751,650; Housing, $34,650; Parks and Recreation, $1,005,150; Public Safety, $480,900; and Transportation, $511,500). The total impact fees for the cities of San Bruno, Emeryville, and Daly City are average whereas Millbrae and Burlingame have lower than average fees. South San Francisco is the only city with total impact fees that are above average for industrial developments. The majority of the total impact fees for South San Francisco is attributed to the Transportation DIF at $2,373,000.



6. Commercial or Retail Development:

For commercial or retail development, the City's maximum justifiable fee is $1,728,346 (comprising of General Government, $28,224; Housing, $1,480,500; Parks and Recreation, $15,635; Public Safety, $53,312; and Transportation, $150,675). Only the cities of San Bruno and South San Francisco have above average total impact fees. The cities of Millbrae, Emeryville, Burlingame, and Daly City have lower than average fees. Of San Bruno's total impact fees, the largest DIF is for Utilities at $50,050. South San Francisco also has above average total impact fees, of which, transportation makes up the highest percentage at $108,255.

A comparison of the total impact fee averages per development type are listed below per city.

	San Bruno	Millbrae	SSF	Emeryville	Burlingame	Daly City
Single Family Residential	Above Average	Above Average	Below Average	Below Average	Below Average	Below Average
Multifamily Residential	Above Average	Above Average	Below Average	Average	Below Average	Below Average
R&D/Office	Above Average	Below Average	Above Average	Below Average	Average	Below Average
Hotel	Above Average	Below Average	Average	Below Average	Above Average	Below Average
Industrial	Average	Below Average	Above Average	Average	Below Average	Average

Commercial/Retail	Above Average	Below Average	Above Average	Below Average	Below Average	Below Average

Conclusion

The nexus study offers the legal basis for determining the highest possible fees, while the comparative study helps us understand how to set these fees and their potential impact on future development. Input from the Council is essential to determine how competitively the City wants to establish development impact fees for different land uses, ensuring that the fees align with the Council's policy objectives. Once it is determined how the Council wishes to proceed, staff will provide a recommendation on development impact fees for each of the four DIFs per the Mitigation Fee Act. The next steps are a mandatory public hearing at a future Council meeting with a public notice 10 days prior. The resolution adopting the fee must include written findings showing the purpose of the fee, use of the fee, and the reasonable relationship between the fee and the development's impacts. Any fee may not be imposed until at least 60 days after adoption. Additionally, there are annual reporting requirements, such as the AB 1600 Report which recently went to Council in December.

Fiscal Impact

The fiscal impact is unknown at this time and dependent on Council feedback.

Attachments

1. Brisbane Commercial Linkage Nexus Study and Feasibility Analysis
2. Brisbane Parks and Recreation Impact Fee Study
3. Brisbane Transportation Impact Fee Nexus Study
4. Brisbane Public Facilities Impact Fee Study
5. Brisbane Development Impact Fee Comparative Survey

Christina Fernandez, Assistant City Manager

Jeremy Dennis, City Manager

ECONorthwest
ECONOMICS · FINANCE · PLANNING

DATE: September 1, 2023
TO: Julia Ayres; City of Brisbane
FROM: Chris Blakney, Katherine Buck, Mackenzie Visser; ECONorthwest
SUBJECT: Commercial Linkage Fee Nexus Analysis and Maximum Fee Calculations

Executive Summary

ECONorthwest conducted a commercial Linkage Fee nexus study for the City of Brisbane, CA. This study establishes the "nexus" between new commercial development and the need for affordable housing for the resulting workers. The City of Brisbane previously completed a Linkage Fee nexus study in 2015 to examine the relationship between the affordable housing need and commercial development that adds jobs for hotel, retail/restaurants/services, and office/research and development/medical office uses. This study is an update to the previous study and utilizes the same methodology, however it expands the land use categories to analyze the impacts from potential hotel, retail (including restaurants and personal services), traditional office (including medical office), life sciences and research and development, and industrial (warehouse) prototypes.

For each commercial type, we established the number of potential new workers, their estimated wages, and the resulting number of households qualifying for affordable housing based on the Department of Housing and Urban Development thresholds. These thresholds are based off the Area Median Income, calculated as $140,000 for a family of two for the area (the average household size is 2.4 people in Brisbane). Using this data, we categorized households into very low, low, moderate, and above moderate incomes.

Next, we calculated the cost of developing both rental and for-sale housing. By comparing the cost of development against the potential revenue generated by new households, we established the *affordability gap* across all new households by commercial development type. Finally, we used a standardized development size to calculate a maximum fee per square foot to cover the entire affordability gap. Our analysis shows that there is a nexus between new commercial development and an increased need for affordable housing. These results are shown in Exhibit 1.

Exhibit 1: Maximum Commercial Linkage Fees
Source: ECONorthwest

	New Households Requiring Affordable Housing	Affordability Gap for All New Worker Households	Size of Prototype (SF)	Maximum Fee per SF
Hotel	58	$25,389,937	100,000	$254
Retail, Restaurants and Personal Services	91	$42,327,494	100,000	$423
Office and Medical Office	101	$40,548,404	100,000	$405
Life Sciences and R&D	70	$24,292,838	100,000	$243
Warehouse	56	$23,141,625	100,000	$231

It is important to note that these are *not* the recommended fees for adoption; they are the maximum fees that Brisbane could charge to offset the increased demand for affordable housing created by new commercial development in the City.

Commercial Linkage Fee Nexus Analysis

Before a city or county may adopt a development impact fee, it must conduct a nexus study to determine the reasonable relationship between the fee's purpose and the impact on affected development types. This commercial linkage fee nexus study establishes the "nexus" between new commercial development and the need for additional housing affordable for the resulting new workers. In this section, we determined the demand created for new housing units affordable to very low-income, low-income, and moderate-income workers as a result of new commercial development.

Define Commercial Prototypes

ECONorthwest analyzed the links between jobs and housing for five different commercial development prototypes:

- **Hotel** includes full-service hotels, limited-service hotels, motels, and other lodging.
- **Retail, restaurants, and services** includes retail stores, restaurants, and personal care spaces accommodating businesses like nail salons and drycleaners.
- **Office, medical office** includes traditional office buildings, open floor-plan offices, medical offices.
- **Life Sciences, Research and Development (R&D)** includes specialized spaces for highly advanced manufacturing and research, and spaces for laboratories and office for tenants involved in the study and development of scientific discoveries.
- **Warehousing** is a secondary type of industrial building generally used for storage and/or distribution.

These prototypes represent major types of new commercial buildings recently constructed or proposed in the area. For illustrative purposes, each prototype was assumed to be 100,000 square feet. Building characteristics of each prototype, based on recent development projects, are shown below.

Exhibit 2: Commercial Prototypes
Source: ECONorthwest, CoStar, City of Brisbane

	Hotel	Retail	Office	Life Sciences	Warehouse
Gross Building Area	100,000	100,000	100,000	100,000	100,000
Podium Parking Area	66,500	150,150	150,150	150,150	150,150
Gross Building Area Including Podium Parking	166,500	250,150	250,150	250,150	250,150
Efficiency	100%	95%	85%	85%	95%
Net Leasable Area	100,000	95,000	85,000	85,000	95,000
Hotel Rooms	133	0	0	0	0
Parking Spaces (Podium)	133	300	300	300	300
Floor Area Ratio	3.2	3.2	3.2	3.2	3.2

Land Area (Acres)	0.7	0.7	0.7	0.7	0.7
Land Area (SF)	31,250	31,250	31,250	31,250	31,250

Estimate of New Workers by Prototype

For each building protype, we defined an average employment density based on the previous 2015 Brisbane linkage fee nexus study as well as a review of other recently completed linkage fee nexus studies in the Bay Area.[1] Exhibit 3 shows the average employment density and total workers for each prototype, based on an assumed prototype size of 100,000 square feet.

Exhibit 3: Employment Density by Prototype

Source: ECONorthwest, Vernazza Wolfe Associates, Inc., Strategic Economics 2015

Commercial Prototype	Prototype Size (sf)	Average Density	Number of Workers in Prototype
Hotel	100,000 SF	1,000 SF per worker	100 workers
Retail, Restaurant, Services	100,000 SF	667 SF per worker	150 workers
Office, Medical Office	100,000 SF	333 SF per worker	300 workers
Life Sciences, R&D	100,000 SF	333 SF per worker	300 workers
Warehouse	100,000 SF	1,000 SF per worker	100 workers

Number of Worker Households by Prototype

We then calculated the number of worker households by dividing the number of workers for each prototype by the average number of wage-earners per household in Brisbane. According to U.S. Census American Community Survey (ACS) data, there is an average of 1.65 workers per household in Brisbane as of 2021.

Exhibit 4: Number of Worker Households by Prototype

Source: ACS 5-Year Data Tables, 2017-2021

Commercial Prototype	Number of New Workers	Workers per Household	Number of New Households
Hotel	100 workers	1.65	61 households
Retail, Restaurant, Services	150 workers	1.65	91 households
Office, Medical Office	300 workers	1.65	182 households
Life Sciences, R&D	300 workers	1.65	182 households
Warehouse	100 workers	1.65	61 households

Calculate Wages of New Workers

To calculate employee wages, ECONorthwest first established a list of industries associated with each prototype using industry data from the Quarterly Census of Employment and Wages (QCEW). The industries (by NAICS code) associated with each prototype are shown in Exhibit 17 through Exhibit 20 in the appendix.

Next, we used U.S. Bureau of Labor Statistics (BLS) data to identify occupations associated with each industry. Because the national level BLS data is the most detailed available, we calibrated the national BLS occupational matrix to match the County's employment distribution. First, using the BLS National Occupational Matrix, we recorded each occupation's share of each

[1] Other reviewed nexus fee studies include Santa Rosa (2019), San Bruno (2015), San Jose (2020), San Mateo County (2015), and Culver City (2020).

individual industry associated with each prototype. We then added these shares together by occupation to get each occupation's total share of industries in each of the five prototypes. We then multiplied these occupational by the share of San Mateo employees in each industry by prototype to get the distribution of San Mateo occupations for each of the five prototypes, which is shown in Exhibits 17-21 of the Appendix.

We used average wage data for each occupation from the San Francisco-Redwood City-San Mateo Metro Division, the smallest geographic level at which wage data are available, provided by the California Employment Development Department. By weighting this data with the distribution of workers by occupation we calculated an average wage for each prototype, shown in Exhibit 5 below.

Exhibit 5: Average Annual Wage by Prototype

Source: ECONorthwest; Quarterly Census of Employment and Wages (QCEW), December 2022; California Employment Development Department; U.S. Bureau of Labor Statistics

Commercial Prototype	Weighted Annual Wage
Hotel	$56,123
Retail, Restaurant, Services	$48,624
Traditional Office, Medical Office	$101,396
Life Sciences, R&D	$121,813
Warehouse	$67,028

The complete occupational mix and wage estimates for each prototype are located in the Appendix.

Calculate Household Incomes of New Workers

We then estimated household incomes for each prototype based on the employee wages calculated above, assuming the income of a second wage earner would be similar to the wage of the first. To calculate household incomes from the wage data calculated above, we multiplied the average worker wages by the number of wage-earners per household (1.65 workers per ACS data).[2] This methodology for calculating household income aligns with the previous Brisbane Nexus Fee Study from 2015, as well as other nexus studies conducted in the Bay Area.

Next, we used income thresholds established by the California Housing and Community Development Department (HCD) to determine thresholds for very low, low, moderate, and above moderate incomes. According to ACS data, the average household size in the City of Brisbane is 2.4 members; we have used the HCD income thresholds based on a household size of two members. Exhibit 6 shows the income limits by income category, based on San Mateo County's area median income.

Exhibit 6: Household Income Categories

Source: California Department of Housing and Community Development, 2023

Commercial Prototype	Weighted Annual Wage
Very Low Income (< 50% AMI)	$74,600
Low Income (51-80% AMI)	$119,300
Moderate Income (81%-120% AMI)	$168,000

[2] We attempted to use Census Public Use Microdata Samples (PUMS) to determine the median household income for groups with occupations within the industries of interest but the 6-digit SOC code along with the size of the desired region made the estimates unreliable and unavailable.

Above Moderate Income (>120% AMI)	> $168,000

We then sorted the new worker households into the income categories above. As shown in Exhibit 7, the majority of new households associated with the hotel prototype are in the very low- and low-income categories (41% and 45%, respectively). The majority of new households associated with the retail, restaurants, and services prototype are in the very low-income category (77%). For the office and medical office prototype, roughly 36% of new households are in the low-income category, and roughly 44% are above moderate income. For life sciences, the majority of new households are in the above moderate-income category, with 19% of new households in the low-income category and 16% in the moderate-income category. Finally, roughly 75% of new households associated with the warehouse prototype are in the low-income category.

Exhibit 7: Number of Worker Households by Income
Source: ECONorthwest

Prototype	Number of Employee Households
Hotel	
Very Low Income (< 50% AMI)	26
Low Income (51-80% AMI)	27
Moderate Income (81%-120% AMI)	5
Above Moderate Income (>120% AMI)	3
Total:	**61 households**
Retail, Restaurants, and Services	
Very Low Income (< 50% AMI)	70
Low Income (51-80% AMI)	16
Moderate Income (81%-120% AMI)	5
Above Moderate Income (>120% AMI)	0
Total:	**91 households**
Office, Medical Office	
Very Low Income (< 50% AMI)	17
Low Income (51-80% AMI)	66
Moderate Income (81%-120% AMI)	18
Above Moderate Income (>120% AMI)	81
Total:	**182 households**
Life Sciences and R&D	
Very Low Income (< 50% AMI)	5
Low Income (51-80% AMI)	35
Moderate Income (81%-120% AMI)	30
Above Moderate Income (>120% AMI)	112
Total:	**182 households**
Warehouse	
Very Low Income (< 50% AMI)	5
Low Income (51-80% AMI)	46
Moderate Income (81%-120% AMI)	5
Above Moderate Income (>120% AMI)	5
Total:	**182 households**

We removed the above moderate-income households from the following steps of this analysis, as these households would likely be able to afford market-rate housing in the area.

Housing Affordability Gap

The housing affordability gap is calculated as the difference between what each income threshold can afford to pay for housing and the development cost of that housing unit. To calculate the affordability gap, ECONorthwest used the following methodology:

1. Estimated affordable rents and sales prices, using Department of Housing and Urban Development (HUD) established income thresholds.[3]
2. Estimated housing development costs, using pro forma analysis and current cost and market data.
3. Calculated the housing affordability gap, based on the difference between the values established in Steps 1 and 2.

Estimate Affordable Rents and Sales Prices

First, ECONorthwest calculated the maximum amount that households at each income level (very low, low, and moderate incomes) can afford to pay for housing. Above, these income thresholds were defined as a range, with very low-income households earning less than 50% AMI, low-income households earning between 51% and 80% of the AMI, and moderate-income households earning between 81% and 120% of the AMI. To calculate affordable housing costs, we have used a midpoint value in these ranges for the low and moderate incomes, defined as 70% and 90% of the AMI for renters, respectively. Homeowners were assumed to be moderate income households with slightly higher incomes than renters and are defined as earning 110% of the AMI.

To calculate affordable rental and sales prices for each income group, we used the following assumptions:

- **Affordable housing costs:** Affordable housing costs were defined as 30% of gross monthly income for renters, and 35% of gross monthly income for homeowners.
- **Utilities:** Utility allowances were calculated by the U.S. Department of Housing and Urban Development (HUD) for San Mateo County for 2023. Housing units were assumed to be powered by natural gas, and both renters and owners were assumed to pay heating, cooking, water heating, and other electric costs. Owners were also assumed to pay water and trash collection.
- **Unit types:** For this analysis, rental housing was assumed to include studios, one-, two-, and three-bedroom units. Ownership housing was assumed to one-, two-, and three-bedroom units. In addition, ownership housing was assumed to be condominiums, as these types of units are typically significantly lower priced than single family homes in the area. In general, the unit size for each household was assumed to be one less bedroom than household bedrooms (for example, a three-person household would require a two-bedroom unit).
- **Homeownership costs:** For ownership housing, affordable home sales prices were calculated based on what a household at 110% of the AMI could afford to pay on a mortgage. These calculations assumed a 7% mortgage interest rate for a 30-year loan

[3] HUD provides data at the county or metropolitan statistical area (MSA) level; San Mateo County is included in the San Francisco MSA.

(based on recent 2023 mortgage interest rates) after a 5% down payment on the home. In addition, these calculations assumed a monthly $300 homeowner association fee, as well as property taxes and homeowner insurance costs.

Affordable rents were calculated as affordable renter housing costs less utility allowances (full calculations are located in the Appendix). Below, affordable rents are shown in Exhibit 8 by unit size, defined by the number of household members.

Exhibit 8: Affordable Rent Prices, San Mateo County
Source: ECONorthwest, Department of Housing and Urban Development (2023), San Mateo County Department of Housing (2023)

Affordable Rents	Studio (1 Person HH)	1 Bedroom (2 Person HH)	2 Bedroom (3 Person HH)	3 Bedroom (4-5 Person HH)
Very Low Income (50% AMI)	$1,510	$1,721	$1,907	$2,162
Low Income (70% AMI)	$2,161	$2,464	$2,744	$3,128
Moderate Income (90% AMI)	$2,820	$3,237	$3,635	$4,184

Affordable home sales prices were calculated as affordable homeowner housing costs less utility allowances, homeowner association fees, and property taxes and insurance. Below, affordable home prices are shown in Exhibit 9 by unit size, defined by number of household members.

Exhibit 9: Affordable Home Sales Prices, San Mateo County
Source: ECONorthwest, Department of Housing and Urban Development (2023), San Mateo County Department of Housing (2023)

Affordable Sales Price	1 Bedroom (1-2 Person HH)	2 Bedroom (3 Person HH)	3 Bedroom (4-5 Person HH)
Moderate Income (110% AMI)	$538,873	$653,157	$755,357

Full calculations for affordable housing costs are located in Exhibit 28 in the Appendix.

Estimate Housing Development Costs

Next, ECONorthwest calculated the cost per unit of developing housing in the Brisbane area for both rental and ownership products. To do so, we used a pro forma analysis to analyze the cost of building a rental multifamily apartment prototype and a for-sale condominium multifamily prototype, each with 100 units. This pro forma analysis considered land acquisition costs, hard costs, soft costs (including permitting fees, contingencies, and a condominium wrap insurance policy), and developer fees. Below, prototype and cost assumptions are shown in Exhibit 10.

Exhibit 10: Affordable Housing Pro Forma Development Assumptions and Cost Data
Source: ECONorthwest, CoStar

	Rental Housing	For-Sale Housing
Land area (acres)	2.6	3.6
Gross building area	139,706	189,155
Residential area	74,500	97,500
Number of units	100	100
Parking type	Structured	Structured
Floor Area Ratio (FAR)	0.79	0.74
Density (units per acre)	39	28
Average unit size	745	975
Land cost per square foot of land	$100	$100
Land cost per residential square foot	$149	$160
Hard cost per gross square foot	$245	$244
Hard costs per residential square foot	$459	$474
Soft costs as a share of hard costs (includes developer fees and contingency)	32%	32%
Soft costs per residential square foot	$148	$153
Total costs per gross square foot	$404	$406
Total costs per residential square foot	**$757**	**$787**

Cost Estimates by Unit Size

Next, we used the cost per square foot estimates calculated above in Exhibit 10 to determine average cost per unit for different unit sizes. For both rental and ownership products, average unit sizes were derived via market research of existing products in the Brisbane area and San Mateo County.

Exhibit 11: Rental Housing Unit Sizes and Development Costs
Source: ECONorthwest, CoStar

Unit Type	Estimated Cost per Net SF	Unit Size (net SF)	Development Costs
Studio	$757	500	$378,369
1-Bedroom	$757	700	$529,716
2-Bedroom	$757	1,000	$756,737
3-Bedroom	$757	1,200	$908,085

Exhibit 12 shows the average unit areas by unit size and the associated development costs for for-sale units, based on the cost per square foot estimates calculated in Exhibit 10.

Exhibit 12: For Sale Housing Unit Sizes and Development Costs
Source: ECONorthwest, CoStar

Unit Type	Estimated Cost per Net SF	Unit Size (net SF)	Development Costs
1-Bedroom	$787	700	$550,892
2-Bedroom	$787	1,000	$786,989
3-Bedroom	$787	1,200	$944,387

Calculate the Housing Affordability Gap

Finally, we calculated the housing affordability gap, or the difference between affordable revenues and the cost of developing units. This gap is determined as the fee amount that would be necessary to make developing affordable housing feasible, assuming no other housing subsidies.

Exhibit 13 shows the affordability gap calculation for rental units. For rental units, the affordability gap is defined as the difference between the per-unit cost of development established in Exhibit 11 and the supportable debt per unit. The supportable debt is calculated based on the net operating income per unit (annual income less vacancy expenses and operating expenses) based on each income threshold's affordable rent, calculated in Exhibit 8.[4] The supportable debt is then subtracted from each unit's development costs to establish the affordability gap for each unit type; finally, these values are averaged to calculate an average affordability gap by affordability threshold.

Exhibit 13: Housing Affordability Gap for Rental Housing

Source: ECONorthwest, Department of Housing and Urban Development

Income Level and Unit Type	Unit Size (SF)	Maximum Monthly Rent	Net Operating Income	Available for Debt Service[5]	Support-able Debt[6]	Develop-ment Costs	Affordability Gap
Very Low Income (50% AMI)							
Studio	500	$1,510	$18,123	$10,149	$125,938	$378,369	$252,431
1-Bedroom	700	$1,721	$20,649	$11,563	$143,491	$529,716	$386,225
2-Bedroom	1,000	$1,907	$22,887	$12,817	$159,043	$756,737	$597,694
3-Bedroom	1,200	$2,162	$25,940	$14,526	$180,255	$908,085	$727,830
Average Affordability Gap:							**$491,045**
Low Income (70% AMI)							
Studio	500	$2,161	$25,929	$14,520	$180,182	$378,369	$198,186
1-Bedroom	700	$2,464	$29,571	$16,560	$205,491	$529,716	$324,225
2-Bedroom	1,000	$2,744	$32,925	$18,438	$228,798	$756,737	$527,939
3-Bedroom	1,200	$3,128	$37,535	$21,019	$260,830	$908,085	$647,255
Average Affordability Gap:							**$424,404**
Moderate Income (90% AMI)							
Studio	500	$2,820	$33,843	$18,952	$235,177	$378,369	$143,192
1-Bedroom	700	$3,237	$38,841	$21,751	$269,909	$529,716	$259,808
2-Bedroom	1,000	$3,635	$43,623	$24,429	$303,139	$756,737	$453,598
3-Bedroom	1,200	$4,184	$50,210	$28,117	$348,909	$908,085	$559,176
Average Affordability Gap:							**$353,943**

Exhibit 14 shows the affordability gap for for-sale units. For for-sale units, the affordability gap is calculated as the difference between the per-unit cost of development (established in Exhibit

[4] Vacancy expense is assumed to be 5% of rents, and operating expenses are assumed to be 25% of rents.

[5] Uses a debt service coverage ratio of 1.25.

[6] Assumes an interest rate of 7% for a 30-year loan.

12) and the sale price affordable to moderate incomes (shown in Exhibit 9). As with rental housing, the affordability gaps for each bedroom size were averaged to calculate an average affordability gap for for-sale housing affordable at 110% of the AMI.

Exhibit 14: Housing Affordability Calculation for For-Sale Condominium Housing
Source: ECONorthwest, Department of Housing and Urban Development

Income Level and Unit Type	Unit Size (SF)	Affordable Sales Price	Development Costs	Affordability Gap
Moderate Income (110% AMI)				
1-Bedroom	700	$538,873	$550,892	$12,019
2-Bedroom	1,000	$653,157	$786,989	$133,832
3-Bedroom	1,200	$755,357	$944,387	$189,030
Average Affordability Gap:				**$111,627**

Finally, we summarized these results and averaged the affordability gap across renter and owner households, shown in Exhibit 15 below. As very low-income and low-income households are unlikely to be able to purchase a home, the affordability gap for these income thresholds is equal to the average gap for rental units.

Exhibit 15: Average Housing Affordability Gap by Income Group
Source: ECONorthwest

Income Level	Rental Gap	Ownership Gap	Average Affordability Gap
Very Low Income (50% AMI)	$491,045	N/A	$491,045
Low Income (70% AMI)	$424,402	N/A	$424,402
Moderate Income (90%-110% AMI)	$353,943	$111,627	$232,785

Maximum Linkage Fees

Using the number of new households in each income category associated with each prototype (calculated in Exhibit 7) and the affordability gaps calculated in Exhibit 15, we calculated the total affordability gap for new worker households for each prototype. By dividing the total gap by the area (in square feet) for each commercial prototype, we established the maximum linkage fee per square foot, shown in Exhibit 16 below. It is important to note that these are not the recommended fees for adoption; they are the maximum fees that Brisbane could charge to offset the increased demand for affordable housing created by new commercial development in the City.

The maximum fees are high, largely because of the extremely high cost of developing housing in the San Francisco Bay Area and San Mateo County generally. In addition, the maximum fees have increased since the 2015 nexus study, likely due to the increasing gap between housing development costs, market rate housing costs, and wages (particularly for lower income workers) over this time period.

Exhibit 16: Maximum Commercial Linkage Fees
Source: ECONorthwest

	New Households Requiring Affordable Housing	Affordability Gap for All New Worker Households	Size of Prototype (SF)	Maximum Fee per SF
Hotel	58	$25,389,937	100,000	$254
Retail, Restaurants and Personal Services	91	$42,327,494	100,000	$423
Office and Medical Office	101	$40,548,404	100,000	$405
Life Sciences, R&D	70	$24,292,838	100,000	$243
Warehouse	56	$23,141,625	100,000	$231

Appendix

Exhibit 17: Definition of Industries for Hotel Prototype

Source: Quarterly Census of Employment and Wages (QCEW), December 2022

NAICS Code	Description	Percent Total Workers in Prototype
721	Accommodations	100.0%
Total:		100.0%

Exhibit 18: Definition of Industries for Retail, Restaurants and Services Prototype

Source: Quarterly Census of Employment and Wages (QCEW), December 2022

NAICS Code	Description	Percent Total Workers in Prototype
7225	Restaurants and other eating places	39.0%
4451	Grocery and convenience retailers	10.7%
4552	Warehouse clubs, supercenters, and other general merchandise retailers	5.1%
8111	Automotive repair and maintenance	4.8%
4561	Health and personal care retailers	3.8%
4441	Building material and supplies dealers	3.7%
4411	Automobile dealers	3.6%
8121	Personal care services	2.7%
4551	Department stores	2.5%
8129	Other personal services	2.5%
4581	Clothing and clothing accessories retailers	2.3%
4591	Sporting goods, hobby, and musical instrument retailers	2.1%
4492	Electronics and appliance retailers	1.7%
5321	Automotive equipment rental and leasing	1.6%
4491	Furniture and home furnishings retailers	1.6%
4599	Other miscellaneous retailers	1.3%
4237	Hardware, and plumbing and heating equipment and supplies merchant wholesalers	1.2%
8123	Dry cleaning and laundry services	1.1%
4594	Office supplies, stationery, and gift retailers	0.9%
4413	Automotive parts, accessories, and tire retailers	0.8%
4452	Specialty food retailers	0.8%
4595	Used merchandise retailers	0.8%
4231	Motor vehicle and motor vehicle parts and supplies merchant wholesalers	0.8%
8122	Death care services	0.8%
7224	Drinking places (alcoholic beverages)	0.7%
4453	Beer, wine, and liquor retailers	0.5%
4582	Shoe retailers	0.5%
4583	Jewelry, luggage, and leather goods retailers	0.4%
4233	Lumber and other construction materials merchant wholesalers	0.4%
4592	Book retailers and news dealers	0.3%
8113	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance	0.2%

8112	Electronic and precision equipment repair and maintenance	0.2%
4442	Lawn and garden equipment and supplies retailers	0.2%
8114	Personal and household goods repair and maintenance	0.2%
4593	Florists	0.2%
4412	Other motor vehicle dealers	0.1%
7225	Restaurants and other eating places	0.0%
8122	Death care services	0.0%
4571	Gasoline stations	0.0%
5322	Consumer goods rental	0.0%
5323	General rental centers	0.0%
5324	Commercial and industrial machinery and equipment rental and leasing	0.0%
5615	Travel arrangement and reservation services	0.0%
Total:		100.0%

Exhibit 19: Definition of Industries for Traditional Office and Medical Office Prototype

Source: Quarterly Census of Employment and Wages (QCEW), December 2022

NAICS Code	Description	Percent Total Workers in Prototype
5417	Scientific research and development services	19.1%
5415	Computer systems design and related services	10.1%
5132	Software publishers	8.5%
5613	Employment services	5.1%
5617	Services to buildings and dwellings	4.5%
5239	Other financial investment activities	3.9%
5511	Management of companies and enterprises	3.6%
5182	Computing infrastructure providers, data processing, web hosting, and related services	3.6%
6214	Outpatient care centers	3.2%
5416	Management, scientific, and technical consulting services	2.9%
7223	Special food services	2.6%
5412	Accounting, tax preparation, bookkeeping, and payroll services	2.5%
5222	Nondepository credit intermediation	2.4%
6215	Medical and diagnostic laboratories	2.1%
5616	Investigation and security services	2.1%
6211	Offices of physicians	2.0%
5413	Architectural, engineering, and related services	2.0%
6212	Offices of dentists	1.8%
5411	Legal services	1.8%
3345	Navigational, measuring, electromedical, and control instruments manufacturing	1.5%
5313	Activities related to real estate	1.5%
5242	Agencies, brokerages, and other insurance related activities	1.4%
5221	Depository credit intermediation	1.3%
5419	Other professional, scientific, and technical services	1.2%

5611	Office administrative services	1.1%
6213	Offices of other health practitioners	1.0%
3391	Medical equipment and supplies manufacturing	0.9%
5121	Motion picture and video industries	0.8%
5312	Offices of real estate agents and brokers	0.6%
5223	Activities related to credit intermediation	0.6%
5231	Securities and commodity contracts intermediation and brokerage	0.6%
3353	Electrical equipment manufacturing	0.4%
5171	Wired and wireless telecommunications (except satellite)	0.4%
5418	Advertising, public relations, and related services	0.4%
5131	Newspaper, periodical, book, and directory publishers	0.4%
5619	Other support services	0.3%
5614	Business support services	0.3%
3344	Semiconductor and other electronic component manufacturing	0.3%
5414	Specialized design services	0.3%
5241	Insurance carriers	0.2%
5611	Office administrative services	0.2%
5241	Insurance carriers	0.2%
5161	Radio and television broadcasting stations	0.1%
5259	Other investment pools and funds	0.1%
3342	Communications equipment manufacturing	0.1%
5331	Lessors of nonfinancial intangible assets (except copyrighted works)	0.0%
6211	Offices of physicians	0.0%
5122	Sound recording industries	0.0%
5416	Management, scientific, and technical consulting services	0.0%
5413	Architectural, engineering, and related services	0.0%
Total:		100.0%

Exhibit 20: Definition of Industries for Life Sciences Prototype

Source: Quarterly Census of Employment and Wages (QCEW), December 2022

NAICS Code	Industry	% Employees
5417	NAICS 5417 Scientific research and development services	62.7%
5511	NAICS 5511 Management of companies and enterprises	11.9%
5416	NAICS 5416 Management, scientific, and technical consulting services	9.5%
6215	NAICS 6215 Medical and diagnostic laboratories	6.9%
3345	NAICS 3345 Navigational, measuring, electromedical, and control instruments manufacturing	5.0%
5419	NAICS 5419 Other professional, scientific, and technical services	3.9%
Total:		100%

Exhibit 21: Definition of Industries for Warehouse Prototype

Source: Quarterly Census of Employment and Wages (QCEW), December 2022

NAICS Code	Industry	% Employees
4930	Warehousing and Storage	24%

4885	Truck Transportation	29%
4840	Freight and Transportation Arrangements	47%
Total:		**100%**

Exhibit 22: Wages and Distribution of Occupations, Hotel Prototype
Source: ECONorthwest; Quarterly Census of Employment and Wages (QCEW), December 2022; California Employment Development Department; U.S. Bureau of Labor Statistics

SOC Code	Occupational Title	% of Total Hotel Workers	Average Annual Wage
11-0000	**Management Occupations**		
11-9081	Lodging Managers	2.50%	$92,618
11-1021	General and Operations Managers	1.98%	$166,029
11-9051	Food Service Managers	0.42%	$74,812
11-2022	Sales Managers	0.52%	$188,903
11-3031	Financial Managers	0.31%	$202,480
11-9199	Managers, All Other	0.21%	$195,920
11-3121	Human Resources Managers	0.10%	$187,456
11-9141	Property, Real Estate, and Community Association Managers	0.10%	$87,619
11-2021	Marketing Managers	0.10%	$208,880
	Weighted Average Annual Wage	**6.25%**	**$135,073**
13-0000	**Business and Financial Operations Occupations**	**0.00%**	
13-1121	Meeting, Convention, and Event Planners	0.42%	$84,051
13-2011	Accountants and Auditors	0.63%	$112,447
13-1071	Human Resources Specialists	0.42%	$103,287
13-1199	Business Operations Specialists, All Other	0.21%	$101,412
13-1020	Buyers and Purchasing Agents	0.10%	$90,147
13-1161	Market Research Analysts and Marketing Specialists	0.21%	$116,548
	Weighted Average Annual Wage	**1.98%**	**$102,637**
15-0000	**Computer and Mathematical Occupations**		
15-1232	Computer User Support Specialists	0.10%	$78,794
	Weighted Average Annual Wage	**0.10%**	**$78,794**
25-0000	**Education, Training, and Library Occupations**		
25-3021	Self-Enrichment Teachers	0.10%	$62,154
	Weighted Average Annual Wage	**0.10%**	**$62,154**
27-0000	**Arts, Design, Entertainment, Sports, and Media Occupations**		
27-2022	Coaches and Scouts	0.10%	$65,840
27-3031	Public Relations Specialists	0.10%	$92,207
	Weighted Average Annual Wage	**0.21%**	**$79,024**
31-0000	**Healthcare Support Occupations**		
31-9011	Massage Therapists	0.31%	$64,730
	Weighted Average Annual Wage	**0.31%**	
33-0000	**Protective Service Occupations**	**0.00%**	**$76,120**
33-9032	Security Guards	1.98%	$47,017

	Weighted Average Annual Wage	**1.98%**	**$47,017**
35-0000	**Food Preparation and Serving Related Occupations**		
35-1011	Chefs and Head Cooks	0.73%	$69,525
35-1012	First-Line Supervisors of Food Preparation and Serving Workers	1.25%	$57,630
35-2021	Food Preparation Workers	0.63%	$42,583
35-3011	Bartenders	1.88%	$43,847
35-3031	Waiters and Waitresses	5.10%	$40,380
35-9011	Dining Room and Cafeteria Attendants and Bartender Helpers	2.08%	$39,957
35-9021	Dishwashers	0.94%	$39,368
35-2014	Cooks, Restaurant	3.13%	$44,409
35-3041	Food Servers, Nonrestaurant	0.94%	$47,984
35-9031	Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop	0.83%	$38,674
35-3023	Fast Food and Counter Workers	0.83%	$39,414
35-2012	Cooks, Institution and Cafeteria	0.21%	$51,210
35-2015	Cooks, Short Order	0.10%	$41,048
35-9099	Food Preparation and Serving Related Workers, All Other	0.21%	$40,878
35-2019	Cooks, All Other	0.10%	$44,546
	Weighted Average Annual Wage	**18.96%**	**$44,031**
37-0000	**Building and Grounds Cleaning and Maintenance Occupations**		
37-1011	First-Line Supervisors of Housekeeping and Janitorial Workers	2.19%	$64,872
37-2012	Maids and Housekeeping Cleaners	23.65%	$47,256
37-3011	Landscaping and Groundskeeping Workers	1.04%	$51,682
37-2011	Janitors and Cleaners, Except Maids and Housekeeping Cleaners	2.40%	$44,898
37-1012	First-Line Supervisors of Landscaping, Lawn Service, and Groundskeeping Workers		
	Weighted Average Annual Wage	**29.38%**	**$48,624**
39-0000	**Personal Care and Service Occupations**		
39-1022	First-Line Supervisors of Personal Service Workers	0.10%	$55,446
39-3091	Amusement and Recreation Attendants	0.73%	$38,406
39-5092	Manicurists and Pedicurists	0.10%	$40,101
39-5094	Skincare Specialists	0.10%	$50,112
39-6011	Baggage Porters and Bellhops	0.73%	$42,306
39-6012	Concierges	0.42%	$47,678
39-9032	Recreation Workers	0.63%	$42,387
39-9041	Residential Advisors	0.10%	$49,351
39-3011	Gambling Dealers	1.98%	$44,851
39-1013	First-Line Supervisors of Gambling Services Workers	0.52%	$71,963
39-9099	Personal Care and Service Workers, All Other	0.10%	$41,072
39-3093	Locker Room, Coatroom, and Dressing Room Attendants	0.10%	$45,255
39-3031	Ushers, Lobby Attendants, and Ticket Takers	0.10%	$41,187
39-7010	Tour and Travel Guides	0.10%	$47,832
	Weighted Average Annual Wage	**5.83%**	**$46,292**
41-0000	**Sales and Related Occupations**		
41-1011	First-Line Supervisors of Retail Sales Workers	0.10%	$57,904
41-1012	First-Line Supervisors of Non-Retail Sales Workers	0.10%	$105,977

41-2011	Cashiers	0.63%	$38,957
41-2021	Counter and Rental Clerks	0.10%	$44,954
41-2031	Retail Salespersons	0.31%	$43,043
41-3091	Sales Representatives of Services, Except Advertising, Insurance, Financial Services, and Travel		
	Weighted Average Annual Wage	**2.50%**	**$77,235**
43-0000	**Office and Administrative Support Occupations**		
43-1011	First-Line Supervisors of Office and Administrative Support Workers	2.40%	$83,476
43-3051	Payroll and Timekeeping Clerks	0.10%	$70,817
43-4051	Customer Service Representatives	0.31%	$53,875
43-4171	Receptionists and Information Clerks	0.31%	$46,410
43-4181	Reservation and Transportation Ticket Agents and Travel Clerks	0.31%	$50,737
43-6011	Executive Secretaries and Executive Administrative Assistants	0.10%	$94,596
43-4081	Hotel, Motel, and Resort Desk Clerks	15.63%	$42,405
43-3031	Bookkeeping, Accounting, and Auditing Clerks	1.35%	$61,925
43-9061	Office Clerks, General	0.73%	$51,810
43-6014	Secretaries and Administrative Assistants, Except Legal, Medical, and Executive		
43-2011	Switchboard Operators, Including Answering Service	0.10%	$54,000
43-5071	Shipping, Receiving, and Inventory Clerks	0.10%	$49,292
43-5032	Dispatchers, Except Police, Fire, and Ambulance	0.10%	$46,736
	Weighted Average Annual Wage	**21.98%**	**$49,570**
45-0000	**Farming, Fishing, and Forestry Occupations**		
45-2093	Farmworkers, Farm, Ranch, and Aquacultural Animals	0.10%	$45,335
	Weighted Average Annual Wage	**0.10%**	**$45,335**
47-0000	**Construction and Extraction Occupations**		
47-1011	First-Line Supervisors of Construction Trades and Extraction Workers	0.00%	$108,978
47-2031	Carpenters	0.10%	$81,183
47-2141	Painters, Construction and Maintenance	0.10%	$65,145
	Weighted Average Annual Wage	**0.21%**	**$73,164**
49-0000	**Installation, Maintenance, and Repair Occupations**		
49-9071	Maintenance and Repair Workers, General	6.56%	$61,607
49-1011	First-Line Supervisors of Mechanics, Installers, and Repairers	0.63%	$94,340
49-9091	Coin, Vending, and Amusement Machine Servicers and Repairers	0.10%	
49-9021	Heating, Air Conditioning, and Refrigeration Mechanics and Installers	0.10%	$76,939
	Weighted Average Annual Wage	**7.40%**	**$63,721**
51-0000	**Production Occupations**		
51-3011	Bakers	0.10%	$43,019
51-6011	Laundry and Dry-Cleaning Workers	1.98%	$43,923
51-8021	Stationary Engineers and Boiler Operators	0.10%	$107,182
	Weighted Average Annual Wage	**2.19%**	**$46,892**

53-0000	**Transportation and Material Moving Occupations**		
53-6021	Parking Attendants	0.31%	$41,730
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	0.10%	$46,694
53-7065	Stockers and Order Fillers	0.10%	$44,304
	Weighted Average Annual Wage	**0.52%**	**$43,238**
	Total	**100%**	**$56,123**

Exhibit 23: Wages and Distribution of Occupations, Office Prototype

Source: ECONorthwest; Quarterly Census of Employment and Wages (QCEW), December 2022; California Employment Development Department; U.S. Bureau of Labor Statistics

SOC Code	Occupational Title	% of Total Office/ R&D/ Medical Office Workers	Average Annual Wage
11-0000	**Management Occupations**		**$182,794**
11-1011	Chief Executives	0.35%	$277,159
11-1021	General and Operations Managers	4.04%	$166,029
11-2021	Marketing Managers	0.65%	$208,880
11-2022	Sales Managers	0.53%	$188,903
11-3021	Computer and Information Systems Managers	1.24%	$222,368
11-3031	Financial Managers	1.11%	$202,480
11-9041	Architectural and Engineering Managers	1.26%	$211,825
11-9199	Managers, All Other	1.37%	$195,920
	Weighted Average Annual Wage	**10.55%**	**$193,345**
13-0000	**Business and Financial Operations Occupations**		
13-1071	Human Resources Specialists	1.41%	$103,287
13-1111	Management Analysts	0.94%	$133,161
13-1151	Training and Development Specialists	0.40%	$93,874
13-1161	Market Research Analysts and Marketing Specialists	1.04%	$116,548
13-2011	Accountants and Auditors	1.42%	$112,447
13-2052	Personal Financial Advisors	0.07%	$171,889
13-2072	Loan Officers	1.30%	$105,910
13-1199	Business Operations Specialists, All Other	1.87%	$101,412
13-2051	Financial and Investment Analysts	0.45%	$129,565
	Weighted Average Annual Wage	**8.90%**	**$110,894**
15-0000	**Computer and Mathematical Occupations**		
15-1211	Computer Systems Analysts	1.11%	$138,386
15-1231	Computer Network Support Specialists	0.14%	$90,574
15-1232	Computer User Support Specialists	0.76%	$78,794
15-1241	Computer Network Architects	0.42%	$161,662
15-1244	Network and Computer Systems Administrators	0.67%	$121,277
15-1251	Computer Programmers	0.82%	$132,360
15-1252	Software Developers	3.80%	$168,107
	Weighted Average Annual Wage	**7.72%**	**$145,419**
17-0000	**Architecture and Engineering Occupations**		
17-2011	Aerospace Engineers	0.43%	$156,296
17-2051	Civil Engineers	1.40%	$118,596
17-2061	Computer Hardware Engineers	1.04%	$194,282
17-2071	Electrical Engineers	1.07%	$141,791

17-2112	Industrial Engineers	0.73%	$126,365
17-2141	Mechanical Engineers	1.62%	$141,095
17-3011	Architectural and Civil Drafters	0.58%	$78,006
17-2072	Electronics Engineers, Except Computer	0.64%	$146,927
17-2199	Engineers, All Other	0.98%	$134,380
17-3023	Electrical and Electronic Engineering Technologists and Technicians	0.47%	$76,889
17-1011	Architects, Except Landscape and Naval	0.71%	$117,966
17-3029	Engineering Technologists and Technicians, Except Drafters, All Other	0.56%	$62,920
	Weighted Average Annual Wage	**10.23%**	**$130,355**
19-0000	**Life, Physical, and Social Science Occupations**		
19-1021	Biochemists and Biophysicists	1.56%	$134,996
19-2031	Chemists	1.15%	$103,360
19-4021	Biological Technicians	1.99%	$67,556
19-4031	Chemical Technicians	0.56%	$62,206
19-4061	Social Science Research Assistants	0.59%	$69,781
19-1042	Medical Scientists, Except Epidemiologists	3.17%	$141,834
19-2041	Environmental Scientists and Specialists, Including Health	0.32%	$114,614
19-4099	Life, Physical, and Social Science Technicians, All Other	0.79%	$79,138
19-4031	Chemical Technicians	0.56%	$62,206
	Weighted Average Annual Wage	**10.70%**	**$105,082**
21-0000	**Community and Social Service Occupations**		
21-1015	Rehabilitation Counselors	0.04%	$53,066
21-1022	Healthcare Social Workers	0.17%	$99,733
21-1023	Mental Health and Substance Abuse Social Workers	0.28%	$89,862
21-1093	Social and Human Service Assistants	0.34%	$54,941
21-1094	Community Health Workers	0.07%	$69,917
21-1014	Substance Abuse, Behavioral Disorder, and Mental Health Counselors	0.00%	$46,438
21-1021	Child, Family, and School Social Workers	0.09%	$76,758
21-1091	Health Education Specialists	0.11%	$81,091
21-1099	Community and Social Service Specialists, All Other	0.02%	$68,674
21-1012	Educational, Guidance, and Career Counselors and Advisors	0.07%	$83,853
	Weighted Average Annual Wage	**1.19%**	**$76,297**
23-0000	**Legal Occupations**		
23-1011	Lawyers	0.41%	$204,129
23-2011	Paralegals and Legal Assistants	0.11%	$80,967
23-2093	Title Examiners, Abstractors, and Searchers	0.03%	$57,821
	Weighted Average Annual Wage	**0.54%**	**$168,553**
25-0000	**Education, Training, and Library Occupations**		
25-3031	Substitute Teachers, Short-Term	0.06%	$52,298
25-9045	Teaching Assistants, Except Postsecondary	0.02%	$44,253
25-3099	Teachers and Instructors, All Other	0.08%	$76,580
	Weighted Average Annual Wage	**0.16%**	**$62,889**
27-0000	**Arts, Design, Entertainment, Sports, and Media Occupations**		
27-1011	Art Directors	0.04%	$167,299
27-2012	Producers and Directors	0.38%	$126,943
27-3031	Public Relations Specialists	0.33%	$92,207

27-3042	Technical Writers	0.29%	$124,172
27-3043	Writers and Authors	0.08%	$123,505
27-1014	Special Effects Artists and Animators	0.05%	$126,178
27-3023	News Analysts, Reporters, and Journalists	0.08%	$67,877
27-4011	Audio and Video Technicians	0.05%	$66,932
	Weighted Average Annual Wage	**1.29%**	**$112,585**
29-0000	**Healthcare Practitioners and Technical Occupations**		
29-1071	Physician Assistants	0.15%	$179,462
29-1141	Registered Nurses	2.17%	$158,923
29-1171	Nurse Practitioners	0.32%	$191,702
29-1292	Dental Hygienists	0.04%	$123,178
29-2061	Licensed Practical and Licensed Vocational Nurses	0.47%	$78,178
29-1229	Physicians, All Other	0.14%	$253,210
29-1249	Surgeons, All Other	0.01%	$534,921
29-1215	Family Medicine Physicians	0.07%	$291,993
29-1021	Dentists, General	0.03%	$185,805
29-9021	Health Information Technologists and Medical Registrars	0.07%	$104,205
	Weighted Average Annual Wage	**3.46%**	**$156,680**
31-0000	**Healthcare Support Occupations**		
31-1131	Nursing Assistants	0.31%	$54,433
31-9091	Dental Assistants	0.09%	$58,907
31-9092	Medical Assistants	0.97%	$57,695
31-1120	Home Health and Personal Care Aides	0.33%	$38,035
	Weighted Average Annual Wage	**1.71%**	**$53,317**
33-0000	**Protective Service Occupations**		
33-9032	Security Guards	4.87%	$47,017
33-1099	First-Line Supervisors of Protective Service Workers, All Other	0.02%	$98,506
	Weighted Average Annual Wage	**4.89%**	**$47,222**
35-0000	**Food Preparation and Serving Related Occupations**		
35-1012	First-Line Supervisors of Food Preparation and Serving Workers	0.03%	$57,630
35-2021	Food Preparation Workers	0.03%	$42,583
35-3011	Bartenders	0.02%	$43,847
35-3031	Waiters and Waitresses	0.07%	$40,380
35-9011	Dining Room and Cafeteria Attendants and Bartender Helpers	0.02%	$39,957
35-9021	Dishwashers	0.03%	$39,368
35-3023	Fast Food and Counter Workers	0.10%	$39,414
35-2012	Cooks, Institution and Cafeteria	0.03%	$51,210
35-3041	Food Servers, Nonrestaurant	0.02%	$47,984
35-2014	Cooks, Restaurant	0.03%	$44,409
	Weighted Average Annual Wage	**0.38%**	**$43,040**
37-0000	**Building and Grounds Cleaning and Maintenance Occupations**		
37-1011	First-Line Supervisors of Housekeeping and Janitorial Workers	0.41%	$64,872
37-2012	Maids and Housekeeping Cleaners	0.74%	$47,256
37-2021	Pest Control Workers	0.55%	$52,211
37-3011	Landscaping and Groundskeeping Workers	3.63%	$51,682

37-2011	Janitors and Cleaners, Except Maids and Housekeeping Cleaners	5.95%	$44,898
37-1012	First-Line Supervisors of Landscaping, Lawn Service, and Groundskeeping Workers	0.52%	$72,931
	Weighted Average Annual Wage	**11.79%**	**$49,407**
39-0000	**Personal Care and Service Occupations**		
39-1022	First-Line Supervisors of Personal Service Workers	0.02%	$55,446
39-9011	Childcare Workers	0.04%	$42,532
39-9032	Recreation Workers	0.02%	$42,387
39-3031	Ushers, Lobby Attendants, and Ticket Takers	0.21%	$41,187
39-2021	Animal Caretakers	0.28%	$43,479
	Weighted Average Annual Wage	**0.56%**	**$42,980**
41-0000	**Sales and Related Occupations**		
41-1012	First-Line Supervisors of Non-Retail Sales Workers	0.11%	$105,977
41-2031	Retail Salespersons	0.34%	$43,043
41-3021	Insurance Sales Agents	1.26%	$103,787
41-9041	Telemarketers	0.03%	$42,521
41-3091	Sales Representatives of Services, Except Advertising, Insurance, Financial Services, and Travel	1.10%	$106,827
41-3031	Securities, Commodities, and Financial Services Sales Agents	0.34%	$119,701
41-4011	Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products	0.55%	$128,326
41-4012	Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products	0.29%	$103,787
	Weighted Average Annual Wage	**4.03%**	**$103,801**
43-0000	**Office and Administrative Support Occupations**		
43-1011	First-Line Supervisors of Office and Administrative Support Workers	1.26%	$83,476
43-3021	Billing and Posting Clerks	0.36%	$57,611
43-3071	Tellers	0.06%	$45,514
43-4051	Customer Service Representatives	2.65%	$53,875
43-4171	Receptionists and Information Clerks	1.06%	$46,410
43-6011	Executive Secretaries and Executive Administrative Assistants	0.88%	$94,596
43-9061	Office Clerks, General	2.40%	$51,810
43-6014	Secretaries and Administrative Assistants, Except Legal, Medical, and Executive	2.09%	$60,598
43-3031	Bookkeeping, Accounting, and Auditing Clerks	1.26%	$61,925
43-6013	Medical Secretaries and Administrative Assistants	0.71%	$54,517
	Weighted Average Annual Wage	**12.71%**	**$60,615**
45-0000	**Farming, Fishing, and Forestry Occupations**		
45-2092	Farmworkers and Laborers, Crop, Nursery, and Greenhouse	0.15%	$44,294
45-2011	Agricultural Inspectors	0.00%	$62,685
	Weighted Average Annual Wage	**0.15%**	**$44,738**
47-0000	**Construction and Extraction Occupations**		
47-1011	First-Line Supervisors of Construction Trades and Extraction Workers	0.07%	$108,978
47-2031	Carpenters	0.10%	$81,183
47-2073	Operating Engineers and Other Construction Equipment Operators	0.04%	$95,692

47-2111	Electricians	0.18%	$106,733
47-4011	Construction and Building Inspectors	0.32%	$115,036
47-2152	Plumbers, Pipefitters, and Steamfitters	0.07%	$95,014
47-2141	Painters, Construction and Maintenance	0.02%	$65,145
	Weighted Average Annual Wage	**0.79%**	**$104,749**
49-0000	**Installation, Maintenance, and Repair Occupations**		
49-9071	Maintenance and Repair Workers, General	0.65%	$61,607
49-2022	Telecommunications Equipment Installers and Repairers, Except Line Installers	0.02%	$79,044
49-9099	Installation, Maintenance, and Repair Workers, All Other	0.16%	$55,778
49-1011	First-Line Supervisors of Mechanics, Installers, and Repairers	0.16%	$94,340
49-2098	Security and Fire Alarm Systems Installers	0.35%	$69,823
	Weighted Average Annual Wage	**1.34%**	**$67,234**
51-0000	**Production Occupations**		
51-4041	Machinists	0.15%	$70,003
51-9111	Packaging and Filling Machine Operators and Tenders	0.19%	$50,133
51-9198	Helpers--Production Workers	0.17%	$40,567
51-2090	Miscellaneous Assemblers and Fabricators	1.11%	$45,163
51-9199	Production Workers, All Other	0.46%	$50,746
51-9061	Inspectors, Testers, Sorters, Samplers, and Weighers	0.68%	$59,129
51-2028	Electrical, Electronic, and Electromechanical Assemblers, Except Coil Winders, Tapers, and Finishers	0.19%	$50,690
	Weighted Average Annual Wage	**2.95%**	**$50,917**
53-0000	**Transportation and Material Moving Occupations**		
53-3032	Heavy and Tractor-Trailer Truck Drivers	0.16%	$66,311
53-7051	Industrial Truck and Tractor Operators	0.35%	$53,668
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	2.75%	$46,694
53-7064	Packers and Packagers, Hand	0.58%	$42,018
53-3033	Light Truck Drivers	0.10%	$53,090
	Weighted Average Annual Wage	**3.94%**	**$47,584**
	Total	**100.00%**	**$101,396**

Exhibit 24: Wages and Distribution of Occupations, Retail Prototype

Source: ECONorthwest; Quarterly Census of Employment and Wages (QCEW), December 2022; California Employment Development Department; U.S. Bureau of Labor Statistics

SOC Code	Occupational Title	% of Total Retail Workers	Mean Annual Wage
11-0000	**Management Occupations**		
11-1021	General and Operations Managers	2.31%	$166,029
11-2022	Sales Managers	0.01%	$188,903
11-9051	Food Service Managers	2.45%	$74,812
	Weighted Average Annual Wage	**4.77%**	**$119,155**
13-0000	**Business and Financial Operations Occupations**		
13-1051	Cost Estimators	0.15%	$105,456
13-1071	Human Resources Specialists	0.01%	$103,287
13-1151	Training and Development Specialists	0.29%	$93,874
13-1161	Market Research Analysts and Marketing Specialists	0.15%	$116,548
13-2011	Accountants and Auditors	0.02%	$112,447
13-1199	Business Operations Specialists, all other	0.01%	$101,412

13-1020	Buyers and Purchasing Agents	0.01%	$90,147
	Weighted Average Annual Wage	**0.64%**	**$102,764**
33-0000	**Protective Service Occupations**		
33-9032	Security Guards	0.14%	$47,017
	Weighted Average Annual Wage	**0.14%**	**$47,017**
35-0000	**Food Preparation and Serving Related Occupations**		
35-2021	Food Preparation Workers	6.06%	$42,583
35-3031	Waiters and Waitresses	23.67%	$40,380
35-9011	Dining Room and Cafeteria Attendants and Bartender Helpers	3.18%	$39,957
35-9021	Dishwashers	4.47%	$39,368
35-2014	Cooks, Restaurant	15.88%	$44,409
35-1012	First-Line Supervisors of Food Preparation and Serving Workers	12.41%	$57,630
35-2011	Cooks, Fast Food	11.26%	$37,617
	Weighted Average Annual Wage	**76.93%**	**$43,688**
37-0000	**Building and Grounds Cleaning and Maintenance Occupations**		
37-2011	Janitors and Cleaners, Except Maids and Housekeeping Cleaners	0.48%	$44,898
	Weighted Average Annual Wage	**0.48%**	**$44,898**
41-0000	**Sales and Related Occupations**		
41-1011	First-Line Supervisors of Retail Sales Workers	0.16%	$57,904
41-2011	Cashiers	5.42%	$38,957
41-2031	Retail Salespersons	0.16%	$43,043
	Weighted Average Annual Wage	**5.74%**	**$39,606**
43-0000	**Office and Administrative Support Occupations**		
43-1011	First-Line Supervisors of Office and Administrative Support Workers	0.05%	$83,476
43-4051	Customer Service Representatives	0.27%	$53,875
43-4051	Office Clerks, General	0.27%	$51,810
43-3031	Bookkeeping, Accounting, and Auditing Clerks	0.46%	$61,925
43-5071	Shipping, Receiving, and Inventory Clerks	0.01%	$49,292
	Weighted Average Annual Wage	**1.05%**	**$58,284**
47-0000	**Construction and Extraction Occupations**	**0.00%**	
47-2121	Glaziers	0.01%	$75,843
	Weighted Average Annual Wage	**0.01%**	**$75,843**
49-0000	**Installation, Maintenance, and Repair Occupations**		
49-3021	Automotive Body and Related Repairers	0.97%	$66,830
49-3023	Automotive Service Technicians and Mechanics	2.11%	$65,028
49-3031	Bus and Truck Mechanics and Diesel Engine Specialists	0.22%	$78,130
49-3093	Tire Repairers and Changers	0.07%	$46,971
49-9071	Maintenance and Repair Workers, General	0.32%	$61,607
49-1011	First Line Supervisors of Mechanics, Installers, and Repairers	0.41%	$94,340
	Weighted Average Annual Wage	**4.10%**	**$68,472**

51-0000	**Production Occupations**		
51-1011	First-Line Supervisors of Production and Operating Workers	0.01%	$87,146
51-3011	Bakers	0.58%	$43,019
	Weighted Average Annual Wage	**0.59%**	**$43,682**
53-0000	**Transportation and Material Moving Occupations**		
53-3031	Driver/Sales Workers	3.61%	$44,082
53-6031	Automotive and Watercraft Service Attendants	0.33%	$41,060
53-7061	Cleaners of Vehicles and Equipment	1.38%	$42,762
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	0.03%	$46,694
53-3033	Light Truck Drivers	0.19%	$53,090
53-7065	Stockers and Order Fillers	0.01%	$44,304
	Weighted Average Annual Wage	**5.55%**	**$43,889**
	Total	**100%**	**$48,624**

Exhibit 25: Wages and Distribution of Occupations, Life Sciences Prototype

Source: ECONorthwest; Quarterly Census of Employment and Wages (QCEW), December 2022; California Employment Development Department; U.S. Bureau of Labor Statistics

SOC Code	Occupation Title	% of Occupations in Prototype	Average Annual Wage
11-0000	Management Occupations		
11-1011	Chief executives	0.41%	$277,159
11-1021	General and operations managers	3.86%	$166,029
11-2011	Advertising and promotions managers	0.02%	$163,810
11-2021	Marketing managers	0.91%	$208,880
11-2022	Sales managers	0.63%	$188,903
11-2032	Public relations managers	0.18%	$163,304
11-3012	Administrative services managers	0.41%	$138,888
11-3013	Facilities managers	0.17%	$125,276
11-3021	Computer and information systems managers	1.56%	$222,368
11-3031	Financial managers	1.22%	$202,480
11-3051	Industrial production managers	0.49%	$172,009
11-3061	Purchasing managers	0.30%	$169,427
11-3071	Transportation, storage, and distribution managers	0.16%	$132,716
11-3111	Compensation and benefits managers	0.02%	$173,115
11-3121	Human resources managers	0.45%	$187,456
11-3131	Training and development managers	0.10%	$177,916
11-9021	Construction managers	0.04%	$148,728
11-9039	Education administrators, all other	0.06%	$112,717
11-9041	Architectural and engineering managers	1.09%	$211,825
11-9051	Food service managers	0.04%	$74,812
11-9111	Medical and health services managers	0.69%	$156,628
11-9121	Natural sciences managers	2.34%	$228,899
11-9141	Property, real estate, and community association managers	0.06%	$87,619
11-9151	Social and community service managers	0.02%	$92,720
11-9199	Managers, all other	1.55%	$195,920
	Weighted Average Annual Wage	16.80%	$192,531
13-0000	Business and Financial Operations Occupations		
13-1020	Buyers and purchasing agents	0.83%	$90,147

13-1031	Claims adjusters, examiners, and investigators	0.01%	$82,394
13-1041	Compliance officers	0.74%	$106,770
13-1051	Cost estimators	0.04%	$105,456
13-1071	Human resources specialists	1.14%	$103,287
13-1075	Labor relations specialists	0.01%	$92,431
13-1081	Logisticians	0.50%	$95,519
13-1082	Project management specialists	2.02%	$135,030
13-1111	Management analysts	2.03%	$133,161
13-1121	Meeting, convention, and event planners	0.10%	$84,051
13-1131	Fundraisers	0.08%	$86,009
13-1141	Compensation, benefits, and job analysis specialists	0.16%	$99,764
13-1151	Training and development specialists	0.50%	$93,874
13-1161	Market research analysts and marketing specialists	1.59%	$116,548
13-1199	Business operations specialists, all other	2.19%	$101,412
13-2011	Accountants and auditors	1.68%	$112,447
13-2020	Property appraisers and assessors	0.01%	$95,564
13-2031	Budget analysts	0.10%	$99,593
13-2041	Credit analysts	0.04%	$115,534
13-2051	Financial and investment analysts	0.57%	$129,565
13-2052	Personal financial advisors	0.05%	$171,889
13-2053	Insurance underwriters	0.01%	$108,297
13-2054	Financial risk specialists	0.05%	$147,887
13-2061	Financial examiners	0.02%	$140,729
13-2072	Loan officers	0.08%	$105,910
13-2082	Tax preparers	0.02%	$71,571
13-2099	Financial specialists, all other	0.15%	$114,300
		14.71%	$114,075
15-0000	Computer and Mathematical Occupations		
15-1211	Computer systems analysts	1.31%	$138,386
15-1212	Information security analysts	0.67%	$157,170
15-1221	Computer and information research scientists	0.45%	$225,366
15-1231	Computer network support specialists	0.17%	$90,574
15-1232	Computer user support specialists	0.75%	$78,794
15-1241	Computer network architects	0.46%	$161,662
15-1242	Database administrators	0.20%	$128,950
15-1243	Database architects	0.11%	$176,025
15-1244	Network and computer systems administrators	0.76%	$121,277
15-1251	Computer programmers	0.93%	$132,360
15-1252	Software developers	4.30%	$168,107
15-1253	Software quality assurance analysts and testers	0.46%	$133,592
15-1254	Web developers	0.13%	$121,411
15-1255	Web and digital interface designers	0.11%	$137,501
15-1299	Computer occupations, all other	0.67%	$140,999
15-2011	Actuaries	0.02%	$129,942
15-2031	Operations research analysts	0.45%	$114,989
15-2041	Statisticians	0.48%	$133,195
15-2051	Data scientists	0.59%	$162,582
15-2099	Mathematical science occupations, all other	0.06%	$75,278
		13.08%	$147,248
17-0000	Architecture and Engineering Occupations		
17-1021	Cartographers and photogrammetrists	0.01%	$112,523
17-2011	Aerospace engineers	0.47%	$156,296

17-2031	Bioengineers and biomedical engineers	0.41%	$127,159
17-2041	Chemical engineers	0.26%	$107,978
17-2051	Civil engineers	0.11%	$118,596
17-2061	Computer hardware engineers	1.15%	$194,282
17-2071	Electrical engineers	1.01%	$141,791
17-2072	Electronics engineers, except computer	0.70%	$146,927
17-2081	Environmental engineers	0.11%	$132,078
17-2111	Health and safety engineers, except mining safety engineers and inspectors	0.08%	$122,841
17-2112	Industrial engineers	0.86%	$126,365
17-2131	Materials engineers	0.14%	$114,170
17-2141	Mechanical engineers	1.37%	$141,095
17-2171	Petroleum engineers	0.10%	$145,844
17-2199	Engineers, all other	0.99%	$134,380
17-3011	Architectural and civil drafters	0.01%	$78,006
17-3012	Electrical and electronics drafters	0.01%	$92,488
17-3013	Mechanical drafters	0.08%	$84,961
17-3023	Electrical and electronic engineering technologists and technicians	0.49%	$76,889
17-3025	Environmental engineering technologists and technicians	0.02%	$77,875
17-3026	Industrial engineering technologists and technicians	0.18%	$76,133
17-3027	Mechanical engineering technologists and technicians	0.35%	$74,843
17-3028	Calibration technologists and technicians	0.07%	$80,984
17-3029	Engineering technologists and technicians, except drafters, all other	0.50%	$62,920
17-3031	Surveying and mapping technicians	0.01%	$76,885
		9.50%	$131,988
19-0000	Life, Physical, and Social Science Occupations		
19-1012	Food scientists and technologists	0.08%	$113,158
19-1013	Soil and plant scientists	0.28%	$96,381
19-1021	Biochemists and biophysicists	1.70%	$134,996
19-1022	Microbiologists	0.47%	$117,210
19-1023	Zoologists and wildlife biologists	0.07%	$95,482
19-1029	Biological scientists, all other	1.16%	$110,508
19-1041	Epidemiologists	0.06%	$113,332
19-1042	Medical scientists, except epidemiologists	3.58%	$141,834
19-1099	Life scientists, all other	0.13%	$139,487
19-2012	Physicists	0.78%	$189,198
19-2021	Atmospheric and space scientists	0.13%	$124,440
19-2031	Chemists	1.21%	$103,360
19-2032	Materials scientists	0.14%	$117,042
19-2041	Environmental scientists and specialists, including health	0.38%	$114,614
19-2042	Geoscientists, except hydrologists and geographers	0.11%	$117,928
19-2043	Hydrologists	0.01%	$119,541
19-2099	Physical scientists, all other	0.20%	$124,639
19-3011	Economists	0.15%	$167,644
19-3022	Survey researchers	0.15%	$84,626
19-3033	Clinical and counseling psychologists	0.13%	$128,973
19-3039	Psychologists, all other	0.06%	$128,140
19-3041	Sociologists	0.13%	$113,637
19-3051	Urban and regional planners	0.01%	$122,798
19-3091	Anthropologists and archeologists	0.20%	$81,182

19-3093	Historians	0.06%	$92,037
19-3099	Social scientists and related workers, all other	0.33%	$85,554
19-4021	Biological technicians	2.18%	$67,556
19-4031	Chemical technicians	0.55%	$62,206
19-4042	Environmental science and protection technicians, including health	0.11%	$72,488
19-4061	Social science research assistants	0.65%	$69,781
19-4092	Forensic science technicians	0.01%	$94,678
19-4099	Life, physical, and social science technicians, all other	0.81%	$79,138
19-5011	Occupational health and safety specialists	0.23%	$112,559
19-5012	Occupational health and safety technicians	0.02%	$65,387
		16.30%	$112,570
21-0000	Community and Social Service Occupations		
21-1012	Educational, guidance, and career counselors and advisors	0.06%	$83,853
21-1018	Substance abuse, behavioral disorder, and mental health counselors	0.09%	$62,877
21-1021	Child, family, and school social workers	0.01%	$76,758
21-1022	Healthcare social workers	0.02%	$99,733
21-1091	Health education specialists	0.08%	$81,091
21-1093	Social and human service assistants	0.09%	$54,941
21-1099	Community and social service specialists, all other	0.01%	$68,674
		0.37%	$71,344
23-0000	Legal Occupations		
23-1011	Lawyers	0.46%	$204,129
23-2011	Paralegals and legal assistants	0.11%	$80,967
		0.57%	$180,141
25-0000	Education, Training, and Library Occupations		
25-3099	Teachers and instructors, all other	0.06%	$76,580
25-9031	Instructional coordinators	0.09%	$81,283
		0.09%	$81,283
27-0000	Arts, Design, Entertainment, Sports, and Media Occupations		
27-1011	Art directors	0.03%	$167,299
27-1021	Commercial and industrial designers	0.02%	$116,693
27-1022	Fashion designers	0.02%	$102,028
27-1024	Graphic designers	0.20%	$91,091
27-1025	Interior designers	0.01%	$86,378
27-1026	Merchandise displayers and window trimmers	0.03%	$50,208
27-2012	Producers and directors	0.02%	$126,943
27-3031	Public relations specialists	0.39%	$92,207
27-3041	Editors	0.15%	$90,019
27-3042	Technical writers	0.32%	$124,172
27-3043	Writers and authors	0.10%	$123,505
27-3091	Interpreters and translators	0.11%	$92,113
27-4011	Audio and video technicians	0.01%	$66,932
27-4021	Photographers	0.10%	$76,893
27-4031	Camera operators, television, video, and film	0.00%	$73,440
27-4032	Film and video editors	0.00%	$94,098
27-4099	Media and communication equipment workers, all other	0.00%	$68,000
		1.53%	$100,752
29-0000	Healthcare Practitioners and Technical Occupations		
29-1051	Pharmacists	0.02%	$168,824

29-1071	Physician assistants	0.01%	$179,462
29-1123	Physical therapists	0.01%	$123,442
29-1124	Radiation therapists	0.01%	$165,024
29-1131	Veterinarians	0.37%	$148,014
29-1141	Registered nurses	0.42%	$158,923
29-1171	Nurse practitioners	0.07%	$191,702
29-1229	Physicians, all other	0.09%	$253,210
29-2010	Clinical laboratory technologists and technicians	2.26%	$77,952
29-2031	Cardiovascular technologists and technicians	0.01%	$92,109
29-2032	Diagnostic medical sonographers	0.20%	$135,057
29-2033	Nuclear medicine technologists	0.02%	$151,491
29-2034	Radiologic technologists and technicians	0.38%	$122,571
29-2035	Magnetic resonance imaging technologists	0.17%	$129,264
29-2042	Emergency medical technicians	0.01%	$82,351
29-2043	Paramedics	0.01%	$72,921
29-2052	Pharmacy technicians	0.02%	$59,969
29-2056	Veterinary technologists and technicians	0.64%	$56,960
29-2061	Licensed practical and licensed vocational nurses	0.03%	$78,178
29-2072	Medical records specialists	0.19%	$68,810
29-2099	Health technologists and technicians, all other	0.11%	$72,937
29-9021	Health information technologists and medical registrars	0.08%	$104,205
29-9092	Genetic counselors	0.01%	$137,160
29-9099	Healthcare practitioners and technical workers, all other	0.09%	$86,836
		5.24%	$100,112
31-0000	Healthcare Support Occupations		
31-1120	Home health and personal care aides	0.04%	$38,035
31-1131	Nursing assistants	0.02%	$54,433
31-9092	Medical assistants	0.15%	$57,695
31-9093	Medical equipment preparers	0.01%	$71,638
31-9094	Medical transcriptionists	0.05%	$55,759
31-9096	Veterinary assistants and laboratory animal caretakers	0.60%	$44,755
31-9097	Phlebotomists	1.18%	$57,985
31-9099	Healthcare support workers, all other	0.10%	$58,895
		2.15%	$53,969
33-0000	Protective Service Occupations		
33-9021	Private detectives and investigators	0.01%	$82,094
33-9032	Security guards	0.21%	$47,017
33-9099	Protective service workers, all other	0.01%	$60,847
		0.23%	$49,470
35-0000	Food Preparation and Serving Related Occupations		
35-1012	First-line supervisors of food preparation and serving workers	0.02%	$57,630
35-2014	Cooks, restaurant	0.01%	$44,409
35-3023	Fast food and counter workers	0.02%	$39,414
35-3031	Waiters and waitresses	0.01%	$40,380
		0.07%	$46,480
37-0000	Building and Grounds Cleaning and Maintenance Occupations		
37-2011	Janitors and cleaners, except maids and housekeeping cleaners	0.22%	$44,898
37-2012	Maids and housekeeping cleaners	0.01%	$47,256
37-3011	Landscaping and groundskeeping workers	0.03%	$51,682

		0.41%	$45,978
39-0000	Personal Care and Service Occupations		
39-1022	First-line supervisors of personal service workers	0.00%	$55,446
39-2021	Animal caretakers	0.31%	$43,479
		0.32%	$43,632
41-0000	Sales and Related Occupations		
41-1011	First-line supervisors of retail sales workers	0.03%	$57,904
41-1012	First-line supervisors of non-retail sales workers	0.09%	$105,977
41-2011	Cashiers	0.03%	$38,957
41-2021	Counter and rental clerks	0.01%	$44,954
41-2031	Retail salespersons	0.06%	$43,043
41-3011	Advertising sales agents	0.02%	$87,298
41-3021	Insurance sales agents	0.03%	$103,787
41-3031	Securities, commodities, and financial services sales agents	0.08%	$119,701
41-3091	Sales representatives of services, except advertising, insurance, financial services, and travel	1.06%	$106,827
41-4011	Sales representatives, wholesale and manufacturing, technical and scientific products	0.72%	$128,326
41-4012	Sales representatives, wholesale and manufacturing, except technical and scientific products	0.44%	$89,460
41-9011	Demonstrators and product promoters	0.02%	$48,881
41-9022	Real estate sales agents	0.01%	$72,777
41-9031	Sales engineers	0.11%	$159,629
41-9041	Telemarketers	0.06%	$42,521
41-9099	Sales and related workers, all other	0.04%	$78,750
		2.80%	$106,815
43-0000	Office and Administrative Support Occupations		
43-1011	First-line supervisors of office and administrative support workers	0.93%	$83,476
43-2011	Switchboard operators, including answering service	0.01%	$54,000
43-3011	Bill and account collectors	0.10%	$58,962
43-3021	Billing and posting clerks	0.37%	$57,611
43-3031	Bookkeeping, accounting, and auditing clerks	1.13%	$61,925
43-3051	Payroll and timekeeping clerks	0.09%	$70,817
43-3061	Procurement clerks	0.03%	$58,701
43-3071	Tellers	0.01%	$45,514
43-3099	Financial clerks, all other	0.01%	$74,233
43-4041	Credit authorizers, checkers, and clerks	0.01%	$62,160
43-4051	Customer service representatives	1.61%	$53,875
43-4071	File clerks	0.03%	$51,299
43-4111	Interviewers, except eligibility and loan	0.33%	$54,845
43-4131	Loan interviewers and clerks	0.07%	$61,523
43-4141	New accounts clerks	0.01%	$54,596
43-4151	Order clerks	0.03%	$48,577
43-4161	Human resources assistants, except payroll and timekeeping	0.15%	$57,404
43-4171	Receptionists and information clerks	0.60%	$46,410
43-4199	Information and record clerks, all other	0.10%	$62,758
43-5011	Cargo and freight agents	0.02%	$54,613
43-5021	Couriers and messengers	0.32%	$41,626
43-5032	Dispatchers, except police, fire, and ambulance	0.04%	$46,736

43-5061	Production, planning, and expediting clerks	0.40%	$67,345
43-5071	Shipping, receiving, and inventory clerks	0.32%	$49,292
43-5111	Weighers, measurers, checkers, and samplers, recordkeeping	0.00%	$50,700
43-6011	Executive secretaries and executive administrative assistants	0.94%	$94,596
43-6013	Medical secretaries and administrative assistants	0.36%	$54,517
43-6014	Secretaries and administrative assistants, except legal, medical, and executive	1.45%	$60,598
43-9021	Data entry keyers	0.17%	$47,648
43-9041	Insurance claims and policy processing clerks	0.05%	$64,087
43-9051	Mail clerks and mail machine operators, except postal service	0.01%	$43,268
43-9061	Office clerks, general	1.38%	$51,810
43-9071	Office machine operators, except computer	0.01%	$48,805
43-9081	Proofreaders and copy markers	0.00%	$67,168
43-9111	Statistical assistants	0.06%	$72,796
43-9199	Office and administrative support workers, all other	0.12%	$60,466
		11.30%	$61,358
45-0000	Farming, Fishing, and Forestry Occupations		
45-2011	Agricultural inspectors	0.00%	$62,685
45-2092	Farmworkers and laborers, crop, nursery, and greenhouse	0.13%	$44,294
47-1011	First-line supervisors of construction trades and extraction workers	0.02%	$108,978
47-2031	Carpenters	0.01%	$81,183
47-2061	Construction laborers	0.03%	$61,169
47-2111	Electricians	0.08%	$106,733
47-4011	Construction and building inspectors	0.05%	$115,036
		0.32%	$77,788
49-0000	Installation, Maintenance, and Repair Occupations		
49-1011	First-line supervisors of mechanics, installers, and repairers	0.11%	$94,340
49-2022	Telecommunications equipment installers and repairers, except line installers	0.02%	$79,044
49-2091	Avionics technicians	0.01%	$94,027
49-2094	Electrical and electronics repairers, commercial and industrial equipment	0.04%	$83,604
49-3011	Aircraft mechanics and service technicians	0.06%	$90,866
49-3023	Automotive service technicians and mechanics	0.01%	$65,028
49-3031	Bus and truck mechanics and diesel engine specialists	0.01%	$78,130
49-3042	Mobile heavy equipment mechanics, except engines	0.01%	$75,244
49-9021	Heating, air conditioning, and refrigeration mechanics and installers	0.02%	$76,939
49-9041	Industrial machinery mechanics	0.11%	$80,395
49-9043	Maintenance workers, machinery	0.01%	$73,391
49-9062	Medical equipment repairers	0.01%	$88,258
49-9071	Maintenance and repair workers, general	0.45%	$61,607
49-9099	Installation, maintenance, and repair workers, all other	0.01%	$55,778
		0.89%	$72,969
51-0000	Production Occupations		
51-1011	First-line supervisors of production and operating workers	0.33%	$87,146
51-2028	Electrical, electronic, and electromechanical assemblers, except coil winders, tapers, and finishers	0.71%	$50,690

51-2090	Miscellaneous assemblers and fabricators	0.39%	$45,163
51-4031	Cutting, punching, and press machine setters, operators, and tenders, metal and plastic	0.01%	$48,544
51-4033	Grinding, lapping, polishing, and buffing machine tool setters, operators, and tenders, metal and plastic	0.01%	$47,093
51-4041	Machinists	0.15%	$70,003
51-4081	Multiple machine tool setters, operators, and tenders, metal and plastic	0.03%	$47,615
51-4111	Tool and die makers	0.01%	$69,235
51-4121	Welders, cutters, solderers, and brazers	0.09%	$62,686
51-9011	Chemical equipment operators and tenders	0.01%	$71,003
51-9023	Mixing and blending machine setters, operators, and tenders	0.06%	$65,215
51-9061	Inspectors, testers, sorters, samplers, and weighers	0.50%	$59,129
51-9111	Packaging and filling machine operators and tenders	0.07%	$50,133
51-9124	Coating, painting, and spraying machine setters, operators, and tenders	0.01%	$57,412
51-9161	Computer numerically controlled tool operators	0.03%	$54,671
51-9162	Computer numerically controlled tool programmers	0.01%	$77,853
51-9198	Helpers--production workers	0.01%	$40,567
51-9199	Production workers, all other	0.16%	$50,746
		2.57%	$58,310
53-0000	Transportation and Material Moving Occupations		
53-1047	First-line supervisors of transportation and material moving workers, except aircraft cargo handling supervisors	0.05%	$71,293
53-2012	Commercial pilots	0.01%	$234,239
53-3031	Driver/sales workers	0.01%	$44,082
53-3032	Heavy and tractor-trailer truck drivers	0.10%	$66,311
53-3033	Light truck drivers	0.04%	$53,090
53-3053	Shuttle drivers and chauffeurs	0.02%	$43,546
53-3099	Motor vehicle operators, all other	0.01%	$52,622
53-7051	Industrial truck and tractor operators	0.04%	$53,668
53-7062	Laborers and freight, stock, and material movers, hand	0.33%	$46,694
53-7063	Machine feeders and offbearers	0.01%	$43,921
53-7064	Packers and packagers, hand	0.03%	$42,018
53-7065	Stockers and order fillers	0.18%	$44,304
		0.83%	$53,031
	Grand Total	**100.00%**	**$121,813**

Exhibit 26: Wages and Distribution of Occupations, Warehouse Prototype

Source: ECONorthwest; Quarterly Census of Employment and Wages (QCEW), December 2022; California Employment Development Department; U.S. Bureau of Labor Statistics

SOC Code	Row Labels	% of Occupations	Average Annual Wage
11-0000	**Management Occupations**		
11-1011	Chief executives	0.18%	$277,159
11-1021	General and operations managers	2.69%	$166,029
11-2021	Marketing managers	0.09%	$208,880
11-2022	Sales managers	0.36%	$188,903

11-3012	Administrative services managers	0.18%	$138,888
11-3013	Facilities managers	0.03%	$125,276
11-3021	Computer and information systems managers	0.09%	$222,368
11-3031	Financial managers	0.23%	$202,480
11-3071	Transportation, storage, and distribution managers	1.14%	$132,716
11-3121	Human resources managers	0.06%	$187,456
11-9199	Managers, all other	0.20%	$195,920
		5.24%	**$167,697**
13-0000	**Business and Financial Operations Occupations**		
13-1020	Buyers and purchasing agents	0.08%	$90,147
13-1031	Claims adjusters, examiners, and investigators	0.03%	$82,394
13-1041	Compliance officers	0.40%	$106,770
13-1051	Cost estimators	0.03%	$105,456
13-1071	Human resources specialists	0.50%	$103,287
13-1081	Logisticians	1.08%	$95,519
13-1082	Project management specialists	0.17%	$135,030
13-1111	Management analysts	0.12%	$133,161
13-1141	Compensation, benefits, and job analysis specialists	0.03%	$99,764
13-1151	Training and development specialists	0.25%	$93,874
13-1161	Market research analysts and marketing specialists	0.23%	$116,548
13-1199	Business operations specialists, all other	0.47%	$101,412
13-2011	Accountants and auditors	0.74%	$112,447
13-2041	Credit analysts	0.03%	$115,534
13-2051	Financial and investment analysts	0.03%	$129,565
13-2099	Financial specialists, all other	0.03%	$114,300
		4.22%	**$105,276**
15-0000	**Computer and Mathematical Occupations**		
15-1211	Computer systems analysts	0.09%	$138,386
15-1231	Computer network support specialists	0.06%	$90,574
15-1232	Computer user support specialists	0.20%	$78,794
15-1242	Database administrators	0.03%	$128,950
15-1244	Network and computer systems administrators	0.09%	$121,277
15-1252	Software developers	0.13%	$168,107
15-1253	Software quality assurance analysts and testers	0.03%	$133,592
15-1299	Computer occupations, all other	0.11%	$140,999
		0.74%	**$121,263**
17-0000	**Architecture and Engineering Occupations**	**22,300**	**$60.92**
17-2112	Industrial engineers	0.05%	$126,365
		0.05%	**$126,365**
19-0000	**Life, Physical, and Social Science Occupations**		
19-5011	Occupational health and safety specialists	0.16%	$112,559
19-5012	Occupational health and safety technicians	0.05%	$65,387
		0.21%	**$101,180**
27-0000	**Arts, Design, Entertainment, Sports, and Media Occupations**		
27-1026	Merchandise displayers and window trimmers	0.03%	$50,208
27-3031	Public relations specialists	0.03%	$92,207
		0.06%	**$73,398**
33-0000	**Protective Service Occupations**		

33-1099	First-line supervisors of protective service workers, all other	0.03%	$98,506
33-9032	Security guards	0.16%	$47,017
33-9099	Protective service workers, all other	0.10%	$60,847
		0.29%	**$56,569**
37-0000	**Building and Grounds Cleaning and Maintenance Occupations**		
37-2011	Janitors and cleaners, except maids and housekeeping cleaners	0.31%	$44,898
		0.31%	**$44,898**
41-0000	**Sales and Related Occupations**		
41-1012	First-line supervisors of non-retail sales workers	0.09%	$105,977
41-2031	Retail salespersons	0.03%	$43,043
41-3091	Sales representatives of services, except advertising, insurance, financial services, and travel	0.52%	$106,827
41-4012	Sales representatives, wholesale and manufacturing, except technical and scientific products	0.32%	$89,460
41-9099	Sales and related workers, all other	0.09%	$78,750
		1.05%	**$97,485**
43-0000	**Office and Administrative Support Occupations**		
43-1011	First-line supervisors of office and administrative support workers	2.13%	$83,476
43-3011	Bill and account collectors	0.09%	$58,962
43-3021	Billing and posting clerks	0.48%	$57,611
43-3031	Bookkeeping, accounting, and auditing clerks	1.75%	$61,925
43-3051	Payroll and timekeeping clerks	0.13%	$70,817
43-3061	Procurement clerks	0.03%	$58,701
43-4011	Brokerage clerks	0.06%	$69,722
43-4051	Customer service representatives	2.41%	$53,875
43-4071	File clerks	0.03%	$51,299
43-4151	Order clerks	0.24%	$48,577
43-4161	Human resources assistants, except payroll and timekeeping	0.06%	$57,404
43-4171	Receptionists and information clerks	0.11%	$46,410
43-4181	Reservation and transportation ticket agents and travel clerks	0.03%	$50,737
43-4199	Information and record clerks, all other	0.03%	$62,758
43-5011	Cargo and freight agents	7.19%	$54,613
43-5021	Couriers and messengers	0.05%	$41,626
43-5032	Dispatchers, except police, fire, and ambulance	2.37%	$46,736
43-5061	Production, planning, and expediting clerks	0.65%	$67,345
43-5071	Shipping, receiving, and inventory clerks	2.13%	$49,292
43-5111	Weighers, measurers, checkers, and samplers, recordkeeping	0.26%	$50,700
43-6011	Executive secretaries and executive administrative assistants	0.14%	$94,596
43-6014	Secretaries and administrative assistants, except legal, medical, and executive	1.07%	$60,598
43-9021	Data entry keyers	0.26%	$47,648
43-9061	Office clerks, general	2.37%	$51,810
43-9199	Office and administrative support workers, all other	0.03%	$60,466
		24.12%	**$56,922**
47-0000	**Construction and Extraction Occupations**		
47-2061	Construction laborers	0.05%	$61,169

47-2073	Operating engineers and other construction equipment operators	0.10%	$95,692
		0.15%	**$84,184**
49-0000	**Installation, Maintenance, and Repair Occupations**		
49-1011	First-line supervisors of mechanics, installers, and repairers	0.26%	$94,340
49-2094	Electrical and electronics repairers, commercial and industrial equipment	0.03%	$83,604
49-3031	Bus and truck mechanics and diesel engine specialists	2.12%	$78,130
49-3042	Mobile heavy equipment mechanics, except engines	0.08%	$75,244
49-9041	Industrial machinery mechanics	0.03%	$80,395
49-9043	Maintenance workers, machinery	0.03%	$73,391
49-9071	Maintenance and repair workers, general	0.62%	$61,607
49-9098	Helpers--installation, maintenance, and repair workers	0.10%	$49,539
49-9099	Installation, maintenance, and repair workers, all other	0.03%	$55,778
		3.27%	**$75,209**
51-0000	**Production Occupations**		
51-1011	First-line supervisors of production and operating workers	0.06%	$87,146
51-2090	Miscellaneous assemblers and fabricators	0.17%	$45,163
51-4121	Welders, cutters, solderers, and brazers	0.05%	$62,686
51-6031	Sewing machine operators	0.03%	$40,308
51-9061	Inspectors, testers, sorters, samplers, and weighers	0.22%	$59,129
51-9111	Packaging and filling machine operators and tenders	0.05%	$50,133
51-9198	Helpers--production workers	0.03%	$40,567
51-9199	Production workers, all other	0.03%	$50,746
		0.62%	**$55,622**
53-0000	**Transportation and Material Moving Occupations**		
53-3031	Driver/sales workers	0.33%	$44,082
53-3032	Heavy and tractor-trailer truck drivers	32.14%	$66,311
53-3033	Light truck drivers	2.64%	$53,090
53-3099	Motor vehicle operators, all other	0.05%	$52,622
53-6051	Transportation inspectors	0.08%	$79,733
53-7051	Industrial truck and tractor operators	6.25%	$53,668
53-7061	Cleaners of vehicles and equipment	0.13%	$42,762
53-7062	Laborers and freight, stock, and material movers, hand	10.92%	$46,694
53-7063	Machine feeders and offbearers	0.28%	$43,921
53-7064	Packers and packagers, hand	1.18%	$42,018
53-7065	Stockers and order fillers	5.66%	$44,304
		59.67%	**$57,970**
	Total	**100.00%**	**$67,038**

Exhibit 27: Affordable Rents Calculations in San Mateo County by Household Size

Source: ECONorthwest, Department of Housing and Urban Development (2023), San Mateo County Department of Housing (2023)

Persons per Household	1	2	3	4	5
Very low income (50% AMI)	$65,050	$74,350	$83,650	$92,900	$100,350
Maximum monthly housing cost	$1,626	$1,859	$2,091	$2,323	$2,509
Utility deduction	$116	$138	$184	$230	$278

Maximum available for rent	$1,510	$1,721	$1,907	$2,093	$2,231
Maximum household income	$91,070	$104,090	$117,110	$130,060	$140,490
Maximum monthly housing cost	$2,277	$2,602	$2,928	$3,252	$3,512
Utility deduction	$116	$138	$184	$230	$278
Maximum available for rent	$2,161	$2,464	$2,744	$3,022	$3,234
Moderate income (90% AMI)	$117,090	$133,830	$150,570	$167,220	$180,630
Maximum monthly housing cost	$2,927	$3,346	$3,764	$4,181	$4,516
Utility deduction	$107	$109	$129	$152	$176
Maximum available for rent	$2,820	$3,237	$3,635	$4,029	$4,340

Exhibit 28: Affordable Home Sales Price Calculations in San Mateo County by Household Size

Source: ECONorthwest, Department of Housing and Urban Development (2023), San Mateo County Department of Housing (2023)

Persons per Household	1	2	3	4	5
Moderate Income (110% AMI)	$143,110	$163,570	$184,030	$204,380	$220,770
Maximum monthly housing cost	$4,174	$4,771	$5,368	$5,961	$6,439
Monthly deductions:					
Utilities	$107	$109	$129	$152	$176
HOA dues	$300	$300	$300	$300	$300
Property taxes and insurance	$600	$700	$800	$900	$1,000
Monthly income available for mortgage	$3,167	$3,662	$4,139	$4,609	$4,963
Maximum mortgage amount	$476,030	$550,395	$622,054	$692,780	$745,995
Maximum affordable sales price	$499,832	$577,915	$653,157	$727,419	$783,295

ECONorthwest
ECONOMICS · FINANCE · PLANNING

DATE: March 27, 2024
TO: Community Development Department, City of Brisbane
FROM: Chris Blakney, Katherine Buck (ECOnorthwest)
SUBJECT: Brisbane Commercial Linkage Feasibility Analysis

Background and Summary

In 2020, the City of Brisbane commissioned a Commercial Linkage Fee Analysis that evaluated three commercial prototypes: office, biotech (life sciences), and hotel. Century Urban prepared the 2020 analysis, which was an update to a 2015 nexus study prepared for the City by Vernazza Wolfe Associates and Strategic Economics. Since preparing these previous studies, the City has not to date adopted a commercial linkage fee.

In this analysis, ECOnorthwest updates and expands on the previous analyses to reflect changing commercial market conditions, modeling five commercial prototypes: hotel, retail, office, life sciences, and warehouse. Of these prototypes, only warehouse development is economically viable under current market conditions and could potentially have sufficient value to absorb a commercial linkage fee without adverse impacts to the development market.[1]

The hotel and office results from this study are consistent with previous findings. Commercial markets are currently exhibiting adverse market conditions across the Bay Area and nationwide; these markets have been negatively impacted by COVID-19, shifts in demand, and potential oversaturation in the Bay Area. For example, market research showed high levels of hotel development in 2019, which likely did not achieve predicted profitability due to COVID-19. Under these market assumptions, it is unlikely that a developer would pursue hotel development in an already oversaturated market in the intermediate-term. Office and retail markets have also seen downturns nationwide as consumer preferences shift towards remote work, ecommerce, and changing patterns in retail space utilization influence development trends. In addition, a significant pipeline of life sciences development in the area combined with uncertain financing resources and high construction costs have made developers cautious about moving forward with new life sciences development.

Prototypes and Fee Levels

As described in the previous section, this analysis evaluates linkage fees for five commercial prototypes: hotel, retail, office, life sciences, and warehouse. Building characteristics for each prototype were based on the Brisbane zoning code and recently built or proposed projects in Brisbane, including development scenarios proposed in the Baylands Specific Plan. The inputs for gross building area and land area (acres and square feet) are standard assumptions used to conduct fee studies and do not reflect the average gross building area or lot size for new

[1] Using an average land cost of $250 per square foot; as land costs may vary, we conducted sensitivity testing on land costs (see Exhibit 7).

development in Brisbane. Building efficiency inputs represent the industry standard assumptions for efficiencies by protype. Details for each characteristic are shown in Exhibit 1.

Exhibit 1: Commercial Prototypes
Source: ECONorthwest, CoStar, City of Brisbane

	Hotel	Retail	Office	Life Sciences	Warehouse
Gross Building Area	100,000	100,000	100,000	100,000	100,000
Podium Parking Area	66,500	166,500	182,000	150,000	0
Gross Building Area Including Podium Parking	166,500	266,500	282,000	250,000	100,000
Efficiency	100%	95%	85%	85%	95%
Net Leasable Area	100,000	95,000	85,000	85,000	95,000
Hotel Rooms	133	0	0	0	0
Total Parking Spaces[2]	133	333	364	300	100
Podium Parking Spaces	133	333	364	300	0
Surface Parking Spaces	0	0	0	0	100
Floor Area Ratio	26.7	26.7	26.7	26.7	26.7
Land Area (Acres)	1.1	1.1	1.1	1.1	1.4
Land Area (SF)	50,000	50,000	50,000	50,000	60,000

Fee Levels

We tested four fee scenarios, shown below. For Scenario 1, fees were set at the maximum allowable fee from the associated Nexus Study completed as part of this study. The other fee scenarios ($5 per square foot, $10 per square foot, and $20 per square foot) were chosen based on the previous linkage study and the fee levels in other nearby jurisdictions.

Exhibit 2: Tested Fees
Source: ECONorthwest

Fee Amounts:	Hotel	Retail	Office	Life Sciences	Warehouse
Baseline	$0	$0	$0	$0	$0
Scenario 1	$254	$423	$405	$243	$231
Scenario 2	$20	$20	$20	$20	$20
Scenario 3	$10	$10	$10	$10	$10
Scenario 4	$5	$5	$5	$5	$5

Methodology

We used a pro forma model to measure the financial feasibility of the commercial prototypes using a return on cost model. It is important to note that findings in this analysis are based on the performance of these generic prototypes and current observations of market inputs like lease rates, land costs, construction costs, interest rates, and cap rates. Project specific analysis with unique characteristics (such as a low land basis or a developer with untraditional return thresholds) could yield different results.

[2] Parking minimums were determined by standards outlined in the Brisbane code section 17.34.020. With the exception of the warehouse prototypes, all prototypes have podium parking based on a review of recent development as well as space constraints in the City.

Pro Forma Inputs

Revenues

We used Cushman & Wakefield market data as well as data from CoStar—a third-party data provider—for the North San Mateo County sub-market to estimate revenues for commercial development. For all prototypes except hotel, we used triple-net (NNN) rent per square foot estimates, and thus assumed operating expenses were included in rent rates. For the hotel prototype, we calculated revenues based on current revenue per available room (RevPAR) data. Income assumptions used in the analysis are shown in Exhibit 3 below.

Exhibit 3: Pro Forma Income Assumptions
Source: ECONorthwest, CoStar, Cushman & Wakefield

	Hotel	Retail	Office	Life Sciences	Warehouse
Income Metric	RevPAR	Per sf	Per sf	Per sf	Per sf
Rents (NNN for all prototypes except hotel)	$69,350	$45	$70	$80	$25
Gross Annual Revenue	$9,223,550	$4,275,000	$5,950,000	$6,800,000	$2,375,000
Vacancy Rate (% of Gross Income)	Included in RevPAR	10%	10%	10%	10%
Operating Expenses (% of Gross Income)	70%	0%	0%	0%	0%
Annual Net Operating Incomes	**$2,767,065**	**$3,847,500**	**$5,355,000**	**$6,120,000**	**$2,137,500**

Costs

Cost estimates include hard costs (including construction materials and labor), land costs, soft costs, contingencies, and developer profit. For the retail, office, and warehouse prototypes, we used costs based on the National Building Cost Manual, developer interviews, and prior regional pro forma work. For life sciences development, costs are largely driven by high fit-out costs to equip the development with infrastructure to support life sciences research and development. To establish life sciences construction costs, we used data from the Cushman & Wakefield Life Sciences Fit-Out Cost Guide and chose a cost assumption on the lower end of the range. Finally, for hotel costs, we used the HVS Hotel Cost Estimating Guide and include costs for Furniture, Fixtures, and Equipment (FF&E). Cost estimates for hard and soft costs are shown in Exhibit 4.

Exhibit 4: Pro Forma Cost Assumptions

Source: ECONorthwest, National Building Cost Manual, HVS Hotel Cost Estimating Guide, Cushman & Wakefield Life Sciences Fit-Out Cost Guide, CoStar

	Hotel	Retail	Office	Life Sciences	Warehouse
Building Costs per SF	$407	$251	$354	$700	$100
Total Building Costs	$40,704,625	$25,098,942	$35,432,895	$70,000,000	$10,000,000
Parking Costs (Podium)	$6,750,000	$15,000,000	$18,000,000	$18,000,000	$0
Total Construction Costs	$47,454,625	$40,098,942	$53,432,895	$88,000,000	$10,500,000
Soft Costs	$7,967,371	$6,829,512	$10,129,757	$16,095,784	$2,942,416
Contingency	$5,220,009	$4,410,884	$5,877,618	$9,680,000	$1,155,000
Developer Fee	$2,871,005	$2,425,986	$3,232,690	$5,324,000	$635,250
Total Costs	**$63,513,010**	**$53,765,324**	**$72,672,961**	**$119,099,784**	**$15,232,666**

Return on Cost Thresholds

Return on cost thresholds are shown below, based on a review of current capitalization rates and market conditions.

Exhibit 5: Capitalization Rates and Return on Cost Thresholds

Source: ECONorthwest

	Hotel	Retail	Office	Life Sciences	Warehouse
Return on Cost Threshold	7.5% - 7.75%	7.0% - 7.25%	7.0% - 7.25%	7.0% - 7.25%	7.0% - 7.25%

Land Costs

To estimate local land costs, we analyzed recent land transactions in CoStar for the Northern San Mateo County area in the last two years. Land is very expensive in the area, with an average cost of roughly $345 per square foot overall and an average cost of $253 for parcels between one and two acres. Below, the table below shows major property transactions post-January 2022, which had an average cost per square foot of $257 and ranged from $77 per square to $394 per square foot.

Exhibit 6: Property Sales, 2022-2023

Source: CoStar

Property Type	Sale Price	Land Area SF	Sale Price/ Sf	Sale Date
Retail	$1,100,000	2,792	$394	2/22/2023
Retail	$750,000	3,014	$249	1/6/2023
Office	$49,800,000	174,240	$286	9/1/2022
Retail	$750,000	2,665	$281	4/8/2022
Retail (Neighborhood Center)	$4,250,000	55,321	$77	3/3/2022

Because of the variation in land costs across San Mateo County, we tested multiple land values in the pro forma. For each prototype, we tested land values at $250 per square foot (to reflect the rough average of land in the City based on CoStar data collection) and $77 per square foot

(based on the City's recent acquisition of the Bank of America site) to solve for the required price of land to make each prototype feasible using a return on cost threshold of 7%. The pro forma includes the costs associated with the existing city fees as part of the soft costs.

While only the warehouse prototype is feasible with land values of $250, the office prototype would also become feasible if land values were $73 per square foot, and the retail prototype would be feasible if land values were $30 per square foot; however, there are no recent comparable land sales at this price point in the area. Based on the market assumptions used for the analysis, the hotel and life sciences prototypes are not feasible on-the-margin at any land value without additional subsidy. We are aware the City is processing entitlements for two life sciences developments and a hotel. However, we do not have access to the project specific cost data, and if these projects were able to purchase land at a lower price point, secure financing at a lower interest rate, or accept a lower return on cost than the current market rate assumptions, then it would improve the feasibility of these prototypes.

Exhibit 7: Land Costs by Prototype
Source: CoStar, ECONorthwest

	Hotel	Retail	Office	Life Sciences	Warehouse
Return on cost for land at $250 per square foot	3.64%	5.81%	6.29%	4.65%	7.07%
Total land costs at $250 per square foot	$12,500,000	$12,500,000	$12,500,000	$12,500,000	$15,000,000
Return on cost for land at $77 per square foot	4.11%	6.69%	7.01%	4.98%	10.83%
Total land costs at $77 per square foot	$3,750,000	$3,750,000	$3,750,000	$3,750,000	$4,500,000
Land value needed to reach 7% return on cost	-$478 per square foot	$30 per square foot	$73 per square foot	-$640 per square foot	$261 per square foot
Total land budget to reach 7% return on cost	-$23,919,061	$1,484,549	$3,649,592	-$31,998,408	$15,642,389

The results below are calculated using the CoStar average land value of $250 per square foot.

Results

Baseline results, as well as results for each fee scenario, are shown below.

Hotel

The hotel prototype had the lowest return on cost result of 3.64%, with an annual net revenue of roughly $2.8 million and a total development cost of $63.5 million. The low feasibility of the hotel prototype is likely due to the high cost of development (due largely to furniture, fixtures, and expenditures, or FF&E), as well as high operating costs. Risk associated with hotel

development is likely also reflected in the capitalization rates for hotel development in the area, pegged at 8.7% per CoStar as of 2023. Based on the market rate assumptions for hotel development, additional fees imposed on this prototype could limit hotel development until the market improves.

Exhibit 8: Financial Feasibility of Hotel Prototype
Source: ECONorthwest

Hotel	Nexus Fee	% of TDC	Return on Cost	Feasible?
Baseline	$0	0.0%	3.64%	No
Scenario 1	$254	25.0%	2.73%	No
Scenario 2	$20	2.0%	3.55%	No
Scenario 3	$10	1.0%	3.59%	No
Scenario 4	$5	0.5%	3.62%	No

Retail

At current market rents, new retail projects are estimated to earn an annual net operating income of $3.8 million, with a total development cost of roughly $53.8 million. Using these inputs, the retail prototype has a return on cost estimate of 5.8%; as this is below the minimum target threshold of 7%, new retail development is likely not feasible in Brisbane. To be feasible, retail rents in Brisbane would need to be $54 per square foot, or roughly 20% higher.

Exhibit 9: Financial Feasibility of Retail Prototype
Source: ECONorthwest

Retail	Nexus Fee	% of TDC	Return on Cost	Feasible?
Baseline	$0	0.0%	5.81%	No
Scenario 1	$423	39.0%	3.54%	No
Scenario 2	$20	1.8%	5.64%	No
Scenario 3	$10	0.9%	5.72%	No
Scenario 4	$5	0.5%	5.76%	No

Office

The office prototype has an annual net revenue of $5.3 million and a total development cost of $72.7 million. Using these inputs, the office prototype has a return on cost estimate of 6.3%, below the minimum target threshold of 7%. To achieve the minimum thresholds, office rents would need to be $78 per square foot, or just over 11% higher.

Exhibit 10: Financial Feasibility of Office Prototype
Source: ECONorthwest

Office	Nexus Fee	% of TDC	Return on Cost	Feasible?
Baseline	$0	0.0%	6.29%	No
Scenario 1	$405	32.2%	4.26%	No
Scenario 2	$20	1.6%	6.14%	No
Scenario 3	$10	0.8%	6.21%	No
Scenario 4	$5	0.4%	6.25%	No

Life Sciences

The life sciences prototype has an annual net revenue of roughly $6.1 million and a total development cost of $119.1 million. Overall, the life sciences prototype has a return on cost estimate of 4.65%, below the minimum threshold for feasibility. To be feasible, life sciences rents would need to be $120, or 50% higher.

While life sciences construction continues to occur in Brisbane and the Bay Area, there is currently a vast amount of life sciences space in the development pipeline. In addition, current construction costs, high interest rates, and a cooling venture capital funding market all contribute to flattening forecasted rents and perceived risk in the industry. Given these factors, it is likely that developers are approaching projects more cautiously than in prior years and are holding off on development. However, individual life sciences developments may still occur based on the project specific cost details and the developer's risk profile; we understand that there are two life sciences development proposals for Sierra Point that are currently in the entitlements phase.

Exhibit 11: Financial Feasibility of Life Sciences Prototype
Source: ECONorthwest

Life Sciences	Nexus Fee	% of TDC	Return on Cost	Feasible?
Baseline	$0	0.0%	4.65%	No
Scenario 1	$243	15.6%	3.93%	No
Scenario 2	$20	1.3%	4.58%	No
Scenario 3	$10	0.6%	4.62%	No
Scenario 4	$5	0.3%	4.63%	No

Warehouse

The warehouse prototype has a net annual revenue of $2.1 million and a total development cost of $15.2 million. Overall, the warehouse prototype has a return on cost estimate of 7.07%, above the minimum threshold for feasibility. This prototype could sustain a fee up to $20 per square foot and maintain development feasibility.

Exhibit 12: Financial Feasibility of Warehouse Prototype
Source: ECONorthwest

Warehouse	Nexus Fee	% of TDC	Return on Cost	Feasible?
Baseline	$0	0.0%	7.07%	Yes
Scenario 1	$231	43.3%	4.01%	No
Scenario 2	$20	3.8%	6.63%	Yes
Scenario 3	$10	1.9%	6.84%	Yes
Scenario 4	$5	0.9%	6.96%	Yes

Policy Considerations

Timing of Fee Adoption

While the analysis shows that development is currently not feasible for the protypes (excluding warehouses), the lack of feasibility is primarily due to current market and macroeconomic trends and City fees are not the sole obstacle impacting the financial feasibility of new development. Therefore, the City of Brisbane could consider adopting or phasing in a linkage fee now, so when market conditions are more favorable the City already has the fee in place and can capture the linkage fee revenue from new development. This also allows the City to capture fee revenue if there are new developments that happen in the interim. The City could consider phasing in a sliding-scale fee that could be increased over time as market conditions improve.

Other Development Fees

Other development fees proposed by the City will impact the feasibility of new development and the City is considering a new development impact fee to support parks. However, any new fee on development would impact the commercial linkage fee analysis.

Current city fees (including permit fees, plan checking fees, processing fees, school district developer fees, seismic fees, and art fees) are shown for each prototype in the table below.

Exhibit 13: City of Brisbane Fees
Source: City of Brisbane

	Hotel	Retail	Office	Life Sciences	Warehouse
Total city fees	$665,294	$589,677	$726,750	$1,082,100	$285,400
Total city fees/ square foot of gross floor area	$6.65	$5.90	$7.27	$10.82	$2.85
Impact fees per square foot of gross floor area (includes school district fee, seismic fees, and art fees)	$5.66	$4.90	$6.27	$9.83	$1.86

Parking Requirements

Results are particularly sensitive to parking requirements. For this analysis, we used the minimum parking thresholds established in 17.34.020, and assumed podium parking for all prototypes except the warehouse prototype. While podium parking is generally more expensive than surface parking, there was not a large difference in return on cost results due in large part to land costs in the area. Because of the number of stalls required, a developer would need to acquire a much larger piece of land to provide surface parking; on a per stall basis, surface parking results in being slightly more expensive. However, the total number of stalls required has a high impact on the return on cost results across prototypes. To potentially incentivize

these development types (and potentially make an additional fee feasible), the City could consider reducing minimum parking requirements, particularly for developments with proximity to transit.

Market Sensitivity Testing

To understand how different (and improved) market conditions could impact development feasibility, we created three scenarios in which the key assumptions underlying the pro forma analysis could change, summarized in the table below. The scenarios are not predictions about future market conditions, and they do not rely on complex economic forecasting models. Instead, they are coherent and plausible future market conditions designed to show the sensitivity of the feasibility analysis. Various components of each scenario could change at different rates and even in opposite directions than as suggested by the scenarios. The target return on cost would be based on the developer's willingness to accept the project return, and would be impacted by the developer's risk profile.

Exhibit 14: Market Sensitivity Testing Scenarios
Source: ECONorthwest

	Baseline	Scenario A	Scenario B	Scenario C
Rent Growth from Baseline	100%	103.5%	110.5%	117.5%
Construction Cost Growth from Baseline	100%	102.5%	107.5%	112.5%
Vacant Land Value	100%	102.0%	106.0%	110.0%
Target return on cost	7.0%	6.5%	5.75%	5.0%

Scenario A is closest to the baseline conditions and most likely in the immediate future. Rent, operating expense, and construction cost growth rates of 2.5 percent to 3.5 percent are within a normal range over a one-year period. Additionally, as market conditions improve, developers may feel more comfortable accepting a lower return on costs in a less risky market.

Scenario B represents a relatively good economic condition compared to the baseline scenario, in which potential rents increase faster than construction and land costs. Although it is not likely to occur in the immediate future, it might be possible in the next few years. Still, other macroeconomic changes and new policies from federal and state governments can impact how much the scenario's assumptions change by.

Scenario C represents very good economic conditions potentially far in the future, in which developers are comfortable accepting a 5% return on cost. However, it is uncertain when or if these conditions might occur, and a 5% return threshold being acceptable in the market would require is sizable shift in conditions.

Exhibit 15 shows the return on cost results for each prototype under each scenario, with feasible returns in bold. Under Scenario A, the warehouse is still the only prototype that is feasible; however, under Scenarios B and C, the retail and office prototypes are also feasible, with the life science prototype nearing feasibility.

Exhibit 15: Market Sensitivity Testing Results

Source: ECONorthwest

Scenario	Hotel	Retail	Office	Life Sciences	Warehouse
Baseline	3.64%	5.81%	6.29%	4.65%	**7.07%**
Scenario A	3.67%	5.85%	6.34%	4.69%	**7.15%**
Scenario B	3.72%	**5.94%**	**6.43%**	4.75%	**7.29%**
Scenario C	3.77%	**6.02%**	**6.51%**	4.80%	**7.42%**

While these results should not be used to inform policy today, they could indicate that a fee could potentially be feasible in the future, for some prototypes more than others. Key indicators that the development market could be improving include:

- Increased land or real estate transactions in the City.
- Increased permitting activity, particularly for larger projects and commercial development.
- If vacancies are lower and space tends to be leased quickly, it could indicate increased demand in the market which could potentially support higher rents.
- Changes to the macroeconomic environment, including stabilized interest rates and construction costs.

If development markers are positive, the City should consider updating this fee study to ensure development likelihood and calibrate the fee to current market conditions. In the interim, the City could consider taking steps to help facilitate future development, such as:

- Considering zoning changes or development agreements that increase developer flexibility, such as reducing parking requirements.
- Temporarily waiving, reducing, or deferring impact fees, property taxes, permitting fees to help offset development costs.
- Investing in infrastructure improvements, including utilities, roads, transit, etc. in any target development areas to reduce upfront infrastructure costs for developers.
- Providing land, infrastructure, or funding to help reduce developer costs and risks, especially for projects that could attract future jobs or development.

CITY OF BRISBANE

Final Report

Parks and Recreation Impact Fee Study

December 19, 2022

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Executive Summary

The City of Brisbane has retained NBS Government Finance Group to prepare this study to analyze the impacts of new development on the City's parks, recreation facilities, open space and trails and to calculate impact fees based on that analysis. The methods used in this study are intended to satisfy all legal requirements of the U. S. Constitution, the California Constitution and the California Mitigation Fee Act (Government Code Sections 66000 *et seq*.).

Organization of the Report

Chapter 1 of this report provides an overview of the legal requirements for establishing and imposing such fees, and methods that can be used to calculate impact fees.

Chapter 2 contains data on existing and future development that is used in this report.

Chapters 3 through 5 analyze the impacts of development on specific types of facilities and calculate impact fees for those facilities. The facilities addressed in this report are listed by chapter below:

Chapter 3. Park Land and Park Improvements

Chapter 4. Recreation Facilities

Chapter 5. Open Space and Trails

Chapter 6 contains recommendations for adopting and implementing impact fees, including suggested findings to satisfy the requirements of the Mitigation Fee Act.

Development Data

Chapter 2 of this report presents estimates of existing development in Brisbane and projections of future development in the City out to 2040. Brisbane is largely built-out except for an area known as the Baylands, a 700-acre former landfill and industrial site which is being planned for development as a mixed-use neighborhood with the potential to more than double the City's population and employment.

Table 2.1 in Chapter 2 shows the population per unit for residential development and employees per unit for various types of non-residential development. Table 2.2 shows estimates of existing development in terms of units, population and employees. Table 2.3 shows a forecast of future development to buildout, and Table 2.4 shows a forecast of total development at buildout. The data in those tables is used to calculate impact fees and to project potential revenue for impact fees calculated in this report.

It should be noted that to comply with recent amendments to the Mitigation Fee Act, residential impact fees are calculated in this study for unit size ranges in square feet, rather than by unit type (e.g., single-family or multi-family) which was common practice in the past.

Impact Fee Analysis

The impact fee analysis for each type of facility addressed in this report is presented in a separate chapter of this report. In each case, the relationship between development and the need for a particular type of facility is defined in a way that allows the impact of additional development on facility needs to be quantified. The impact fees are based on the cost of facilities and other capital assets needed to mitigate the impacts of additional development.

All of the fees calculated in this report are based on capital costs and may be spent only for land and capital improvements of the types identified in this report. The following paragraphs briefly discuss the approach used to calculate impact fees for each type of facility addressed in this study.

Chapter 3 - Impact Fees for Park Land and Park Improvements. Chapter 3 of this report calculates impact fees for both park land acquisition and park improvements. It is important to clarify when the park land impact fees calculated in this study would apply to residential development.

The City has an existing Quimby Act ordinance that requires dedication of park land or payment of fees in lieu of dedication by residential subdivisions. That means the park land acquisition impact fees calculated in Chapter 3 would not apply to residential subdivisions but would apply to new residential development that does not involve a subdivision or parcel map. The park land impact fees would also apply to all new non-residential (e.g., commercial and industrial) development in Brisbane. Unlike the impact fees for park land acquisition, the impact fees for park improvements calculated in Chapter 3 are intended to apply to all new residential and non-residential development in the City, including residential subdivisions.

Impact fees for park land and park improvements calculated in this report are based on the existing level of service as required by recent amendments to the Mitigation Fee Act. For park land and park improvements, that level of service is defined in terms of acres of existing parks per capita of existing service population. For purposes of the impact fee calculations, that level of service is converted into per-capita costs for park land and park improvements using estimates of per-acre costs for park land acquisition and park improvements.

Service population is used in impact fee calculations in this study to represent the impact of development on the need for parks, recreation facilities, open space and trails. Service population is a weighted composite of resident population and employees working in Brisbane. Residents are included to represent the demand created by residential development and employees are included to represent the demand created by non-residential development.

Residents are given a weight of 1.0 and employees are given different weights for different types of facilities in this study. For parks, employees are given a weight of 0.25, meaning that one employee represents 25% as much demand as one resident.

See Chapter 3 for detailed analysis and calculation of impact fees for park land and park improvements. Table S.1, later in this Executive Summary shows the amounts of the impact fees calculated in this report.

Chapter 4 – Impact Fees for Recreation Facilities. Chapter 4 calculates impact fees for Brisbane's recreation facilities. Impact fees for recreation facilities calculated in this report are based on the existing level of service as required by recent amendments to the Mitigation Fee Act. For recreation facilities, that level of service is defined in terms of the replacement cost of existing facilities per capita of existing service population.

As discussed in the previous section, service population is a weighted composite of resident population and employees working in Brisbane. Residents are included to represent the demand created by residential development and employees are included to represent the demand created by non-residential development.

Residents are given a weight of 1.0 and employees are given different weights for different types of facilities in this study. For recreation facilities, employees are given a weight of 0.1, meaning that one employee represents 10% as much demand as one resident.

See Chapter 4 for more detail on the calculation of impact fees for recreation facilities. Table S.1, later in this Executive Summary shows the amounts of the impact fees calculated in this report.

Chapter 5 - Impact Fees for Open Space and Trails. Chapter 5 of this report calculates impact fees for both open space land acquisition and trail improvements. Impact fees for open space and trails calculated in this report are based on the existing level of service as required by recent amendments to the Mitigation Fee Act. For open space land acquisition and trail improvements, that level of service is defined in terms of the replacement cost of existing facilities per capita of existing service population.

As discussed in previous sections, service population is a weighted composite of resident population and employees working in Brisbane. Residents are included to represent the demand created by residential development and employees are included to represent the demand created by non-residential development.

Residents are given a weight of 1.0 and employees are given different weights for different types of facilities in this study. For open space and trails, employees are given a weight of 0.25, meaning that one employee represents 25% as much demand as one resident.

See Chapter 5 for detailed analysis and calculation of impact fees for open space and trails. Table S.1, later in this Executive Summary shows the amounts of the impact fees calculated in this report.

Recovery of Administrative Costs

In the next section, following Table S.1, an administrative charge is calculated to recover the City's costs for complying with administrative and reporting requirements of the Mitigation Fee Act and for periodic updates to this impact fee study. That administrative charge is added to the impact fees in Table S.2.

Impact Fee Summary

Impact fees per unit calculated in this report are summarized in Table S.1, below.

Table S.1: Summary of Parks, Recreation, Open Space and Trails Impact Fees

Development Type	Units [1]	Park Land	Park Imprvmts	Recreation Facilities	Open Sp/ Trails	**Total**
Residential <800 Sq. Ft. Unit	DU	$ 14,842	$ 2,438	$ 5,096	$ 1,499	**$ 23,875**
Residential 800-1,200 Sq. Ft. Unit	DU	$ 15,479	$ 2,543	$ 5,315	$ 1,563	**$ 24,900**
Residential 1,200-2,100 Sq. Ft. Unit	DU	$ 16,116	$ 2,648	$ 5,533	$ 1,627	**$ 25,925**
Residential >2,100 Sq. Ft. Unit	DU	$ 16,753	$ 2,752	$ 5,752	$ 1,692	**$ 26,949**
Commercial	KSF	$ 3,185	$ 523	$ 437	$ 322	**$ 4,467**
Lodging	Room	$ 557	$ 92	$ 77	$ 56	**$ 782**
Office	KSF	$ 4,778	$ 785	$ 656	$ 482	**$ 6,701**
Industrial	KSF	$ 1,752	$ 288	$ 241	$ 177	**$ 2,457**
Public Facilities	KSF	$ 4,778	$ 785	$ 656	$ 482	**$ 6,701**

[1] DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

Table S.2 on the next page shows the proposed impact fees from Table S.1 with the addition of a 0.55% administrative fee to cover annual administrative costs and periodic impact fee update studies. That percentage is calculated as the estimated annual administrative cost ($3,500) plus the average annual cost of preparing an impact fee update study every five years ($5,600) divided by the projected annual revenue from impact fees calculated in this report ($1,665,491). The annual revenue estimate assumes that total revenue of $33,309,816 will be collected over 20 years. Potential revenue from impact fees calculated in this report is shown in Chapters 3, 4 and 5. No revenue is projected for the park land impact fees because it isn't possible to know how much future residential development will pay Quimby Act fees in lieu of park land dedication instead of the park land impact fees calculated in this study. The administrative charge proposed in this section should not be applied to any in-lieu fees collected pursuant to the City's park land dedication ordinance, since those fees are not addressed here.

Table S.2: Summary of Parks, Rec, Open Space and Trails Impact Fees Incl 0.55% Admin Charge

Development Type	Units [1]	Park Land	Park Imprvmts	Recreation Facilities	Open Sp/ Trails	**Total**
Residential <800 Sq. Ft. Unit	DU	$ 14,924	$ 2,452	$ 5,124	$ 1,507	**$ 24,006**
Residential 800-1,200 Sq. Ft. Unit	DU	$ 15,564	$ 2,557	$ 5,344	$ 1,572	**$ 25,037**
Residential 1,200-2,100 Sq. Ft. Unit	DU	$ 16,205	$ 2,662	$ 5,564	$ 1,636	**$ 26,067**
Residential >2,100 Sq. Ft. Unit	DU	$ 16,845	$ 2,767	$ 5,784	$ 1,701	**$ 27,097**
Commercial	KSF	$ 3,203	$ 526	$ 440	$ 323	**$ 4,492**
Lodging	Room	$ 560	$ 92	$ 77	$ 57	**$ 786**
Office	KSF	$ 4,804	$ 789	$ 660	$ 485	**$ 6,738**
Industrial	KSF	$ 1,761	$ 289	$ 242	$ 178	**$ 2,471**
Public Facilities	KSF	$ 4,804	$ 789	$ 660	$ 485	**$ 6,738**

[1] DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

The impact fees calculated in this report are intended to represent the maximum amounts justified by the data and analysis presented in this report. The City Council may choose to adopt no fees, or any fees up to the amounts shown in the tables above, and may choose to adopt those fees with or without the administrative charge reflected in Table S.2.

Chapter 1. Introduction

Purpose

The purpose of this study is to analyze the impacts of development on the need for parks and recreation facilities provided by the City of Brisbane and to calculate impact fees based on that analysis. This report documents the approach, data and methodology used in this study to calculate impact fees.

The methods used to calculate impact fees and in-lieu fees in this report are intended to satisfy all legal requirements governing such fees, including provisions of the U. S. Constitution, the California Constitution and the California Mitigation Fee Act (Government Code Sections 66000-66025.

Legal Framework for Developer Fees

This brief summary of the legal framework for development fees is intended as a general overview. It was not prepared by an attorney and should not be treated as legal advice.

U. S. Constitution. Like all land use regulations, development exactions, including impact fees, are subject to the 5th Amendment prohibition on taking of private property for public use without just compensation. Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against "regulatory takings." A regulatory taking occurs when regulations unreasonably deprive landowners of property rights protected by the Constitution.

In two landmark cases dealing with exactions, the U. S. Supreme Court has held that when a government agency requires the dedication of land or an interest in land as a condition of development approval or imposes ad hoc exactions as a condition of approval on a single development project that do not apply to development generally, a higher standard of judicial scrutiny applies. To meet that standard, the agency must demonstrate an "essential nexus" between such exactions and the interest being protected (See *Nollan v. California Coastal Commission,* 1987) and make an" individualized determination" that the exaction imposed is "roughly proportional" to the burden created by development (See *Dolan v. City of Tigard,* 1994).

Until recently, it was widely accepted that legislatively enacted impact fees that apply to all development in a jurisdiction are not subject to the higher standard of judicial scrutiny flowing from the Nollan and Dolan decisions. But after the U. S. Supreme Court decision in *Koontz v. St. Johns Water Management District (2013),* state courts have reached conflicting conclusions on that issue.

In light of that uncertainty, any agency enacting or imposing impact fees would be wise to demonstrate a nexus and ensure proportionality in the calculation of those fees.

Defining the "Nexus." While courts have not been entirely consistent in defining the nexus required to justify exactions and impact fees, that term can be thought of as having the three elements discussed below. We think proportionality is logically included as one element of that nexus, even though it was discussed separately in *Dolan v. Tigard.* The elements of the nexus discussed below mirror the three "reasonable relationship" findings required by the Mitigation Fee Act for establishment and imposition of impact fees.

Need or Impact**.** Development must create a need for the facilities to be funded by impact fees. All new development in a community creates additional demands on some or all public facilities provided by local government. If the capacity of facilities is not increased to satisfy the additional demand, the quality or availability of public services for the entire community will deteriorate. Impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is related to the development project subject to the fees.

The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate impacts created by the development projects upon which they are imposed. In this study, the impact of development on facility needs is analyzed in terms of quantifiable relationships between various types of development and the demand for public facilities based on applicable level-of-service standards. This report contains all of the information needed to demonstrate compliance with this element of the nexus.

Benefit. Development must benefit from facilities funded by impact fees. With respect to the benefit relationship, the most basic requirement is that facilities funded by impact fees be available to serve the development paying the fees. A sufficient benefit relationship also requires that impact fee revenues be segregated from other funds and expended in a timely manner on the facilities for which the fees were charged. Nothing in the U.S. Constitution or California law requires that facilities paid for with impact fee revenues be available exclusively to development projects paying the fees.

Procedures for earmarking and expenditure of fee revenues are mandated by the Mitigation Fee Act, as are procedures to ensure that the fees are either expended in a timely manner or refunded. Those requirements are intended to ensure that developments benefit from the impact fees they are required to pay. Thus, over time, procedural issues as well as substantive issues can come into play with respect to the benefit element of the nexus.

Proportionality. Impact fees must be proportional to the impact created by a particular development project. Proportionality in impact fees depends on properly identifying development-related facility costs and calculating the fees in such a way that those costs are allocated in proportion to the facility needs created by different types and amounts of development. The section on impact fee methodology, below, describes methods used to allocate facility costs and calculate impact fees that meet the proportionality standard.

California Constitution. The California Constitution grants broad police power to local governments, including the authority to regulate land use and development. That police

power is the source of authority for local governments in California to impose impact fees on development. Some impact fees have been challenged on grounds that they are special taxes imposed without voter approval in violation of Article XIIIA. However, that objection is valid only if the fees charged to a project exceed the cost of providing facilities needed to serve the project. In that case, the fees would also run afoul of the U. S. Constitution and the Mitigation Fee Act.

Articles XIIIC and XIIID, added to the California Constitution by Proposition 218 in 1996, require voter approval for some "property-related fees," but exempt "the imposition of fees or charges, as a condition of property development." Thus, impact fees are exempt from those requirements.

The Mitigation Fee Act. California's impact fee statute originated in Assembly Bill 1600 during the 1987 session of the Legislature and took effect in January 1989. AB 1600 added several sections to the Government Code, beginning with Section 66000. Since that time, the impact fee statute has been amended from time to time, and in 1997 was officially titled the "Mitigation Fee Act." Unless otherwise noted, code sections referenced in this report are from the Government Code.

The Mitigation Fee Act does not limit the types of capital improvements for which impact fees may be charged. It defines public facilities very broadly to include "public improvements, public services and community amenities." Although the issue is not specifically addressed in the Mitigation Fee Act, it is clear both in case law and statute (see Government Code Section 65913.8) that impact fees may not be used to pay for maintenance or operating costs. Consequently, the fees calculated in this report are based on the cost of capital assets only.

The Mitigation Fee Act does not use the term "mitigation fee" except in its official title. Nor does it use the more common term "impact fee." The Act simply uses the word "fee," which is defined as "a monetary exaction, other than a tax or special assessment…that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project …."

To avoid confusion with other types of fees, this report uses the widely accepted terms "impact fee" and "development impact fee" which both should be understood to mean "fee" as defined in the Mitigation Fee Act.

The Mitigation Fee Act contains requirements for establishing, increasing and imposing impact fees. They are summarized below. It also contains provisions that govern the collection and expenditure of fees and requires annual reports and periodic re-evaluation of impact fee programs. Those administrative requirements are discussed in the implementation chapter of this report.

Required Findings**.** Section 66001 (a) requires that an agency establishing, increasing or imposing impact fees, must make findings to:

1. Identify the purpose of the fee

2. Identify the use of the fee; and
3. Determine that there is a reasonable relationship between the use of the fee and the development type on which it is imposed
4. Determine that there is a reasonable relationship between the need for the facility and the type of development on which the fee is imposed

In addition, Section 66001 (b) requires that in any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

Some legal experts are of the opinion that the requirements of Section 66001 (a) apply when impact fees are based on a legislatively adopted fee schedule, while the requirements of Section 66001 (b) apply when impact fees are based on an administratively imposed (ad hoc) assessment. [1]

The requirements outlined above are discussed in more detail below.

Identifying the Purpose of the Fees. The broad purpose of impact fees is to protect public health, safety and general welfare by providing for adequate public facilities. The specific purpose of the fees calculated in this study is to fund construction of certain capital improvements that will be needed to mitigate the impacts of planned new development on City facilities, and to maintain an acceptable level of public services as the City grows.

This report recommends that findings regarding the purpose of an impact fee should define the purpose broadly, as providing for the funding of adequate public facilities to serve additional development.

Identifying the Use of the Fees. According to Section 66001(a)(2), if a fee is used to finance public facilities, those facilities must be identified. A capital improvement plan may be used for that purpose but is not mandatory if the facilities are identified in a General Plan, a Specific Plan, or in other public documents. Section 66002 (b) requires that such capital improvement plans must be updated annually.

However, a new provision in Section 66016.5, which was added by AB 602 in 2021, requires that large jurisdictions adopt a capital improvement plan as part of an impact fee study. That requirement applies to impact fee studies adopted after January 1, 2022. "Large jurisdiction" means a county of 250,000 or more or any city within that county. The statute does not provide any detail about what must be included in the capital improvement plan or how it should relate to the impact fee study. And, that new

[1] See "The Mitigation Fee Act's Five-Year Findings Requirement: Beware Costly Pitfalls" by Glen Hansen, Senior Council, Abbott and Kindermann and Rick Jarvis, Managing Partner, Jarvis, Fay and Gibson, presented at the 2022 League of California Cities City Attorneys Spring Conference

requirement is inconsistent with the original language of Section 66001(a)(2), so it is unclear whether the annual update requirement in Section 66002(b) applies.

Reasonable Relationship Requirement. As discussed above, Section 66001 requires that, for fees subject to its provisions, a "reasonable relationship" must be demonstrated between:

1. the use of the fee and the type of development on which it is imposed;
2. the need for a public facility and the type of development on which a fee is imposed; and,
3. the amount of the fee and the facility cost attributable to the development on which the fee is imposed.

Although some legal experts contend that the third of these only pertains to “ad hoc” fees that are not part of a legislatively adopted fee schedule, we believe that all three are part of a complete “nexus” or “reasonable relationship” framework as discussed earlier. These three reasonable relationship requirements address the nexus and proportionality requirements often cited in court decisions as the standard for defensible impact fees. The term “dual rational nexus” is often used to characterize the standard used by courts in evaluating the legitimacy of impact fees. The “duality” of the nexus refers to (1) an impact or need created by a development project subject to impact fees, and (2) a benefit to the project from the expenditure of the fees.

However, although proportionality is reasonably implied in the dual rational nexus formulation, it was explicitly required by the Supreme Court in the *Dolan* case, and we prefer to list it as the third element of a complete nexus.

Development Agreements and Reimbursement Agreements. The requirements of the Mitigation Fee Act do not apply to fees collected under development agreements (see Govt. Code Section 66000) or reimbursement agreements (see Govt. Code Section 66003). The same is true of fees in lieu of park land dedication imposed under the Quimby Act (see Govt. Code Section 66477).

Existing Deficiencies. In 2006, Section 66001(g) was added to the Mitigation Fee Act (by AB 2751) to clarify that impact fees “shall not include costs attributable to existing deficiencies in public facilities,…” The legislature’s intent in adopting this amendment, as stated in the bill, was to codify the holdings of Bixel v. City of Los Angeles (1989), Rohn v. City of Visalia (1989), and Shapell Industries Inc. v. Governing Board (1991).

That amendment does not appear to be a substantive change. It is widely understood that other provisions of law make it improper for impact fees to include costs for correcting existing deficiencies.

However, Section 66001(g) also states that impact fees “may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to *(1) refurbish existing facilities to maintain the existing*

level of service or (2) achieve an adopted level of service that is consistent with the general plan." (Emphasis added.)

Impact Fees for Existing Facilities. Impact fees may be used to recover costs for existing facilities to the extent that those facilities are needed to serve additional development and have the capacity to do so. In other words, it must be possible to show that fees used to pay for existing facilities meet the need and benefit elements of the nexus.

Recent Legislation

Several new laws enacted by the State of California in 2019 to facilitate development of affordable housing will affect the implementation of in-lieu fees and impact fees calculated in this study. Below are brief overviews of some key bills passed in 2019.

SB 330 – The Housing Crisis Act of 2019. Amendments to existing law contained in SB 330 prohibit the imposition of new approval requirements on a housing development project once a preliminary application has been submitted. That provision applies to increases in impact fees and in-lieu fees, except when the resolution or ordinance establishing the fee authorizes automatic, inflationary adjustments to the fee or exaction.

AB 1483 – Housing Data: Collection and Reporting. AB 1483 requires that a city, county or special district must post on its website a current schedule of its fees and exactions, as well as associated nexus studies and annual reports. Updates must be posted within 30 days.

SB 13 – Accessory Dwelling Units. SB 13 prohibits the imposition of impact fees on accessory dwelling units (ADUs) smaller than 750 square feet and provides that impact fees for ADUs of 750 square feet or more must be proportional to the square footage of the primary dwelling unit. The proportionality requirement means that impact fees for ADUs of 750 square feet or more must be calculated on a case-by-case basis during the approval process.

Existing law requires a water or sewer connection fee or capacity charge for an accessory dwelling unit requiring a new or separate utility connection to be based on either the accessory dwelling unit's size or the number of its plumbing fixtures. SB 13 revises the basis for calculating the connection fee or capacity charge to either the accessory dwelling unit's square feet or the number of its drainage fixture units.

AB 602 – Amendments to the Planning and Land Use Law and the Mitigation Fee Act. AB 602, which was passed and signed in 2021, adds section 65940.1 to the Planning and Land Use Law requiring cities, counties and special districts that have internet websites to post schedules of fees, exactions and affordability requirements, annual fee reports, and an archive of nexus studies on that website, and to update that information within 30 days after any changes.

AB 602 also adds Section 66016.5 to the Mitigation Fee Act imposing several new requirements for impact fees that go into effect on January 1, 2022, including:

- A nexus study must identify the existing level of service for each facility, identify the proposed new level of service (if any), and explain why the new level of service is appropriate.
- If a nexus study supports an increase in an existing fee the local agency shall review the assumptions of the nexus study supporting the original fee and evaluate the amount of the fees collected under the original fee.
- Large jurisdictions (counties over 250,000 and cities within those counties) must adopt a capital improvement plan as part of the nexus study.
- All impact fee nexus studies shall be adopted at a public hearing with at least 30 days' notice, and the local agency shall notify any member of the public that requests notice of intent to begin and impact fee nexus study of the date of the hearing.
- Nexus studies shall be updated at least every eight years, from the period beginning on January 1, 2022.
- A nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of proposed units in the development. A nexus study is not required to comply with this requirement if the local agency makes certain findings specified in the law. A local agency that imposes a fee proportionately to the square footage of units in the development shall be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development.
- Authorizes any member of the public, including an applicant for a development project, to submit evidence that impact fees proposed by an agency fail to comply with the Mitigation Fee Act, and requires the legislative body of the agency to consider such evidence and adjust the proposed fee if deemed necessary.

SB 9, the California Housing Opportunity and More Efficiency ("HOME") Act. SB 9 facilitates the subdivision of existing residential lots and allows for ministerial approval (without discretionary review or hearings) of no more than two dwelling units, including duplexes, on parcels zoned for single-family dwellings if the property satisfies certain requirements. To qualify under SB 9 the property must be located within either an urbanized area or urban cluster, as designated by the United States Census Bureau, or for unincorporated areas, within the boundaries of an urbanized area or urban cluster.

The law allows for qualifying lot splits to be approved ministerially upon meeting certain requirements. Each parcel may not be smaller than forty (40%) percent of the original parcel size and each parcel must be at least one thousand two hundred (1,200) square feet in size unless permitted by local ordinance. The parcel must be limited to residential use.

The law does not allow demolition or alteration of certain types of dwellings, including: (a) housing that is subject to a recorded covenant, ordinance, or law that restricts rents to

affordable levels; (b) housing subject to rent control; (c) housing that has been tenant-occupied in the last three years; or (d) housing located in a historic district. In addition, the proposed development may not demolish more than 25% of the exterior structural walls of an existing unit, unless expressly permitted by a local ordinance.

A local agency may impose objective zoning standards, subdivision standards, and design standards unless they would preclude either of the two units from being at least 800 square feet in floor area.

No setback may be required for an existing structure, or a structure constructed in the same location and dimensions as an existing structure. Otherwise, a local agency may require a setback of up to four feet from the side and rear lot lines. Off-street parking of up to one space per unit may be required by the local agency, unless the project is located within a half-mile walking distance of a high-quality transit corridor or a major transit stop, or if there is a car share vehicle within one block of the parcel. If a local agency makes a written finding that a project would create a specific, adverse impact upon public health and safety or the environment without a feasible way to mitigate such impact, the agency still may deny the project.

It is impossible to predict how much SB 9 will affect the number of future residential units constructed in the City. Unlike recent laws dealing with accessory dwelling units, SB 9 does not address the imposition of impact fees on the new dwelling units it allows, and it appears at this point that such units would be subject to the same impact fees as other new residential development.

Impact Fee Calculation Methodology

Any one of several legitimate methods may be used to calculate impact fees. The choice of a particular method depends primarily on the service characteristics of, and planning requirements for, the facility type being addressed. To some extent they are interchangeable, because they all allocate facility costs in proportion to the needs created by development.

Allocating facility costs to various types and amounts of development is central to all methods of impact fee calculation. Costs are allocated by means of formulas that quantify the relationship between development and the need for facilities. In a cost allocation formula, the impact of development represented by some attribute of development such as added population or added vehicle trips that represent the impacts created by different types and amounts of development.

Plan-Based or Improvements-Driven Method. Plan-based impact fee calculations are based on the relationship between a specified set of improvements and a specified increment of development. The improvements are typically identified in a facility plan, while the development is identified in a land use plan that forecasts potential development by type and quantity.

Using this method, facility costs are allocated to various categories of development in proportion to the service demand created by each type of development. To calculate

plan-based impact fees, it is necessary to determine what facilities will be needed to serve a particular increment of new development.

With this method, the total cost of eligible facilities is divided by total units of additional demand to calculate a cost per unit of demand (e.g. a cost per capita for parks). Then, the cost per unit of demand is multiplied by factors representing the demand per unit of development (e.g. population per unit) to arrive at a cost per unit of development.

This method is somewhat inflexible in that it is based on the relationship between a specific facility plan and a specific land use plan. If either plan changes significantly the fees will have to be recalculated.

Capacity-Based or Consumption-Driven Method. This method calculates a cost per unit of capacity based on the relationship between total cost and total capacity of a system. It can be applied to any type of development, provided the capacity required to serve each increment of development can be estimated and the facility has adequate capacity available to serve the development. Since the cost per unit of demand does not depend on the particular type or quantity of development to be served, this method is flexible with respect to changing development plans.

In this method, the cost of unused capacity is not allocated to development. Capacity-based fees are most commonly used for water and wastewater systems, where the cost of a system component is divided by the capacity of that component to derive a unit cost. However, a similar analysis can be applied to other types of facilities. To produce a schedule of impact fees based on standardized units of development (e.g. dwelling units or square feet of non-residential building area), the cost per unit of capacity is multiplied by the amount of capacity required to serve a typical unit of development in each of several land use categories.

Standard-Based or Incremental Expansion Method. Standard-based fees are calculated using a specified relationship or standard that determines the number of service units to be provided for each unit of development. The standard can be established as a matter of policy or it can be based on the level of service being provided to existing development in the study area.

Using the standard-based method, costs are defined on a generic unit-cost basis and then applied to development according to a standard that sets the number of service units to be provided for each unit of development.

Park in-lieu and impact fees are commonly calculated this way. The level of service standard for parks is typically stated in terms of acres of parks per thousand residents. A cost-per-acre for park land or park improvements can usually be estimated without knowing the exact size or location of a particular park. The ratio of park acreage to population and the cost per acre for parks is used to calculate a cost per capita. The cost per capita can then be converted into a cost per unit of development based on the average population per dwelling unit for various types of residential development.

Facilities Addressed in this Study

Impact/in-lieu fees for the following types of facilities are addressed in this report:

- Park Land and Park Improvements
- Recreation Facilities
- Open Space and Trails

Each of those facilities is addressed in a separate chapter of this report, beginning with Chapter 3. Chapter 2 contains data on existing and future development used in the impact fee analysis.

Chapter 2. Development Data

This chapter presents data on existing and future development that will be used to calculate impact fees in subsequent chapters of this report.

The information in this chapter may be used to establish levels of service, analyze facility needs, and allocate the cost of capital facilities among various types of development.

Land use and development data in this chapter are based on information from the U.S. Census Bureau's American Community Survey (ACS), the California Department of Finance (DOF) Demographic Research Unit, the City of Brisbane Community Development Department and other sources as noted in this chapter.

Setting

Brisbane is located in northern San Mateo County adjacent to San Francisco Bay about 2 miles south of San Francisco. Most of Brisbane lies west of the Bayshore Freeway (U. S. Highway 101), which closely borders the Bay through much of the City. Brisbane is largely built-out except for an area known as the Baylands, a 700-acre former landfill and industrial site which is being planned for development as a mixed-use neighborhood with the potential to more than double the City's population and employment.

Study Area and Time Frame

The study area for this study is the area within Brisbane's city limits. The timeframe for this study extends from the present time to 2040. By which time Brisbane is expected to be fully built out. However, the time required for buildout will depend on the rate at which development occurs, and although buildout is expected to occur by 2040, the impact fee calculations do not depend on the rate or timing of development.

Development Types

Traditionally, impact fees for residential development are based on unit types such as single-family, multi-family and mobile home units. However, AB 602, enacted in 2021, added Section 66016.5 to the Government Code. That section requires that, "[a] nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of proposed units of the development." It further states that "[a] local agency that imposes a fee proportionately to the square footage of the proposed units of the development shall be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development."

Consequently, the residential development categories used in this study are based on unit size rather than the type of unit. The complete list of development categories used in this study is shown below.

- Residential: < 800 Sq. Ft.

- Residential: 800 – 1,200 Sq. Ft.
- Residential: >1,200 – 2,100 Sq. Ft.
- Residential: > 2,100 Sq. Ft.
- Commercial
- Lodging
- Office
- Industrial
- Public Facilities

Residential. As discussed above, the residential development categories used in this study are based on unit size and do not distinguish by unit type (e.g., single-family or multi-family). Residential development is any development made up primarily of dwelling units intended for long-term occupancy.

Commercial. As defined in this study, the Commercial category includes development intended primarily to accommodate retail commercial and service commercial uses and may include restaurants, service stations, banks, and similar or related uses.

Lodging. This category includes hotels, motels, bed and breakfast establishments and similar lodging uses.

Office. The Office category includes development intended for general office or medical office uses.

Industrial. This category includes development intended to accommodate research, manufacturing, warehouse and business park uses.

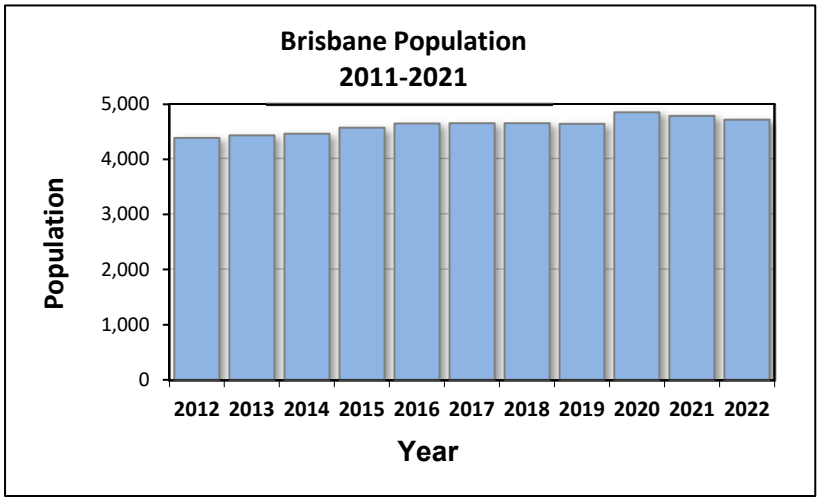
Public Facilities. This category includes government buildings and other public or quasi-public facilities including public schools. Parks are excluded because they do not create impacts on the types of facilities addressed in this report. In many cases, the City may lack authority to charge impact fees to development in this category, or in the case of City facilities, it would be impractical to do so.

Residential Development and Population

The chart on the next page shows the California Department of Finance (DOF) official January 1 population estimates for the City of Brisbane for the years from 2012 through 2022 except that the 2020 population is based on the 2020 Census count.

The population chart shows essentially no population growth from 2014 to 2019 and then bumps up in 2020 indicating that DOF estimates for the years prior to 2020 were low. The DOF numbers for 2021 and 2022 are slightly below the 2020 Census figure.

According to the official 2010 and 2020 Census population counts, Brisbane has grown a total of 13.3% from 4,282 in 2010 to 4,851 in 2020.



This study uses data from the U. S. Census Bureau's 2020 American Community Survey to calculate the population per dwelling unit factors for each category of residential development defined in this study. Those factors are shown in Table 2.1.

Units of Development

In this study, quantities of existing and planned development are measured in terms of certain units of development. Those units are discussed below.

Dwelling Units. Dwelling units (DUs) are the most commonly used measure of residential development. The dwelling unit is the standard unit for residential development in this study.

Building Area. For non-residential development other than lodging, gross building area in thousands of square feet (KSF) is used as the standard unit of development.

Lodging. For the Lodging category, the standard unit of development is a room, meaning a guest room or suite.

Demand Variables

In calculating impact fees, the relationship between facility needs and development must be quantified in cost allocation formulas. Some measurable attribute of development (e.g., population) is used in those formulas to reflect the impact of different types and amounts of development on the demand for specific public services and the facilities that support those services.

Those attributes are referred to in this study as *"*demand variables*."* Demand variables are selected either because they directly measure service demand created by various types of development, or because they are reasonably correlated with that demand.

Service Population. In this study, service population is used to represent the demand created by development for parks, recreation facilities and trails. Service population is a weighted composite of population and employees working in the City. Resident population is included to represent the impacts of residential development and

employees of businesses in the City are included to represent the impacts of non-residential uses, such as commercial, office and industrial development.

Because the impact of one new resident is not necessarily the same as the impact of one new employee, the employee component is weighted relative to the population component to reflect their relative impacts on the demand for certain types of facilities.

In this study, residents (population) are assigned a weight of 1.0. The weight assigned to employees varies depending on how much employees are expected to use a certain type of facility. Based on discussions with City staff regarding expected use of parks and recreation facilities by non-resident employees, employees are given a weight of 0.25 for parks, open space and trails. For other recreation facilities, employees are given a weight of 0.1.

Tables 2.2 through 2.4 later in this chapter show the existing and future population and employee numbers used in this study. Since service population weights differ by the type of facility being analyzed, those weights are applied in Chapters 3 through 5 where the impact fees are calculated.

Impact Fees for Accessory Dwelling Units (ADUs)

Recent amendments to Section 65852.2 of the Government Code provide that impact fees may not be imposed on ADUs smaller than 750 square feet. It also establishes the following requirement for impact fees imposed on ADUs of 750 square feet or more:

> *"Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit*."

The effect of that requirement is that impact fees for ADUs must be calculated on a case-by-case basis, considering the size of both the primary unit and the ADU.

Although it is not spelled out in Section 65852.2, we think it is obvious that when calculating ADU impact fees in cases where the primary unit is a single-family detached unit, the starting point for the proportionality calculation is the fee that applies to the single-family unit. The law also allows for ADUs on lots or parcels where the primary unit is a multi-family unit. In that situation, it seems logical that the ADU impact fee should be proportional to the impact fee that applies to the multi-family unit, but we think ADUs within multi-family developments are likely to be rare and we don't address them further.

The formula for calculating proportional ADU impact fees would be:

Primary unit impact fee X (ADU square feet / Primary unit square feet)

One implication of that formula is that, for an ADU of a particular size, a larger primary unit results in lower impact fees for the ADU.

For example, if the ADU is 1,000 square feet and the primary unit is 2,000 square feet, the proportional impact fee for the ADU would be 50% of the impact fee that would apply to the primary unit. But if the primary unit is 1,200 square feet, the impact fee for the same-sized ADU would be 83.33% of the primary unit fee.

It seems likely that discrepancy is an unintended consequence of language in Section 65852.2 that was not thoroughly considered before adoption. As noted previously, for impact fee studies adopted after July 1, 2022, AB 602 requires impact fees for all types of residential units to be proportional to the square footage of a unit. Impact fees based on square footage for primary units will tend to reduce the inequity created by the proportionality language of Section 65852.2 because the fees that apply to a smaller primary unit would be less than the fees that apply to a larger primary unit. However, it may be a number of years before most cities in California adopt residential impact fees based on square footage. Based on surveys NBS has conducted, it appears that most California cities and counties are applying the proportionality requirement as written.

Population and Employees per Unit

Table 2.1 shows the population-and-employees-per-unit factors for various types of development as used in this study.

Table 2.1: Population and Employees per Unit

Development Type	Dev Units [1]	Pop per Unit [2]	Employees per Unit [3]
Residential <800 Sq. Ft. Unit	DU	2.33	
Residential 800-1,200 Sq. Ft. Unit	DU	2.43	
Residential 1,200-2,100 Sq. Ft. Unit	DU	2.53	
Residential >2,100 Sq. Ft. Unit	DU	2.63	
Commercial	KSF		2.00
Lodging	Room		0.35
Office	KSF		3.00
Industrial	KSF		1.10
Public Facilities	KSF		3.00

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

[2] Population per unit for residential development estimated by NBS based on American Community Survey (ACS) 2020 5-year estimates for distribution of units by number of bedrooms (Table B25041)

[3] Employees per unit estimated by NBS

Existing and Future Development

Tables 2.2 through 2.4 present data on existing and future development in Brisbane. Data from those tables will be used throughout this report. Table 2.2 shows existing development as of January 2022.

It should be noted that existing and future residential development figures are not shown for each unit size category. Because no data are available on the mix of unit sizes for existing or future development, residential units and population for all unit size categories are grouped into the "all residential" category in these tables.

Table 2.2: Existing Development as of January 2022

Development Types	Dev Units [1]	Existing Units [2]	Existing Pop [3]	Existing Empl [4]
All Residential	DU	2,039	4,851	
Commercial	KSF	890.0		1,780
Lodging	Room	387		135
Office	KSF	356.3		1,069
Industrial	KSF	3,209.1		3,530
Public Facilities	KSF	85.3		256
Total			**4,851**	**6,770**

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite;

[2] Existing residential units from the California Department of Finance (DOF) 2022 E-5 report

[3] Existing population based on the 2020 Census and assumes no growth from 2020 to 2022 as reported by the Brisbane Community Development Department

[4] Total existing employees estimated by the Brisbane Community Development Department; the breakdown of jobs by development type based on the 2021 ESRI Business Summary for Brisbane

Table 2.3 on the next page presents a forecast of future development in the City.

Table 2.3: Forecasted Future Development to Buildout

Development Types	Dev Units [1]	Future Units [2]	Future Pop [3]	Future Empl [4]
All Residential	DU	2,637.0	6,460	
Commercial	KSF	1,897.5		3,795
Lodging	Room	600.0		210
Office	KSF	4,262.7		12,788
Industrial	KSF	5,601.8		6,162
Public Facilities	KSF	150.0		450
Total			**6,460**	**23,405**

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite;

[2] Future units estimated by the Brisbane Community Development Dept.; estimates include buildout of the Baylands Specific Plan Area

[3] Future population = residential units X pop. per unit from Table 2.1

[4] Future employees = non-residential units X empl. per unit from Table 2.1

Table 2.4 shows forecasted buildout development in the City. The numbers in that table sum the existing development from Table 2.2 and forecasted future development from Table 2.3.

Table 2.4: Buildout Development

Development Types	Dev Units [1]	Buildout Units	Buildout Population	Buildout Employees
All Residential	DU	4,676	11,311	
Commercial	KSF	2,788		5,575
Lodging	Room	987		345
Office	KSF	4,619		13,857
Industrial	KSF	8,811		9,692
Public Facilities	KSF	235		706
Total			**11,311**	**30,175**

Note: Buildout development in Table 2.4 = existing development from Table 2.2 plus forecasted future development from Table 2.3

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite;

Growth Potential

The numbers in the foregoing tables indicate that between 2022 and buildout, the City's population could increase by 133% while the number of employees working in the City could increase by 345%. The impact fees calculated in this report are intended to provide the City with the means to provide the parks, recreation facilities and trails needed to serve that growth.

Chapter 3. Park Land and Park Improvements

This chapter calculates impact fees for both park land acquisition and park improvements. Chapter 16.24 of the Brisbane Municipal Code requires that residential subdivisions dedicate land for parks or pay fees in lieu of dedication pursuant to the Quimby Act (Govt. Code Section 66477) which is part of the Subdivision Map Act. Consequently, the park land impact fees calculated in this chapter would not apply to any residential subdivision that dedicates park land or pays in-lieu fees required by Chapter 16.24.

Since in-lieu fees and impact fees for park land acquisition are based only on the cost of land and do not cover the cost of park improvements, this chapter calculates a separate impact fee for park improvements. Impact fees for park land and park improvements, as well as for other facilities addressed in this report are governed by the Mitigation Fee Act.

To be clear, the park improvement impact fees calculated in this chapter are intended to be charged in addition to any dedication of park land or payment of park land in-lieu fees or impact fees by a development project. Park improvement impact fees, if enacted by the City, would apply to all new development in Brisbane, separately from contributions toward acquisition of park land.

Service Area

Impact fees calculated in this chapter are intended to apply to all new development in the City, except that impact fees for park land acquisition would not apply to any development project that dedicates park land or pays fees in lieu of dedication pursuant to the Quimby Act.

Methodology

This chapter calculates impact fees using the standard-based method discussed in Chapter 1. Standard-based fees are calculated using a specified relationship or standard that determines the number of service units to be provided for each unit of development. In this case, the standard used to calculate impact fees for park land and park improvements is the existing level of service, which is defined as the City's current ratio of park acres to service population. That level of service is shown in Table 3.2 later in this chapter. The makeup of the service population used in this report is discussed in Chapter 2 and in the next section.

Demand Variable

A "demand variable" is a quantifiable attribute of development that is used in impact fee calculation formulas to represent the impact of development. The demand variable used to calculate park impact fees in this chapter is service population.

As discussed in Chapter 2, service population is a weighted composite variable made up of resident population and employees working in Brisbane. Residents are included in the

service population to represent the demand created by residential development and employees are included to represent the demand created by non-residential development.

In all cases, residents are assigned a weight of 1.0, but the weighting of employees varies for different types of facilities in this report. For purposes of calculating park impact fees, employees are assigned a weight of 0.25, meaning that the demand created by an employee of a business in Brisbane equals one-quarter of the demand created by a resident of the City.

Existing Level of Service

In 2021, AB 602 added Section 66016.5 to the Mitigation Fee Act. That section requires, after January 1, 2022, that the level of service used in an impact fee study must be compared with the existing level of service. If the level used in the impact fee study exceeds the existing level of service, an explanation is required. The impact fees calculated in this chapter are based on the existing level of service as shown in Table 3.2 on the next page, so there is no level-of-service issue in the calculation of impact fees in this chapter with respect to Section 66016.5.

Table 3.1 lists the City's existing parks and shows City-owned park acreage and acres of parks improved by the City.

Table 3.1: Existing Parks

Park Name	Location	City-Owned Park Acres [1]	Improved Park Acres
Community Center Park	250 Visitacion Avenue	0.12	0.12
Community Park	5 Old County Road	2.82	2.82
Brisbane Dog Park	50 Park Place	0.54	0.54
Firth Park and Canyon	201 Glen Park Way	0.27	0.27
Fisherman's Park	@ Brisbane Lagoon	0.25	0.25
Mission Blue Complex	475 Mission Blue Drive	4.95	3.85
Quarry Road Park	399 San Francisco Ave	0.20	0.20
Tot Lot Playground/Park	4 Solano Street	0.25	0.25
Marina Park	Sierra Point Parkway	3.00	3.00
Skatepark	Old County Rd & Park Ln	0.12	0.12
Basketball Courts (2)	Old County Rd & Park Ln	0.16	0.16
Tennis Courts (2)	1 Solano St	School Land	0.34
Total		**12.67**	**11.91**

Source: City of Brisbane Parks and Recreation Department; acreage shown for the Mission Blue Complex excludes the site of the Mission Blue Center

[1] "School land" means that a facility was constructed by the City on land owned by a school district

Table 3.2 calculates the existing level of service in terms of acres per capita of service population for improved park land in the City. The level of service used in this chapter is based on improved park acres because a 2019 decision by the California Court of Appeal in *Boatworks, LLC v. City of Alameda* found that parks not yet open to the public could not be used as the basis for establishing the existing level of service used to calculate park impact fees.

Table 3.2: Existing Level of Service - Parks

Total Improved Park Acres [1]	Existing Service Population [2]	Existing Acres per Capita [3]
11.91	6,544	0.00182

[1] See Table 3.1

[2] Existing service population for parks = existing population + (existing employees X 0.25)

[3] Existing acres per capita of service population = existing acres / existing service population

Cost Per Capita

Table 3.3 calculates the cost per capita for park land acquisition and park improvements based on the existing acres per capita from Table 3.2 and the estimated cost per acre for park land and park improvements.

Table 3.3: Cost per Capita - Park Land and Park Improvements

Fee Type	Acres per Capita [1]	Cost per Acre [2]	Cost per Capita [3]
Park Land Acquisition	0.00182	$ 3,500,000	$ 6,370.00
Park Improvements	0.00182	$ 575,000	$ 1,046.50

[1] See Table 3.2

[2] Park land acquisition cost per acre based on recent land purchase by the City; park improvement cost per acre estimated by the City

[3] Cost per capita = acres per capita X cost per acre

In the next section, the per-capita costs from Table 3.3 are used to calculate impact fees per unit of development.

Impact Fees per Unit

Park Land Acquisition. Table 3.4 on the next page shows the calculation of park land impact fees per unit of development, by development type. Those fees are calculated using per-capita costs for park land acquisition from Table 3.3 and service population per unit. Service population per unit for residential development = population per unit from

Table 2.1. Service population per unit for non-residential development = 0.25 X employees per unit from Table 2.1.

Table 3.4: Impact Fees per Unit - Park Land Acquisition

Development Type	Units [1]	Cost per Capita [2]	Service Pop per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$6,370.00	2.330	$ 14,842.10
Residential 800-1,200 Sq. Ft. Unit	DU	$6,370.00	2.430	$ 15,479.10
Residential 1,200-2,100 Sq. Ft. Unit	DU	$6,370.00	2.530	$ 16,116.10
Residential >2,100 Sq. Ft. Unit	DU	$6,370.00	2.630	$ 16,753.10
Commercial	KSF	$6,370.00	0.500	$ 3,185.00
Lodging	Room	$6,370.00	0.088	$ 557.38
Office	KSF	$6,370.00	0.750	$ 4,777.50
Industrial	KSF	$6,370.00	0.275	$ 1,751.75
Public Facilities	KSF	$6,370.00	0.750	$ 4,777.50

[1] Units of development: DU = dwelling unit; KSF = 1,000 square gross square feet of building area; Room = guest room or suite

[2] See Table 3.3

[3] Service population per unit for residential development = population per unit from Table 2.1; service population per unit for non-residential development = 0.25 X employees per unit from Table 2.1

[4] Impact fee per unit = cost per capita X service population per unit

Park Improvements. Table 3.5 on the next page shows the calculation of park improvement impact fees per unit of development, by development type. Those fees are calculated using per-capita costs for park improvements from Table 3.3 and service population per unit. Service population per unit for residential development = population per unit from Table 2.1. Service population per unit for non-residential development = 0.25 X employees per unit from Table 2.1.

Table 3.5: Impact Fees per Unit - Park Improvements

Development Type	Units [1]	Cost per Capita [2]	Service Pop per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$1,046.50	2.330	$ 2,438.35
Residential 800-1,200 Sq. Ft. Unit	DU	$1,046.50	2.430	$ 2,543.00
Residential 1,200-2,100 Sq. Ft. Unit	DU	$1,046.50	2.530	$ 2,647.65
Residential >2,100 Sq. Ft. Unit	DU	$1,046.50	2.630	$ 2,752.30
Commercial	KSF	$1,046.50	0.500	$ 523.25
Lodging	Room	$1,046.50	0.088	$ 91.57
Office	KSF	$1,046.50	0.750	$ 784.88
Industrial	KSF	$1,046.50	0.275	$ 287.79
Public Facilities	KSF	$1,046.50	0.750	$ 784.88

[1] Units of development: DU = dwelling unit; KSF = 1,000 square gross square feet of building area; Room = guest room or suite

[2] See Table 3.3

[3] Service population per unit for residential development = population per unit from Table 2.1; service population per unit for non-residential development = 0.25 X employees per unit from Table 2.1

[4] Impact fee per unit = cost per capita X service population per unit

Projected Revenue

This report does not estimate potential revenue from park land acquisition impact fees because many new residential units may be in subdivisions which are subject to City's Quimby Act park land dedication or in-lieu fee requirements rather than the park land impact fees which would apply to non-subdivision projects. We have no way of forecasting how many future residential units would be subject to the park land impact fees calculated in this chapter, so we do not project potential revenue from those fees.

However, since the park improvement impact fees would apply to all new residential development in the City, potential revenue from those impact fees is projected in Table 3.6. Because we are unable to forecast the number of new units that will be constructed in each residential unit size category, potential revenue is projected in Table 3.6 on the basis of added service population and the cost per capita of service population.

Table 3.6: Projected Revenue - Park Improvement Impact Fees

Development Type	Added Service Pop [1]	Cost per Capita [2]	Projected Revenue [3]
All Residential	6,460	$1,046.50	$ 6,760,390
Commercial	949	$1,046.50	$ 993,129
Lodging	53	$1,046.50	$ 55,465
Office	3,197	$1,046.50	$ 3,345,661
Industrial	1,541	$1,046.50	$ 1,612,657
Total			**$ 12,767,300**

[1] See Table 2.3; added service population for residential development = added population; added service population for non-residential development = 0.25 X added employees

[2] See Table 3.5

[3] Projected revenue = added service population X cost per capita

Updating the Fees

The impact fees calculated in this chapter are based the current estimated cost of park land and improvements. We recommend that the fees be reviewed annually and adjusted as needed using local cost data or an index such as the *Engineering News Record* Construction Cost Index (CCI). See the Implementation Chapter for more on indexing of fees.

Nexus Summary

As discussed in Chapter 1 of this report, Section 66001 of the Mitigation Fee Act requires that an agency establishing, increasing or imposing impact fees, must make findings to:

Identify the purpose of the fee;

Identify the use of the fee; and,

Determine that there is a reasonable relationship between:

a. The use of the fee and the development type on which it is imposed;

b. The need for the facility and the type of development on which the fee is imposed; and

c. The amount of the fee and the facility cost attributable to the development project.

Satisfying those requirements also ensures that the fees meet the "rational nexus" and "rough proportionality" standards enunciated in leading court decisions bearing on impact fees and other exactions. (For more detail, see "Legal Framework for Impact Fees" in Chapter 1.) The following paragraphs explain how the impact fees calculated in this chapter satisfy those requirements.

Purpose of the Fee: The purpose of the impact fees calculated in this chapter is to mitigate the impact of new development on the need for parks in Brisbane.

Use of the Fee. Impact fees calculated in this chapter will be used to provide additional parks to mitigate the impacts of new development in the City.

As provided by the Mitigation Fee Act, revenue from impact fees may also be used for temporary loans from one impact fee fund or account to another.

Reasonable Relationship between the Use of the Fee and the Development Type on Which It Is Imposed. The impact fees calculated in this chapter will be used to provide additional parks to serve the needs of added service population associated with new development in Brisbane.

Reasonable Relationship between the Need for the Facilities and the Type of Development on Which the Fee Is Imposed. New development will increase the need for parks to maintain the existing level of service, as described earlier in this chapter. Without additional parks, the increase in service population associated with new development in the City would result in a reduction in the level of service provided to the entire City.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to the Development Project. The amount of the park impact fees charged to a development project will depend on the increase in service population associated with that project. The fees per unit of development calculated in this chapter for each type of development are based on the estimated average service population per unit for that type of development in Brisbane. Thus, the fee charged to a development project reflects the impact of that project on the need for parks in the City.

Chapter 4. Recreation Facilities

This chapter calculates impact fees for recreation facilities needed to maintain the existing level of service in Brisbane as the City grows.

Service Area

Impact fees calculated in this chapter are intended to apply to all new development in the City.

Methodology

This chapter calculates impact fees using the standard-based method discussed in Chapter 1. Standard-based fees are calculated using a specified relationship or standard that determines the number of service units to be provided for each unit of development. In this case, the standard used to calculate impact fees for recreation facilities is the existing level of service, which is defined as the current relationship between the replacement cost of existing recreation facilities and the existing service population. That level of service is shown in Table 4.2 later in this chapter. The makeup of the service population used in this report is discussed in Chapter 2 and in the next section.

Demand Variable

A "demand variable" is a quantifiable attribute of development that is used in impact fee calculation formulas to represent the impact of development. The demand variable used to calculate recreation facilities impact fees in this chapter is service population.

As discussed in Chapter 2, service population is a weighted composite variable made up of resident population and employees working in Brisbane. Residents are included in the service population to represent the demand created by residential development and employees are included to represent the demand created by non-residential development.

In all cases, residents are assigned a weight of 1.0 but the weighting of employees varies for different types of facilities in this report. For purposes of calculating impact fees for recreation facilities, employees are assigned a weight of 0.1, meaning that the demand created by one employee is one-tenth of the demand created by one resident of the City. That weight is lower than the employee weight used in Chapter 3 for park land and park improvements and in Chapter 5 for Open Space and Trails because the experience of City staff indicates that employees of businesses in the City place substantially less demand on the types of recreation facilities addressed in this Chapter substantially than they do on parks, open space and trails.

Existing Level of Service

In 2021, AB 602 added Section 66016.5 to the Mitigation Fee Act. That section requires that, after January 1, 2022, the level of service used in an impact fee study must be compared with the existing level of service. If the level used in the impact fee study exceeds the existing level of service, an explanation is required. The impact fees calculated in this chapter are based on the existing level of service as shown in Table 4.2 below, so there is no level-of-service issue with respect to Section 66016.5.

Table 4.1 lists the City's existing recreation facilities with their replacement cost, including land. Replacement cost is used here as an indicator of the cost of constructing additional facilities to serve new development.

Table 4.1: Existing Recreation Facilities

Park Name	Location	Site Acres [1]	Land Value [2]	Building Sq Feet [3]	Facility Repl Cost [4]	Impact Fee Cost Basis [5]
Brisbane Community Pool	2 Solano St	0.62	$ 2,169,421	3,066	$ 2,085,698	$ 4,255,119
Childcare Modular	500 San Bruno Av	School Land	$ 0	1,920	$ 400,000	$ 400,000
Community Center/Library	250 Visitacion Av	0.11	$ 385,675	5,449	$ 2,077,660	$ 2,463,335
Mission Blue Center	475 Mission Blue Dr	0.65	$ 2,275,000	7,200	$ 1,981,290	$ 4,256,290
Silverspot Cooperative	4 Solano St	0.06	$ 216,942	2,700	$ 498,582	$ 715,524
Total		**1.44**	**$ 5,047,039**	**17,269**	**$ 7,043,230**	**$ 12,090,269**

[1] Site acres provided by the City of Brisbane Parks and Recreation Department; "In Park" means the facility is located in a park on acreage already covered by the park land impact fees; "School Land" means the facility was constructed by the City on land owned by a school district

[2] Site value = site acres X park land acquisition cost per acre from Table 3.3 in Chapter 3

[3] Building square feet from the City's insured property schedule or the Parks and Recreation Department

[4] Facility replacement cost includes both the fixed asset value and furniture, fixtures and equipment from the City's insured property schedule, where applicable

[5] Impact fee cost basis is the sum of the land value and the facility replacement cost

Existing Level of Service - Cost Per Capita

Table 4.2 calculates the existing level of service in terms of a cost per capita of service population for the City's existing recreation facilities.

Table 4.2: Existing Level of Service - Recreation Facilities

Impact Fee Cost Basis [1]	Existing Service Population [2]	Cost per Capita [3]
$12,090,269	5,528	$2,187.10

[1] See Table 4.1

[2] Existing service population for parks = existing population + (0.1 X existing employees)

[3] Cost per capita = impact fee cost basis / existing service population

In the next section, the per-capita costs from Table 4.2 are used to calculate impact fees per unit of development.

Impact Fees per Unit

Table 4.3 shows the calculation of recreation facilities impact fees per unit of development, by development type. Those fees are calculated using per-capita costs from Table 4.2 and service population per unit. Service population per unit for residential development = population per unit from Table 2.1. Service population per unit for non-residential development = 0.1 X employees per unit from Table 2.1.

Table 4.3: Impact Fees per Unit - Recreation Facilities

Development Type	Units [1]	Cost per Capita [2]	Service Pop per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$2,187.10	2.330	$ 5,095.93
Residential 800-1,200 Sq. Ft. Unit	DU	$2,187.10	2.430	$ 5,314.64
Residential 1,200-2,100 Sq. Ft. Unit	DU	$2,187.10	2.530	$ 5,533.35
Residential >2,100 Sq. Ft. Unit	DU	$2,187.10	2.630	$ 5,752.06
Commercial	KSF	$2,187.10	0.200	$ 437.42
Lodging	Room	$2,187.10	0.035	$ 76.55
Office	KSF	$2,187.10	0.300	$ 656.13
Industrial	KSF	$2,187.10	0.110	$ 240.58
Public Facilities	KSF	$2,187.10	0.300	$ 656.13

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

[2] See Table 4.2

[3] Service population per unit for residential development = population per unit from Table 2.1; service population per unit for non-residential development = 0.1 X employees per unit from Table 2.1

[4] Impact fee per unit = cost per capita X service population per unit

Projected Revenue

Table 4.4. projects potential revenue from the recreation facilities impact fees based on the cost per capita of service population and service population per unit.

Table 4.4: Projected Revenue - Recreation Facilities Impact Fees

Development Type	Added Service Pop [1]	Cost per Capita [2]	Projected Revenue [3]
All Residential	6,460	$2,187.10	$ 14,128,642
Commercial	380	$2,187.10	$ 831,097
Lodging	21	$2,187.10	$ 45,929
Office	1,279	$2,187.10	$ 2,797,296
Industrial	616	$2,187.10	$ 1,347,251
Total			**$ 19,150,216**

[1] See Table 2.3; added service population for residential development = added population; added service population for non-residential development = 0.1 X added employees

[2] See Table 4.3

[3] Projected revenue = added service population X cost per capita

Updating the Fees

The impact fees calculated in this chapter are based the current estimated cost of recreation facilities. We recommend that the fees be reviewed annually and adjusted as needed using local cost data or an index such as the *Engineering News Record* Construction Cost Index (CCI). See the Implementation Chapter for more on indexing of fees.

Nexus Summary

As discussed in Chapter 1 of this report, Section 66001 of the Mitigation Fee Act requires that an agency establishing, increasing or imposing impact fees, must make findings to:

Identify the purpose of the fee;

Identify the use of the fee; and,

Determine that there is a reasonable relationship between:

a. The use of the fee and the development type on which it is imposed;

b. The need for the facility and the type of development on which the fee is imposed; and

c. The amount of the fee and the facility cost attributable to the development project.

Satisfying those requirements also ensures that the fees meet the "rational nexus" and "rough proportionality" standards enunciated in leading court decisions bearing on impact fees and other exactions. (For more detail, see "Legal Framework for Impact Fees" in Chapter 1.) The following paragraphs explain how the impact fees calculated in this chapter satisfy those requirements.

Purpose of the Fee: The purpose of the impact fees calculated in this chapter is to mitigate the impact of new development on the need for recreation facilities in Brisbane.

Use of the Fee. Impact fees calculated in this chapter will be used to provide additional recreation facilities to mitigate the impacts of new development in the City.

As provided by the Mitigation Fee Act, revenue from impact fees may also be used for temporary loans from one impact fee fund or account to another.

Reasonable Relationship between the Use of the Fee and the Development Type on Which It Is Imposed. The impact fees calculated in this chapter will be used to provide additional recreation facilities to serve the needs of added service population associated with new development in Brisbane.

Reasonable Relationship between the Need for the Facilities and the Type of Development on Which the Fee Is Imposed. New development will increase the need for recreation facilities to maintain the existing level of service, as described earlier in this chapter. Without additional recreation facilities, the increase in service population associated with new development in the City would result in a reduction in the level of service provided to the entire City.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to the Development Project. The amount of the recreation facilities impact fees charged to a development project will depend on the increase in service population associated with that project. The fees per unit of development calculated in this chapter for each type of development are based on the estimated average service population per unit for that type of development in Brisbane. Thus, the fee charged to a development project reflects the impact of that project on the need for recreation facilities in the City.

Chapter 5. Open Space and Trails

This chapter calculates impact fees for open space land acquisition and trail improvements needed to maintain the existing level of service in Brisbane as the City grows.

Service Area

Impact fees calculated in this chapter are intended to apply to all new development in the City.

Methodology

This chapter calculates impact fees using the standard-based method discussed in Chapter 1. Standard-based fees are calculated using a specified relationship or standard that determines the number of service units to be provided for each unit of development. In this case, the standard used to calculate impact fees for open space and trails is the existing level of service. The existing level of service for open space land is defined as the current relationship between the value of the existing City-owned open space land and the existing service population. The existing level of service for trail improvements is defined as the current relationship between the replacement cost of the City's existing trails and the existing service population. Those levels of service are shown in Table 5.2 later in this chapter. The makeup of the service population used in this report is discussed in Chapter 2 and in the next section.

Demand Variable

A "demand variable" is a quantifiable attribute of development that is used in impact fee calculation formulas to represent the impact of development. The demand variable used to calculate impact fees for open space and trails in this chapter is service population.

As discussed in Chapter 2, service population is a weighted composite variable made up of resident population and employees working in Brisbane. Residents are included in the service population to represent the demand created by residential development and employees are included to represent the demand created by non-residential development.

In all cases, residents are assigned a weight of 1.0 but the weighting of employees varies for different types of facilities in this report. For purposes of calculating impact fees for open space and trails, employees are assigned a weight of 0.25, meaning that the demand created by an employee is one-quarter of the demand created by a resident of the City. That is the same employee weight used in Chapter 3 to calculate impact fees for park land and park improvements.

Existing Level of Service

In 2021, AB 602 added Section 66016.5 to the Mitigation Fee Act. That section requires, after January 1, 2022, that the level of service used in an impact fee study must be compared with the existing level of service. If the level used in the impact fee study exceeds the existing level of service, an explanation is required. The impact fees calculated in this chapter are based on the existing level of service as shown in Table 5.2 below, so there is no level-of-service issue with respect to Section 66016.5.

Table 5.1 lists the acreage and estimated value of the City's existing open space parcels and the estimated replacement cost of trail improvements. Replacement cost is used here as an indicator of the cost of constructing additional facilities to serve new development.

Table 5.1: Existing Open Space and Trails

Park Name	Open Space Acres [1]	Open Space Land Value [2]	Trail Length (LF) [3]	Trail Width (Ft) [4]	Trail Square Feet [5]	Trail Impr Cost [6]
Costaños Canyon	1.01	$ 80,800	416	10.0	4,160	$ 83,200
Crocker Trail	5.45	$ 436,364	11,880	12.0	142,560	$2,851,200
Firth Canyon	1.68	$ 134,400				$ 0
Quarry Road Trail	1.19	$ 95,200	2,640	10.0	26,400	$ 528,000
Total	**9.33**	**$ 746,764**				**$3,462,400**

[1] Open space acres provided by the City of Brisbane Parks and Recreation Department

[2] Open space land based on $80,000 per acre

[3] Trail length in linear feet

[4] Trail width in feet

[5] Trail improvements in square feet provided by the Brisbane Parks and Recreation Department

[6] Trail improvement cost = square feet of trail improvements X $20.00 per square foot

Existing Level of Service - Cost Per Capita

Table 5.2 calculates the existing level of service in terms of a cost per capita of service population for the City's existing open space land and improved trails.

Table 5.2: Existing Level of Service - Open Space and Trails

Cost Component	Impact Fee Cost Basis [1]	Existing Service Population [2]	Cost per Capita [3]
Open Space Land	$ 746,764	6,544	$114.12
Trail Improvements	$ 3,462,400	6,544	$529.14

[1] See Table 5.1; impact fee cost basis = existing land value for open space land and trail improvement cost for trails

[2] Existing service population for parks = existing population + (0.25 X existing employees)

[3] Cost per capita = impact fee cost basis / existing service population

In the next section, the per-capita costs from Table 5.2 are used to calculate impact fees per unit of development.

Impact Fees per Unit

Impact Fees per Unit – Open Space Land Acquisition. Table 5.3 shows the calculation of open space land acquisition impact fees per unit of development, by development type. Those fees are calculated using per-capita costs from Table 5.2 and service population per unit. Service population per unit for residential development = population per unit from Table 2.1. Service population per unit for non-residential development = 0.25 X employees per unit from Table 2.1.

Table 5.3: Impact Fees per Unit - Open Space Land Acquisition

Development Type	Units [1]	Cost per Capita [2]	Service Pop per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$114.12	2.330	$ 265.91
Residential 800-1,200 Sq. Ft. Unit	DU	$114.12	2.430	$ 277.32
Residential 1,200-2,100 Sq. Ft. Unit	DU	$114.12	2.530	$ 288.73
Residential >2,100 Sq. Ft. Unit	DU	$114.12	2.630	$ 300.14
Commercial	KSF	$114.12	0.500	$ 57.06
Lodging	Room	$114.12	0.088	$ 9.99
Office	KSF	$114.12	0.750	$ 85.59
Industrial	KSF	$114.12	0.275	$ 31.38
Public Facilities	KSF	$114.12	0.750	$ 85.59

[1] Units of development: DU = dwelling unit; KSF = 1,000 square gross square feet of building area; Room = guest room or suite

[2] See Table 5.2

[3] Service population per unit for residential development = population per unit from Table 2.1; service population per unit for non-residential development = 0.25 X employees per unit from Table 2.1

[4] Impact fee per unit = cost per capita X service population per unit

Impact Fees per Unit – Trail Improvements. Table 5.4 shows the calculation of trail improvement impact fees per unit of development, by development type. Those fees are calculated using per-capita costs from Table 5.2 and service population per unit. Service population per unit for trail improvement impact fees is identical to the service population per unit for open space land acquisition.

Table 5.4: Impact Fees per Unit - Trail Improvements

Development Type	Units [1]	Cost per Capita [2]	Service Pop per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$529.14	2.330	$ 1,232.89
Residential 800-1,200 Sq. Ft. Unit	DU	$529.14	2.430	$ 1,285.80
Residential 1,200-2,100 Sq. Ft. Unit	DU	$529.14	2.530	$ 1,338.71
Residential >2,100 Sq. Ft. Unit	DU	$529.14	2.630	$ 1,391.63
Commercial	KSF	$529.14	0.500	$ 264.57
Lodging	Room	$529.14	0.088	$ 46.30
Office	KSF	$529.14	0.750	$ 396.85
Industrial	KSF	$529.14	0.275	$ 145.51
Public Facilities	KSF	$529.14	0.750	$ 396.85

[1] Units of development: DU = dwelling unit; KSF = 1,000 square gross square feet of building area; Room = guest room or suite

[2] See Table 5.2

[3] Service population per unit for residential development = population per unit from Table 2.1; service population per unit for non-residential development = 0.25 X employees per unit from Table 2.1

[4] Impact fee per unit = cost per capita X service population per unit

Projected Revenue

Projected Revenue – Open Space Land Acquisition Impact Fees. Table 5.5. projects potential revenue from the open space land acquisition impact fees based on the cost per capita of service population and service population per unit.

Table 5.5: Projected Revenue - Open Space Land Impact Fees

Development Type	Added Service Pop [1]	Cost per Capita [2]	Projected Revenue [3]
All Residential	6,460	$114.12	$ 737,234
Commercial	949	$114.12	$ 108,303
Lodging	53	$114.12	$ 6,049
Office	3,197	$114.12	$ 364,851
Industrial	1,541	$114.12	$ 175,863
Total			**$ 1,392,300**

[1] See Table 2.3; added service population for residential development = added population; added service population for non-residential development = 0.25 X added employees from Table 2.3

[2] See Table 5.2

[3] Projected revenue = added service population X cost per capita

Projected Revenue – Trail Improvement Impact Fees. Table 5.6. projects potential revenue from the open space land acquisition impact fees based on the cost per capita of service population and service population per unit.

Table 5.6: Projected Revenue - Trail Improvement Impact Fees

Development Type	Added Service Pop [1]	Cost per Capita [2]	Projected Revenue [3]
All Residential	6,460	$529.14	$ 3,418,217
Commercial	949	$529.14	$ 502,150
Lodging	53	$529.14	$ 28,044
Office	3,197	$529.14	$ 1,691,647
Industrial	1,541	$529.14	$ 815,398
Total			**$ 6,455,457**

[1] See Table 2.3; added service population for residential development = added population; added service population for non-residential development = 0.25 X added employees from Table 2.3

[2] See Table 5.2

[3] Projected revenue = added service population X cost per capita

Updating the Fees

The impact fees calculated in this chapter are based on the current estimated cost of value of the City's existing open space parcels and the current estimated replacement cost for trail improvements. We recommend that the fees be reviewed annually and adjusted as needed using local cost data or an index such as the *Engineering News Record* Construction Cost Index (CCI). See the Implementation Chapter for more on indexing of fees.

Nexus Summary

As discussed in Chapter 1 of this report, Section 66001 of the Mitigation Fee Act requires that an agency establishing, increasing or imposing impact fees, must make findings to:

Identify the purpose of the fee;

Identify the use of the fee; and,

Determine that there is a reasonable relationship between:

a. The use of the fee and the development type on which it is imposed;

b. The need for the facility and the type of development on which the fee is imposed; and

c. The amount of the fee and the facility cost attributable to the development project.

Satisfying those requirements also ensures that the fees meet the "rational nexus" and "rough proportionality" standards enunciated in leading court decisions bearing on impact fees and other exactions. (For more detail, see "Legal Framework for Impact Fees" in Chapter 1.) The following paragraphs explain how the impact fees calculated in this chapter satisfy those requirements.

Purpose of the Fee: The purpose of the impact fees calculated in this chapter is to mitigate the impact of new development on the need for open space and trails in Brisbane.

Use of the Fee. Impact fees calculated in this chapter will be used to provide additional open space and trails to mitigate the impacts of new development in the City.

As provided by the Mitigation Fee Act, revenue from impact fees may also be used for temporary loans from one impact fee fund or account to another.

Reasonable Relationship between the Use of the Fee and the Development Type on Which It Is Imposed. The impact fees calculated in this chapter will be used to provide additional open space and trails to serve the needs of added service population associated with new development in Brisbane.

Reasonable Relationship between the Need for the Facilities and the Type of Development on Which the Fee Is Imposed. New development will increase the need for open space and trails to maintain the existing level of service, as described earlier in this chapter. Without additional open space and trails, the increase in service population associated with new development in the City would result in a reduction in the level of service provided to the entire City.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to the Development Project. The amount of the open space and trails impact fees charged to a development project will depend on the increase in service population associated with that project. The fees per unit of development calculated in this chapter for each type of development are based on the estimated average service

population per unit for that type of development in Brisbane. Thus, the fee charged to a development project reflects the impact of that project on the need for open space and trails in the City.

Chapter 6. Implementation

This chapter of the report contains recommendations for adoption and administration of impact fees, and for the interpretation and application of the development impact fees and in-lieu fees calculated in this study. It was not prepared by an attorney and is not intended as legal advice.

Statutory requirements for the adoption and administration of fees imposed as a condition of development approval (impact fees) are found in the Mitigation Fee Act (Government Code Sections 66000 *et seq.*).

Adoption

The form in which development impact fees are enacted should be determined by the City attorney. The specific requirements are different for impact fees under the Mitigation Fee Act, and for park land dedication and in-lieu fees under the Quimby Act. The latter requirements must be adopted by ordinance and are subject to the same noticing and public hearing procedures as any ordinance.

Procedures for adoption of fees subject to the Mitigation Fee Act, including notice and public-hearing requirements, are specified in Government Code Sections 66016 and 66018. It should be noted that Section 66018 refers to Government Code Section 6062a, which requires that the public hearing notice be published at least twice during the 10-day notice period. **However, Section 66016.5 added by AB 602 in 2021 requires that impact fee nexus studies be adopted at a public hearing with at least 30-days' notice.**

Government Code Section 66017 provides that fees subject to the Mitigation Fee Act do not become effective until 60 days after final action by the governing body.

Actions establishing or increasing fees subject to the Mitigation Act require certain findings, as set forth in Government Code Section 66001 and discussed in Chapter 1 of this report.

Examples of findings that could be used for impact fees calculated in this study are shown below. The specific language of such findings should be provided by the City Attorney. A more complete discussion of the nexus for each fee can be found in individual chapters of this report.

> **Sample Finding: Purpose of the Fee**. The City Council finds that the purpose of the impact fees hereby enacted is to protect the public health, safety and welfare by requiring new development to contribute to the cost of public facilities needed to mitigate the impacts of new development.
>
> **Sample Finding: Use of the Fee.** The City Council finds that revenue from the impact fees hereby enacted will be used to provide public facilities needed to

mitigate the impacts of new development in the City and identified in the 2022 City of Brisbane Parks and Recreation Impact Fee Study by NBS. [2]

Sample Finding: Reasonable Relationship: Based on analysis presented in the 2022 City of Brisbane Parks and Recreation Impact Fee Study by NBS, the City Council finds that there is a reasonable relationship between:

a. The use of the fees and the types of development projects on which they are imposed; and,

b. The need for facilities and the types of development projects on which the fees are imposed.

Administration

The California Mitigation Fee Act (Government Code Sections 66000 et seq.) mandates procedures for administration of impact fee programs, including collection and accounting, reporting, and refunds. References to code sections in the following paragraphs pertain to the California Government Code.

Notices and Statute of Limitations. Section 66006 (f) provides that a local agency, at the time it imposes a fee for public improvements on a specific development project, "... shall identify the public improvement that the fee will be used to finance." The required notification could refer to the improvements identified in this study or to a capital improvement plan.

Section 66020 (d) (1) requires that the agency, at the time it imposes an impact fee, provide a written statement of the amount of the fee and written notice of a 90-day period during which the imposition of the fee can be protested. Failure to protest imposition of the fee during that period may deprive the fee payer of the right to subsequent legal challenge.

Section 66022 (a) provides a separate procedure for challenging the establishment of an impact fee. Such challenges must be filed within 120 days of enactment.

Collection of Fees. Section 66007(a) provides that a local agency shall not require payment of fees by developers of residential projects prior to the date of final inspection, or issuance of a certificate of occupancy, whichever occurs first.

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[2] According to Gov't Code Section 66001 (a) (2), the use of the fee may be specified in a capital improvement plan, the General Plan, or other public documents that identify the public facilities for which the fee is charged. The findings recommended here identify this impact fee study as the source of that information. Also note that Section 66016.5 (a)(6) requires that large jurisdictions adopt a capital improvement plan as part of an impact fee nexus study. That requirement applies in counties of 250,000 or more and cities in those counties, so it does apply to Brisbane.

However, "utility service fees" (not defined, but likely referring to water and sewer connections) may be collected upon application for utility service. In a residential development project of more than one dwelling unit, Section 66007 (a) allows the agency to choose to collect fees either for individual units or for phases upon final inspection, or for the entire project upon final inspection of the first dwelling unit completed.

Section 66007 (b) provides two exceptions when the local agency may require the payment of fees from developers of residential projects at an earlier time: (1) when the local agency determines that the fees "will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy" or (2) the fees are "to reimburse the local agency for expenditures previously made."

Statutory restrictions on the time at which fees may be collected do not apply to non-residential development.

Notwithstanding the foregoing restrictions, some cities collect impact fees for all facilities at the time building or grading permits are issued, and builders may find it convenient to pay the fees at that time.

In cases where the fees are not collected upon issuance of building permits, Sections 66007 (c) (1) and (2) provide that the City may require the property owner to execute a contract to pay the fee, and to record that contract as a lien against the property until the fees are paid.

Earmarking and Expenditure of Fee Revenue. Section 66006 (a) mandates that fees be deposited "with other fees for the improvement in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency, except for temporary investments, and expend those fees solely for the purpose for which the fee was collected." Section 66006 (a) also requires that interest earned on the fee revenues be placed in the capital account and used for the same purpose.

The language of the law is not clear as to whether depositing fees "with other fees for the improvement" refers to a specific capital improvement or a class of improvements (e.g., street improvements).

We are not aware of any municipality that has interpreted that language to mean that funds must be segregated by individual projects. And, as a practical matter, that approach would be unworkable because it would mean that no pay-as-you-go project could be constructed until all benefiting development had paid the fees. Common practice is to maintain separate funds or accounts for impact fee revenues by facility category (i.e., streets, park improvements), but not for individual projects.

Impact Fee Exemptions, Reductions, and Waivers. In the event that a development project is found to have no impact on facilities for which impact fees are charged, such project must be exempted from the fees.

If a project has characteristics that will make its impacts on a particular public facility or infrastructure system significantly and permanently smaller than the average impact used to calculate impact fees in this study, the fees should be reduced accordingly to meet the requirement that there must be a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed. The fee reduction is required if the fee is not proportional to the impact of the development on relevant public facilities.

In some cases, an agency may desire to voluntarily waive or reduce impact fees that would otherwise apply to a project as a way of promoting goals such as affordable housing or economic development. Such a waiver or reduction is within the discretion of the governing body but may not result in increased costs to other development projects. So, the effect of such policies is that the lost revenue must be made up from sources other than impact fees.

Credit for Improvements Provided by Developers. If the City requires a developer, as a condition of project approval, to dedicate land or construct facilities or improvements for which impact fees are charged, the City should ensure that the impact fees are adjusted so that the overall contribution by the developer does not exceed the impact created by the development.

In the event that a developer voluntarily offers to dedicate land, or construct facilities or improvements in lieu of paying impact fees, the City may accept or reject such offers, and may negotiate the terms under which such an offer would be accepted. Excess contributions by a developer may be offset by reimbursement agreements.

Credit for Existing Development. If a project involves replacement, redevelopment or intensification of previously existing development, impact fees should be applied only to the portion of the project that represents a net increase in demand for relevant City facilities, applying the measure of demand used in this study to calculate that impact fee.

Annual Report. Section 66006 (b) (1) requires that once each year, within 180 days of the close of the fiscal year, the local agency must make available to the public the following information for each separate account established to receive impact fee revenues:

1. A brief description of the type of fee in the account or fund;
2. The amount of the fee;
3. The beginning and ending balance of the account or fund;
4. The amount of the fees collected and interest earned;
5. Identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the percentage of the cost of the public improvement that was funded with fees;
6. Identification of the approximate date by which the construction of a public improvement will commence, if the City determines sufficient funds have been collected to complete financing of an incomplete public improvement;

7. A description of each inter-fund transfer or loan made from the account or fund, including interest rates, repayment dates, and a description of the improvement on which the transfer or loan will be expended;
8. The amount of any refunds or allocations made pursuant to Section 66001, paragraphs (e) and (f).

The annual report must be reviewed by the City Council at its next regularly scheduled public meeting, but not less than 15 days after the statements are made public, per Section 66006 (b) (2).

Five-Year Findings and Refunds under the Mitigation Fee Act. Prior to 1996, The Mitigation Fee Act required that a local agency collecting impact fees was required to expend or commit impact fee revenue within five years or make findings to justify a continued need for the money. Otherwise, those funds had to be refunded. SB 1693, adopted in 1996 as an amendment to the Mitigation Fee Act, changed that requirement in material ways.

Now, Section 66001 (d) requires that, for the fifth fiscal year following the first deposit of any impact fee revenue into an account or fund as required by Section 66006 (b), and every five years thereafter, the local agency shall make all of the following findings for any fee revenue that remains unexpended, whether committed or uncommitted:

1. Identify the purpose to which the fee will be put;
2. Demonstrate the reasonable relationship between the fee and the purpose for which it is charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements for which impact fees are to be used;
4. Designate the approximate dates on which the funding necessary to complete financing of those improvements will be deposited into the appropriate account or fund.

Those findings are to be made in conjunction with the annual reports discussed above. If such findings are not made as required by Section 66001, the local agency could be required to refund the moneys in the account or fund, per Section 66001 (d).

Once the agency determines that sufficient funds have been collected to complete financing on incomplete improvements for which impact fee revenue is to be used, it must, within 180 days of that determination, identify an approximate date by which construction of the public improvement will be commenced (Section 66001 (e)). If the agency fails to comply with that requirement, it must refund impact fee revenue in the account according to procedures specified in Section 66001 (d).

For a useful discussion of the foregoing requirements, see "The Mitigation Fee Act's Five-Year Findings Requirement: Beware Costly Pitfalls" by Glen Hansen, Senior Counsel,

Abbott and Kindermann, and Rick Jarvis, Managing Partner, Jarvis, Fay and Gibson, presented at the 2022 League of California Cities City Attorneys Spring Conference.

Indexing of In-Lieu/Impact Fees. In-lieu fees and impact fees calculated in this report are based on current costs and should be adjusted periodically to account for changes in the cost of facilities or other capital assets that will be funded by those fees. That adjustment is intended to account for escalation in costs for land, construction, vehicles and other relevant capital assets. The *Engineering News Record* Building Cost Index (BCI) and Construction Cost Index (CCI) are useful for indexing construction costs. Where land costs are covered by an impact fee or in-lieu fee, land costs should be adjusted based on changes in local land prices.

Requirements Imposed by AB 602

In 2021, the California Legislature passed AB 602 and the Governor signed it into law. AB 602 creates some new requirements for impact fees that will go into effect in 2022. The new law amends Government Code Section 65940.1 and adds Section 66016.5 to impose the following requirements:

1) A city, county or special district that has an internet website shall post on its website:
    a) A current written schedule of fees, exactions and affordability requirements applicable to a proposed housing development project, and shall present that information in a manner that identifies the fees, exactions and affordability requirements that apply to each parcel and the fees that apply to each new water and sewer utility connection
    b) All zoning ordinances and development standards and specifying the zoning, design and development standards that apply to each parcel
    c) A list of the information that will be required from any applicant for a development project, as specified in Government Code Section 69540
    d) The current and five previous annual fee reports required by Government Code Section 66006 and Subsection 66013 (d).
    e) An archive of impact fee nexus studies, cost of service studies or equivalent conducted on or after January 1, 2018.
2) The above information shall be updated within 30 days of any changes
3) A City or County shall request from a development proponent, upon issuance of a certificate of occupancy or final inspection, the total amount of fees and exactions associated with the project for which the certificate it issued. That information must be posted on the website and updated at least twice a year.
4) Before adoption of an impact fee, an impact fee nexus study shall be adopted.

5) When applicable, the nexus study shall identify the existing level of service for each public facility, identify the proposed new level of service and explain why the new level of service is appropriate

6) If a nexus study supports the increase of an existing fee, the local agency shall review the assumptions of the nexus study supporting the original fee and evaluate the amount of the fees collected under the original fee.

7) A nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of the proposed units of the development. A local agency that imposes a fee proportionately to the square footage if the proposed units of the development shall be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development. A nexus study is not required to comply with this requirement if the agency makes certain findings outlined in the statute.

8) Large jurisdictions as defined in Section 53559.1 (d) of the Health and Safety Code (counties of 250,000 or more and cities in those counties) shall adopt a capital improvement plan as part of a nexus study.

9) All studies shall be adopted at a public hearing with at least 30-days' notice, and the local agency shall notify any member of the public that requests notice of intent to begin an impact fee nexus study of the date of the hearing.

10) Studies shall be updated at least every eight years, beginning on January 1, 2022.

Training and Public Information

Effective administration of an impact fee program requires considerable preparation and training. It is important that those responsible for collecting the fees, and for explaining them to the public, understand both the details of the fee program and its supporting rationale.

It is also useful to pay close attention to handouts that provide information to the public regarding impact fees. Impact fees should be clearly distinguished from other fees, such as user fees for application processing, and the purpose and use of particular impact fees should be made clear.

Finally, anyone responsible for accounting, capital budgeting, or project management for projects involving impact fees must be fully aware of the restrictions placed on the expenditure of impact fee revenues. Fees must be expended for the purposes identified in the impact fee nexus study in which they were calculated, and the City must be able to show that funds have been properly expended.

Recovery of Administrative Costs

To recover the cost of periodic impact fee update studies and ongoing staff costs for capital budgeting, annual reports, five-year updates and other requirements of the

Mitigation Fee Act, an administrative charge may be added to the impact fees calculated in this report. See the Executive Summary for a discussion of an administrative charge to recover some costs for administration and updating of impact fees.

APPENDIX A

Fee Comparison

City of Brisbane - Parks and Recreation Impact Fee Comparison

Type of Impact Fee	Units	Brisbane Proposed [1]	Belmont [2]	Burlingame [3]	Foster City [4]	Redwood City [5]	San Carlos [6]	South San Francisco [7]
Residential - Single-Family (Brisbane >2,100 Square Feet)								
Park Land	DU	$ 16,753	$ 41,043		See Footnote	$ 30,826	See Footnote	$ 2,976
Park Improvements	DU	$ 2,752	$ 17,590	$ 590	$ 14,926	$ 15,950	$ 7,953	$ 26,148
Recreation Facilities	DU	$ 5,752			Included	Included		
Open Space/Trails	DU	$ 1,692	Included			Included		
Total		**$ 26,949**	**$ 58,633**	**$ 590**	**$ 14,926**	**$ 46,776**	**$ 7,953**	**$ 29,124**
Residential - Multi-Family (Brisbane 800-1,200 Square Feet)								
Park Land	DU	$ 15,479	$ 27,362		See Footnote	$ 26,468	See Footnote	$ 1,759
Park Improvements	DU	$ 2,543	$ 11,660	$ 350	$ 11,639	$ 13,695	$ 3,977	$ 15,462
Recreation Facilities	DU	$ 5,315			Included	Included		
Open Space/Trails	DU	$ 1,563	Included			Included		
Total		**$ 24,900**	**$ 39,022**	**$ 350**	**$ 11,639**	**$ 40,163**	**$ 3,977**	**$ 17,221**
Lodging								
Park Land	Room	$ 557				$ 2,162		$ 3,795
Park Improvements	Room	$ 92	$ 427		$ 910	$ 1,119		$ 6,571
Recreation Facilities	Room	$ 77			Included	Included		
Open Space/Trails	Room	$ 56	Included			Included		
Total		**$ 782**	**$ 427**	**$ 0**	**$ 910**	**$ 3,281**	**$ 0**	**$ 10,366**
Commercial								
Park Land	KSF	$ 3,185				$ 3,510		$ 938
Park Improvements	KSF	$ 523	$ 710	$ 118	$ 2,350	$ 1,820		$ 3,158
Recreation Facilities	KSF	$ 437			Included	Included		
Open Space/Trails	KSF	$ 322	Included			Included		
Total		**$ 4,467**	**$ 710**	**$ 118**	**$ 2,350**	**$ 5,330**	**$ 0**	**$ 4,096**
Office								
Park Land	KSF	$ 4,778				$ 5,110		$ 833
Park Improvements	KSF	$ 785	$ 2,370	$ 172	$ 6,240	$ 2,640		$ 2,957
Recreation Facilities	KSF	$ 656			Included	Included		
Trails	KSF	$ 482	Included			Included		
Total		**$ 6,701**	**$ 2,370**	**$ 172**	**$ 6,240**	**$ 7,750**	**$ 0**	**$ 3,790**
Industrial								
Park Land	KSF	$ 1,752				$ 1,650		$ 394
Park Improvements	KSF	$ 288	$ 950	$ 56	$ 3,510	$ 860		$ 1,398
Recreation Facilities	KSF	$ 241			Included	Included		
Trails	KSF	$ 177	Included			Included		
Total		**$ 2,457**	**$ 950**	**$ 56**	**$ 3,510**	**$ 2,510**	**$ 0**	**$ 1,792**

General Note: Cities other than Brisbane shown in this comparison table do not have specific impact fees for either recreation facilities or trails; where the cells for those fees show the notation "included," it means that documentation reviewed for this comparison indicated that it was the city's intent to include those uses within the meaning of "park improvements"; however, other cities may also include recreation facilities and/or trails within the meaning of park improvements

[1] Brisbane park land fee is based on the park land impact fee for non-subdivision projects; Brisbane Quimby in-lieu fee is determined case-by-case

[2] Belmont park land fee is based on the Quimby Act fee in-lieu of park land dedication

[3] Burlingame has no impact fees or in-lieu fees for park land acquisition

[4] Foster City has a Quimby Act ordinance that requires dedication of park land or payment of fees in lieu of dedication for residential development; in-lieu fees are determined case-by-case; the City has no park land impact fees for non-residential development; park impact fees for lodging are based on square footage; this comparison assumes an average overall building area of 425 square feet per hotel room

[5] Redwood City has adopted park land in-lieu fees for residential subdivisions and park land impact fees for residential development not involving a subdivision in the same amount

[6] San Carlos has a Quimby Act ordinance that requires dedication of park land or payment of fees in lieu of dedication for residential development; in-lieu fees are determined case-by-case; the City has no park land or park improvement impact fees for non-residential development; San Carlos adds a $700 administrative fee to the amounts shown in the table

[7] South San Francisco charges multi-family residential impact fees for park land acquisition and park improvements based on the number of units in a building; multi-family impact fees shown in this table are for the 20-49 unit category

Brisbane Transportation Impact Fee (TIF) Nexus Study

Prepared for:
City of Brisbane

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SF24-1354

FEHR PEERS

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Introduction

The City of Brisbane (City) expects significant population and employment growth that requires transportation capital improvements to meet the demands of new development. The City hired Fehr & Peers to create the Transportation Impact Fee (TIF) Nexus Study to study cost sharing of the needed transportation capital improvements. In collaboration with the City of Brisbane, transportation capital improvement projects necessary to accommodate anticipated growth were identified, along with their estimated costs. The study identifies fees for transportation improvements across the city for each land use type expected to be built.

Background

A fee program is required to operate pursuant to the Mitigation Fee Act, also known as California Assembly Bill 1600 (AB 1600) or California Government Code Sections 66000 et seq., which governs impact fees in California. Fees charged pursuant to this legislation are used to build capital facilities needed to serve the demands generated by new development. Fees are not used to correct existing deficiencies but rather are intended to address future needs. There must be a demonstrated relationship, or "nexus," between the amount of the fee, the cost of the facilities, and the types of development on which the fee is imposed.

Approach

District Structure

The nexus analysis in Brisbane is structured with a district approach that groups infrastructure projects according to the specific development areas most responsible for the need. This approach contrasts with a citywide approach which would be agnostic to the locations of infrastructure and land development projects within the City. City staff preferred a district approach because new development and corresponding infrastructure improvements are concentrated in discrete areas of the City.

The TIF is structured into the following three districts:

- Baylands
- Sierra Point
- West Brisbane

Figure 1 displays the general location of these districts. Any future expansion of the Recology site that occurs within Brisbane would be included within the Baylands area. Including Guadalupe Quarry in the West Brisbane TIF District may be infeasible under current circumstances because the site is not currently within the city limits of Brisbane. The Guadalupe Quarry project will be solely responsible for constructing site access improvements as a part of the project description or mitigation measures/conditions of approval, including on Quarry Road, secondary access drive, and multi-modal improvements on South Hill Drive. However, if Guadalupe Quarry is incorporated within the City and the TIF in the future, then it would be included within the West Brisbane TIF District.

Figure 1

Brisbane TIF Infrastructure Projects

Fee Categories

Based on the City's input and the types of land uses anticipated per the City's General Plan and available Specific Plan documents, the fee categories for this TIF study are:

- Office
- Life science / R&D
- Hotel
- Industrial
- Warehouse
- Residential
- Retail

Traffic generated by new residential uses is accounted for in the nexus analysis and proportional allocation of fees; however, based on direction from staff, impact fees will not be levied for residential uses outside of the Baylands TIF District. This will result in an impact fee program that is not fully funded (i.e., the total amount in collected fees will not fully pay for the improvements assumed in the impact fee program), because the proportion of costs attributable to new residential development outside of the Baylands TIF District will need to be covered through other funding sources. This study has calculated the number of trips anticipated to be generated by new residential land uses outside of the Baylands TIF District and found it to be less than 10 percent of the total future trips generated by new growth in the City.

Population and Employment Rates

We used population and employment rates from the *Brisbane Baylands Transportation Impact Assessment* (Fehr & Peers, 2024) and *Fiscal Impact Analysis of The Baylands Specific Plan* (Economic & Planning Systems, Inc., 2022) to estimate demand allocation among the various land use categories. Future growth projections are usually presented in units of population and employment, whereas fees are typically charged based on square footage of building area, so equivalency rates were needed to convert between different units of measurement. The rates for relevant fee categories are summarized below.

- Office = 310 square feet per employee[1]
- Life Science/R&D = 350 square feet per employee[2]
- Hotel = 1 employee per room[1]

[1] Per *Fiscal Impact Analysis of The Baylands Specific Plan* (Economic & Planning Systems, Inc., 2022) and employee densities used in *Brisbane Baylands Transportation Impact Assessment*, Table C-4 in Appendix C.1

[2] This density aligns with employee densities used in the *Brisbane Baylands Transportation Impact Assessment*, Table C-4 in Appendix C.1.

- Industrial = 500 square feet per employee[3]
- Warehouse = 1,000 square feet per employee[4]
- Residential = 2.23 persons per dwelling unit[5]
- Retail = 580 square feet per employee

The Baylands TIA references the ITE Trip Generation Manual land use code 710 per employee rate for all employment uses, which has the largest dataset for employment-based uses. Therefore, ITE land use code 710 is appropriate to represent the trip generating characteristics of employees for the employment land uses presented above (note that it excludes residential and hotel land uses).

Land Use Inputs

This section summarizes the anticipated land use growth within the City of Brisbane that results in the need for the infrastructure improvements included in the TIF Nexus Study. **Table 1** presents Brisbane's General Plan household and employment projections between 2015 and 2050 used in the cumulative impact analyses for the *Baylands Specific Plan Environmental Impact Report* (Baylands EIR). The growth projections in **Table 1** exclude the Baylands Specific Plan. The Baylands Specific Plan was incorporated into the General Plan via an amendment through Measure JJ in 2018.

Table 1: City of Brisbane Household and Employment Projections, excluding Baylands Specific Plan

Households			Employment		
2015	2050	2015–2050	2015	2050	2015–2050
1,910	2,713	+803	10,465	14,865	+4,400

Notes:
1. Does not include development of the Baylands Specific Plan.
Source: *Baylands Specific Plan Environmental Impact Report*, Table 7-1. City of Brisbane, 2022.

Since 2015, some development projects included within the General Plan projections were approved and therefore would not be subject to paying the TIF and are not included within the TIF calculations. These approved development projects, in addition to the remaining General Plan Buildout that could be included in the TIF, are presented in **Table 2**.

[3] Industrial land uses are not presented in the Baylands studies so the employment density is cited from the *Commercial Linkage Fee Nexus Analysis* prepared for the City of San Jose (July 2020).
[4] Warehouse land uses are not presented in the Baylands studies. The employment density is 2,000 square feet per employee from the *Commercial Linkage Fee Nexus Analysis* prepared for the City of San Jose (July 2020). Based on the Guadalupe Quarry EIR, 2,000 square feet per employee is on the lower range of anticipated employees for warehouse projects, with 1,200 to 1,500 employees at the 1.3 msf facility as the upper range of employment. Therefore, 1,000 sf per employee is used to represent this upper range.
[5] *Fiscal Impact Analysis of The Baylands Specific Plan* (Economic & Planning Systems, Inc., 2022).

Table 2: Land Use Projects Approved Since 2015

Development	TIF District	Residential Uses (Units)	Commercial Uses		
			Quantity (1,000 sf)	S.F. per Employee	Employees
The Shore at Sierra Point (Biotech)	Sierra Point	0	540	350	1,543
The Shore at Sierra Point (Retail)	Sierra Point	0	15	580	26
Genesis Marina	Sierra Point	0	422	350	1,206
3750-3780 Bayshore Boulevard	West Brisbane	30	0	--	0
25 Visitacion Ave. Mixed-Use Project	West Brisbane	2	0.734	580	1
213 Visitacion Ave. Mixed-Use Project	West Brisbane	4	0.283	580	1
18 Visitacion Ave. Mixed-use Project	West Brisbane	2	0.400	580	1
Subtotal – Approved Projects	**--**	***38***	***978***	**--**	***2,778***
Brisbane General Plan Buildout (from Table 1)	**--**	***803***	**--**	**--**	***4,400***
Total – Remaining General Plan Buildout not yet Approved	**--**	**765**	**--**	**--**	**1,622**

Notes: sf = square feet; rate per residential unit is assumed to be 2.23 persons per household
Source: Metis, Fehr & Peers. From *Brisbane Baylands Transportation Impact Assessment* (June 2024), Appendix B.4 Baylands EIR Master Cumulative Project List.

Brisbane's Housing Element anticipates that all housing growth outside of the Baylands Specific Plan would occur in West Brisbane, including 246 households in the Parkside Specific Plan, 134 other units in West Brisbane, and 40 auxiliary dwelling units (ADU's). While the location of the remaining housing units to fulfill the General Plan Buildout is unknown, Fehr & Peers assumed that it would occur within the West Brisbane district as additional housing units are not allowed in the Baylands and Sierra Point TIF districts. Fehr & Peers assumed that the remaining General Plan Buildout employment shown in **Table 2** would be incorporated within planned development in Sierra Point and Guadalupe Quarry.

Table 3 presents the anticipated remaining land use growth in the City of Brisbane for each TIF district. Note that this land use growth does not include minor construction projects or tenant improvements nor projects that are already entitled.

Table 3: Brisbane Land Use Growth within TIF Districts

Development	TIF District	Residential Uses (Units)	Commercial Uses		
			Quantity (1,000 sf or rooms)[6]	S.F. per Employee or Employees per Room	Employees
Baylands Specific Plan[1]	Baylands	2,200	7,000	--	19,480
Residential	*Baylands*	*2,200*	*--*	*--*	*--*
Office	*Baylands*	*--*	*6,397.8*	*--*	*18,503*
Retail	*Baylands*	*0*	*102.2*	*580*	*177*
Hotel[6]	*Baylands*	*0*	*800*	*1*	*800*
Other Pipeline Projects					
Sierra Point Towers[2]	Sierra Point	0	853.22	--	2,373
Sierra Point Hotel and Life Sciences[3]	Sierra Point	0	1,165.62	--	2,526
Life Science / R&D	*Sierra Point*	*0*	*328.81*	*400*	*822*
Office	*Sierra Point*	*0*	*328.81*	*300*	*1,096*
Hotel	*Sierra Point*	*0*	*608*	*1*	*608*
Guadalupe Quarry[4]	West Brisbane	--	1,322	1,000	1,322
Total Pipeline Projects	**--**	**0**	**3,340.84**	**--**	**6,221**
Remaining General Plan Buildout after Other Pipeline Projects[5]	West Brisbane	765	**--**	--	0
Total (City of Brisbane w/ Quarry)	**--**	**2,965**	**10,341**	**--**	**25,701**
Total (City of Brisbane w/o Quarry)	**--**	**2,965**	**9,019**	**--**	**24,379**

Notes: s.f. = square feet

1. Baylands Specific Plan size and employees matches the EIR project description. The Baylands Specific Plan was not included in the **Table 2** General Plan Buildout totals and therefore is shown separately from the other Pipeline Projects.
2. Sierra Point Towers employees based on 2022 project description from the project applicant.
3. Sierra Point Hotel and Life Science employees split based on discussion with City staff in 2022.
4. Guadalupe Quarry square feet per employee represents the upper range of potential employees at the project site based on information provided by the project applicant.
5. The remaining General Plan Buildout includes the total residential units and employees from **Table 2** minus the pipeline projects presented in the above table. The remaining General Plan Buildout employees would be zero as the number of employees proposed as a part of the pipeline projects exceeds the number of employees anticipated in the Brisbane General Plan.
6. For Hotel uses, the values shown represent the number of rooms and the number of employees (based on the assumption of 1 employee per room). All other uses reported in 1,000 sf.

Source: Metis, Fehr & Peers. From *Brisbane Baylands Transportation Impact Assessment* (June 2024), Appendix B.4 Baylands EIR Master Cumulative Project List.

Trip Generation

Once the land use assumptions were established, the trip generation associated with those land uses was calculated. The PM peak hour trip rates for each land use category were used since this period typically represents the highest trip generation of the day. Vehicle trip rates for the Brisbane Baylands EIR, Sierra Point project EIRs, and Guadalupe Quarry EIR will be used for those projects to reflect trip making behavior within the City of Brisbane, accounting for the TDM measures required by Brisbane Municipal Code 10.52. When updating the TIF Nexus Study, Institute of Transportation Engineers (ITE) trip rates should be used for other land use categories if no locally appropriate trip rates are available.

Table 4 presents the PM Peak Hour trip generation for TIF land use categories.

Table 4: PM Peak Hour Trip Generation for TIF Land Use Categories

Land Use	Baylands			Sierra Point			West Brisbane		
	Quantity	Trip Rate	Trips	Quantity	Trip Rate	Trips	Quantity	Trip Rate	Trips
Residential	2,200 du	0.30	661	-	-	-	765	0.36	275
Office	6,397.8 ksf	0.55	3,519	1,182 ksf	0.85	1,008	-	-	-
Retail	102.2 ksf	5.39	551	-	-	-	-	-	-
Hotel	800 rooms	0.43	344	608 rooms	0.59	359	-	-	-
Life science / R&D	-	-	-	328.81 ksf	0.85	-	-	-	-
Warehouse	-	-	-	-	-	-	1,322 ksf	0.16	205
Total	-	-	**5,075**	-	-	**1,367**	-	-	**480**

Notes: du = dwelling unit; ksf = 1,000 square feet
Source: Fehr & Peers, 2025. Vehicle trip rates derived from the Brisbane Baylands EIR, Sierra Point project EIRs, and Guadalupe Quarry EIR.

Infrastructure Inputs

A list of major transportation improvement projects in the City of Brisbane evaluated as part of the TIF is included in **Table 5**. These projects were identified based on review of past studies and coordination with the City of Brisbane. **Attachment A** includes cut sheets that summarize key attributes for each transportation improvement project that would be included in the TIF, including:

- Project ID
- Project name
- Project description
- Concept plans if available
- TIF district
- Total project cost estimate

- Assumed TIF contribution

The transportation improvement projects are generally organized by complexity and how they relate together. The most complex is the Candlestick Interchange (also known as Harney Interchange) due to the shared regional funding agreements outlined in the 2013 Bi-County Study.[6] This project is significant in scope and will require funding sources from multiple agencies. Further, the design and cost estimate for the Candlestick Interchange is over a decade old and subject to change. Therefore, the Candlestick Interchange has been separated from the baseline fee calculations in this nexus study. This approach accounts for the Candlestick Interchange based on the current cost estimate per the 2013 Bi-County Study while providing flexibility for future updates to the Bi-County study to update the scope and cost estimate for the Candlestick Interchange. The Geneva Avenue Extension and other transportation changes were included in the 2013 Bi-County study but are not included in this TIF as they are either part of project descriptions (e.g., the Geneva Avenue Extension is a part of the Baylands) or may no longer be required. Information supporting the assumed fee requirements of the nexus study is contained in Table 7.2 Cumulative Projects List of the Baylands Specific Plan EIR.

[6] https://www.sfcta.org/projects/bi-county-transportation-study

Table 5: Project List

ID	Name	Description	Total Project Cost	Assumed TIF Contribution	TIF District(s)
1	Candlestick Interchange Reconfiguration	The Candlestick Interchange Reconfiguration would address deficient conditions that would arise with land use growth in both San Mateo and San Francisco counties, and thus will require significant coordination among several jurisdictions, including the cities of Brisbane, Daly City, San Francisco, and Caltrans.	$195,000,000[1]	$42,344,516	Baylands, West Brisbane, Sierra Point
2a	Bayshore Corridor Mobility Plan	The Bayshore Mobility Plan sets forth the design plan for Bayshore Boulevard required by Program C.1.b of the City of Brisbane General Plan.	$10,000,000[2]	$8,532,096	Baylands, West Brisbane, Sierra Point
2b	Bayshore Boulevard / San Bruno Avenue Signalization	The Bayshore Boulevard and San Bruno Avenue Intersection Improvement is part of the greater Bayshore Boulevard Mobility Plan (see Project 2a), to accommodate traffic and land use growth in West Brisbane.	$850,000[3]	$850,000	West Brisbane
3a	Sierra Pt Pkwy / Lagoon Road / US 101 Southbound Ramp Roundabout	As documented in the Brisbane Baylands Transportation Impact Assessment, a roundabout is the preferred configuration for the rebuilt intersection of Sierra Point Parkway, Lagoon Road, and the U.S. 101 Southbound Ramp Terminal to reduce off-ramp queues from extending back onto the mainline with the addition of traffic generated by the Baylands Specific Plan and land use growth in Sierra Point.	$1,025,000[2]	$1,025,000[3]	Baylands, Sierra Point
3b	Sierra Point Bay Trail Gap Closure	As documented in the Brisbane Baylands Transportation Impact Assessment, with the addition of the Bay Trail segment north of Lagoon Road and the change in land uses proposed by the Baylands Specific Plan and in Sierra Point would create demand for walking and bicycling travel along this segment of Sierra Point Parkway.	$1,715,000	$1,715,000	Baylands, Sierra Point
4a	Sierra Pt Parkway / Marina Blvd (West) / Shoreline Court Roundabout	Operational and safety improvements to the intersection Sierra Point Parkway / Marina Boulevard (West) / Shoreline Court to support the increase in multi-modal travel associated with the increased density of Sierra Point.	$3,280,000	$3,280,000	Sierra Point

ID	Name	Description	Total Project Cost	Assumed TIF Contribution	TIF District(s)
4b	Sierra Pt Parkway / Marina Blvd (East) / Shoreline Court Roundabout	Operational and safety improvements to the intersection Sierra Point Parkway / Marina Boulevard (East) to support the increase in multi-modal travel associated with the increased density of Sierra Point.	$2,000,000	$2,000,000	Sierra Point
4c	Sierra Point Parkway Terminus Roundabout	Operational and safety improvements to the terminus of the Sierra Point Parkway at the Brisbane Marina driveways to support the increase in multi-modal travel associated with the increased density of Sierra Point and facilitate vehicle access to 9000 Marina Boulevard.	$2,000,000	$2,000,000	Sierra Point
4d	Sierra Point Internal Multi-Use Pathway	Safety improvements to connect other proposed Class 1 pathways to provide a complete internal network for multi-modal travel in support of the increased density of Sierra Point.	$4,000,000	$4,000,000	Sierra Point
5	Parkside Precise Plan: Park Lane	Implement Park Lane street section of the Parkside Precise Plan to accommodate land use changes.	$1,200,000	$1,200,000	West Brisbane
6	Parkside Precise Plan: Old County Road	Implement Old County Road street section of the Parkside Precise Plan to accommodate land use changes.	$100,000	$100,000	West Brisbane
7	Valley Drive Improvements	Implement Valley Drive bicycle and pedestrian improvements per the 2017 Bicycle and Pedestrian Master Plan and the findings from the Crocker Park Technical Assistance Panel.	$3,000,000[3]	$3,000,000	West Brisbane
8	BPMP Improvements	General fund for bicycle and pedestrian improvements as identified in the BPMP. Specific locations to be identified as part of further study.	$1,132,000[4]	$1,132,000	Baylands, West Brisbane, Sierra Point

1. The Candlestick Interchange Project cost will change once a new Bi-County study is released. This value represents the full cost of the project. The cost of the project is shared with jurisdictions outside of the City of Brisbane per Table ES-3 of Bi-County Study. Access the 2013 Bi-County Study: https://ccag.ca.gov/wp-content/uploads/2014/05/BiCounty-Final-Report_.pdf
2. Project contributions to Projects 2a and 3a were calculated using a "select link" analysis as described in Fee Calculations and Application section. These projects will not be fully funded by the TIF program.
3. A signal or roundabout were identified as mitigation for land use growth in Sierra Point and Baylands to reduce vehicle queues from extending onto U.S. 101. Therefore, the full cost of this improvement is included in the TIF and assigned to development in these two TIF districts.
4. Cost estimate per email direction from Randy Breault in September and October 2024.

Nexus Analysis and Fee Calculations

Assumptions

Cost Estimates

Individual project costs in **Table 5** are presented in current year (2025) dollars. Once the fee program is adopted, inflation will be accounted for by escalating the individual fee rates annually per the Engineering News-Record's Construction Cost Index. This is an industry standard approach for determining fee escalation and is used for other similar impact fee programs. Given that some of the projects have prior mitigations identified for the sites, the City of Brisbane will need to provide information about how much money was gathered for these mitigations to provide a credit for the new project cost estimate.

Existing Deficiencies

One of the key functions of a fee program is to charge fees to new development to fund new development's proportional share of transportation improvements that are needed to serve the demand generated by new development. The purpose of an impact fee is not to correct existing deficiencies. Therefore, it is necessary to determine whether there are existing deficiencies in the roadway network that may be related to or affected by those proposed projects, so that the deficiencies can be accounted for in the fee calculations.

To determine whether there exist any deficiencies within the facilities contained within the list of transportation improvement projects, available traffic operations analysis for each facility presented in **Table 5** was compared against the local performance threshold. The traffic operations analyses are contained within recent EIR documents, including the Bayshore Baylands EIR and the Sierra Point Towers EIR. Based on our review of these documents, all facilities within the list of transportation improvement projects currently operate acceptably and there are no existing deficiencies that need to be accounted for in this nexus analysis.

Beyond the question of existing deficiencies, the available planning documents indicate that auto-oriented infrastructure within the Sierra Point TIF District is anticipated to become deficient in the future as the planned land use changes will increase multi-modal travel beyond what can be supported by the existing infrastructure. Automobile travel to and from Sierra Point will be constrained by the existing ramp terminal and the two-lane segment of Sierra Point Parkway under US 101; the multi-modal improvements included within this study will provide a complete network of low-stress bicycle and walking facilities, in addition to shuttle stops, to allow for travel by multiple modes into and out of Sierra Point. For this reason, intersections along Sierra Point Parkway that were originally planned to be signalized are now being designed to have roundabouts, and the cost difference between these planned improvements is assumed in this TIF study.

Cost Attribution

To identify the proportion of project cost attributable to new development and thus eligible for inclusion in the TIF, two separate methodologies will be employed depending on project type. **Table 6** summarizes these two approaches. For roadway projects, cost attribution will be based on projected vehicle trip usage of the new facilities. For multi-modal enhancement projects, cost attribution will be based on population and employment proportions.

Table 6: Cost Attribution by Project Type

Project Type	Basis for cost attribution
Roadway projects (including interchanges, ramps, roundabouts, intersections, and those roadways that would be deficient with the land use change)	Proportion of vehicle trips assigned to each facility (using select link function in the City of Brisbane sub-area VISUM model)
Multi-modal enhancements (including Bicycle and Pedestrian Master Plan, Local Road Safety Plan, and Bay Trail projects)[1]	Proportion of future population and employment contributed by new development

Notes:

1. Project 3b, the Sierra Point Bay Trail Gap Closure, has its fee split 50% / 50% between the Baylands and Sierra Point TIF districts. This reflects a shared benefit of the proposed Class I bike facility for Baylands residents and Sierra Point employees.

Source: Fehr & Peers.

Fee Calculations and Application

The project cost estimates attributable to the TIF in **Table 5** are distributed to individual TIF districts. The following projects have costs shared across multiple TIF districts:

- Project 1, the Candlestick Interchange Reconfiguration Project, has costs allocated to all three TIF districts per the proportional cost allocation in Table ES-3 of the 2013 Bi-County Study.
- Project 2a, the Bayshore Corridor Mobility Plan, has costs allocated to all three TIF districts based on the number of trips generated by each TIF district in the 2040 Baylands Cumulative Plus Project PM submodel of the CCAG travel demand model. This information was obtained from the model using a "select link" procedure to track the usage of each facility by travelers crossing TIF district boundaries. This project is not fully funded through the TIF because other regional pass-through trips account for a share of the new trips that benefit from this project.
- Project 3a, Sierra Point Parkway / Lagoon Road / US-101 Southbound Ramp Roundabout, has the full costs allocated between the Baylands and Sierra Point TIF districts as this project is called out as a mitigation measure in the EIR's for development in these two districts to address LOS and queuing impacts. Similar to Project 2a, the costs are distributed between the two districts based on the 2040 Baylands Cumulative Plus Project PM submodel of the CCAG travel demand model. *(Note to reviewer: Split is approximately 50/50 based on the model. We are confirming that this split includes both the planned and approved Sierra Point projects that originally created impacts and contributed money to improvements at this location.)*
- Project 3b, the Sierra Point Bay Trail Gap Closure, has its fee split 50% / 50% between the Baylands and Sierra Point TIF districts. This reflects a shared benefit of the proposed Class I bike facility for Baylands residents and Sierra Point employees. The Baylands project will roughly double the number of residents living in Brisbane, meaning the employers in Sierra Point will draw a substantial number of their local employees from the Baylands area, and the residents, employees, and visitors of both districts will benefit from closing the gap in this regional trail.

Table 7 presents the summation of project costs eligible for inclusion in the TIF program by district.

Table 7: Total Project Costs Eligible for Inclusion in TIF

Baylands	Sierra Point	West Brisbane
$40,524,004	$20,109,863	$10,544,745

Source: Fehr & Peers, 2025.

The total project costs in each TIF district shown in **Table 7** were divided by the number of trips generated in that district to establish a cost per trip. The cost per trip was multiplied by the trip rate for each land use type within a TIF district to calculate the maximum TIF contribution for each land use (e.g., per square foot or per 1,000 square feet, or per dwelling unit, or per hotel room).

Table 8 presents the maximum fee rates for each land use category and TIF district.

Table 8: Maximum Fees by TIF District and Land Use Category

Land Use Category	Baylands	Sierra Point	West Brisbane
Residential (Dwelling Unit)	$2,399.14	-	$7,897.93
Office (SF)	$4.39	$10.41	-
Retail (SF)	$43.05	-	-
Hotel (Room)	$3,433.56	$7,204.58	-
Warehouse/Quarry (SF)	-	-	$3.41
Life Science (SF)	-	$10.41	-

Source: Fehr & Peers.

When comparing the fees across TIF districts, the fees in the Baylands TIF District are lower than those in the other districts because the Baylands TIF district contains significantly more development across which to distribute costs. It should be noted that the Brisbane Baylands project is also responsible for directly funding additional infrastructure improvements beyond those included in this TIF Nexus Study, such as the Geneva Avenue Roadway Extension and the Sierra Point Roadway Improvements.

The fees described in this report reflect maximum fees the City could adopt as part of the TIF. The City may choose to adopt fee amounts that are less than the maximum fees shown in this report; this may require additional funding sources to cover the costs for the projects in this nexus study.

Summary of Required Program Elements

This report provides a detailed discussion of the elements of the City of Brisbane Transportation Impact Fee program and explains the analytical techniques used to develop this nexus study. The report addresses the following fee program elements required by the Mitigation Fee Act (Government Code Section 66000 et seq), as summarized below.

Fundamental Nexus Requirements

Section 66001 contains several fundamental requirements that an agency must document when establishing or imposing an impact fee.

1. *Identifying the purpose of the fee*

   The TIF program is established for the purpose of supporting local public infrastructure improvements and facilities needed to mitigate the traffic-related impacts of new development in the City of Brisbane.

2. *Identifying how the fee will be used and the facilities to be funded through the fee*

   The fee is used to help fund capital improvement projects that will accommodate future transportation needs throughout the City of Brisbane. **Table 5** identifies the projects eligible to be funded through the fee.

3. *Determining a reasonable relationship between the fee's use and the type of development on which the fee is imposed*

   As described in this report, different types of development generate traffic with different characteristics. The maximum fee calculations presented in **Table 8** account for these characteristics by calculating the travel-related characteristics of different land use types. These considerations account for the differential impacts on the transportation system generated by different development types.

4. *Determining a reasonable relationship between the need for the public facility and the type of development on which the fee is imposed*

   The need for the facilities listed in **Table 5** has been established through local and regional planning processes prepared by the City of Brisbane and member agencies of the Bi-County Study.

5. *Determining a reasonable relationship between the amount of the fee and the cost of the public facility (or portion of facility) attributable to new development*

   This report describes the calculations applied to determine the cost of the public facility that is attributable to new development in the City of Brisbane, accounting for the effects of existing deficiencies. Thus, a reasonable effort has been made to quantitatively establish the relationship between the fees charged in the TIF program and the costs of public improvements attributable to new development within the City of Brisbane.

Additional Elements

Due to recent changes in state legislation, Section 66016.5 now defines several additional elements beyond the fundamental nexus requirements that have historically been part of the Mitigation Fee Act. These additional elements include the following:

- *If a nexus study supports the increase of an existing fee, review the assumptions of the nexus study supporting the original fee and evaluate the amount of fees collected under the original fee.*

  This Transportation Impact Fee (TIF) Nexus Study is the first in the City of Brisbane. Future updates should review its assumptions and evaluate the fees collected under the original fee.

- *Calculate a fee imposed on a housing development project proportionately to the square footage of proposed units of the development, or explain why that would not be an appropriate metric for calculating fees.*

  The nexus study fees on housing developments use one fee level for all unit types. Trip rates used to estimate trips generated from residential developments are based on the Baylands Environmental Impact Reports and its analysis which was conducted by Fehr & Peers. The average trip rate from the Baylands EIR assumes an average of 2.23 residents per unit, as allowed by the City of Brisbane's Measure JJ (2018), which allows a maximum average population density of 2.23 residents per unit for the Baylands project.

  The Mitigation Fee Act requires that there be a demonstrated relationship between the fee being charged to a new development and the level of demand that development places on public facilities and services. As described previously, the calculations presented in **Table 8** account for these characteristics by calculating the travel-related characteristics of different land use types. These considerations account for the differential impacts on the transportation system generated by different development types in different TIF districts. There is no available reference document that directly links trip generation rates to the square footage of a housing unit. Given the lack of readily available reference data about how the size of a housing unit might be related to the demand that unit would place on the transportation system, some agencies in California have undertaken statistical analyses to attempt to better understand that relationship.

Several of these recent statistical analyses have found limited information available from which to derive conclusions. The analyses cite some sources of information that link trip generation rates to the number of people living in a housing unit, although those sources often present values that are averaged over large geographic areas and the results can differ substantially; for example, some analyses cite the 2017 National Household Travel Survey which indicates that a 4-person household in California generates 12.6 daily trips, while others cite a 2012 national report on Travel Demand Forecasting: Parameters and Techniques that indicates a 4-person household generates 16.1 daily trips. These analyses then estimate the relationship between the number of people living in a house and the square footage of the house using US Census data, and then combine those factors to estimate trip generation rates by house size.

An alternative approach has been taken in Western Riverside County, where an analysis was done based on actual trip generation rates and house size data collected from residential neighborhoods throughout that region. This locally-specific analysis found that single-family house size explained approximately one-half of the variation in trip generation rates, while the other half of the variation was related to other economic and demographic factors such as household income, number of residents with jobs, number of school-age children in the household, number of vehicles owned by the residents, and other factors. In addition, the relationship between single-family house size and trip generation rates was found to hold only for houses up to 2,500 square feet; for larger houses, the statistical relationship was much less strong. No statistically significant relationship was found for multi-family developments.

In light of the lack of consistent and available sources of data to support conclusions about how housing units of varying sizes affect the transportation system, the Brisbane Transportation Impact Fee (TIF) Nexus Study has determined that square footage is not currently an appropriate metric to use in calculating fees on residential developments, nor is there substantial evidence that the current method of calculating fees is disproportionate to a residential development's effects on the transportation system.

- *In large jurisdictions, adopt a capital improvement plan as a part of the nexus study.*

  For this purpose, a large jurisdiction is defined as a county with a population of at least 250,000 and all the cities within that county, so the City of Brisbane would meet the definition of a large jurisdiction. The City of Brisbane regularly prepares a capital improvement program (CIP) to guide the expenditure of funds on capital improvements in the City. Before a particular project receives any funds from this TIF program, that project should be included in the City's CIP and the amount of TIF funds allocated to the project should be identified.

- *Nexus studies must be updated at least every eight (8) years.*

  This nexus study and associated fee calculations will need to be updated by 2032-33.

Attachment A:
Project Cut Sheets

1 Candlestick Interchange Reconfiguration

BAYLANDS | WEST BRISBANE | SIERRA PT

Source: Geneva Ave Interchange/Extension Baylands Direct Connector Study (2015), Biggs Cardosa Associates, Inc.

PROJECT DESCRIPTION

The Candlestick Interchange Reconfiguration would address deficient conditions that would arise with land use growth in both San Mateo and San Francisco counties, and thus will require significant coordination among several jurisdictions, including the cities of Brisbane, Daly City, and San Francisco and Caltrans. The project includes a reconfiguration of the existing US-101 interchange at Candlestick Park/Harney Way to accommodate the extension of Geneva Avenue by the Baylands Specific Plan from its current terminus at Bayshore Boulevard, over Caltrain, and to a new access point from US-101 to Harney Way.

A 2013 Project Study Report (2013 PSR) by Caltrans and a 2015 Genera Avenue Interchange/Extension Baylands Direct Connector Study by Biggs Cardosa include the following components:

- Southbound ramps converge on existing intersection, off-ramp is new structure and on-ramp footprint remains the same
- Northbound ramps converge on new intersection, off-ramp uses existing footprint and on-ramp has a new structure
- BRT enters around southbound ramps
- Bridge over US-101 towards Beatty Ave (configuration not described)

The project was evaluated in the *Bi-County Transportation Study* (2013) lead by the SFCTA and in partnership with several agencies from both sides of the San Francisco-San Mateo county line, as a potential transportation improvement needed to address significant current and anticipated land use growth. The project has also been considered during the planning of the Candlestick Point-Hunters Point Shipyard and Schlage Lock (now Baylands North) master plans in San Francisco and Baylands in Brisbane. Conceptual designs of the project have been preapred as part of these studies and projects; however, given the time elapsed since prior studies, the interchange design would need to be updated to reflect the current land uses and design standards.

As further described Bi-County Transportation Study (2011), the funding strategy determined "fair-share" contributions from public and private entities involved in the study area. The project's total estimated cost is $195,000,000, with Baylands responsible for $35,880,000, other proposed Brisbane TIF districts responsible for $21,840,000, and the remaining $137,280,000 shared across other jurisdictions, development projects, and stakeholders. Given the time elapsed since these estimates were prepared, updated cost estimates are recommended for the revised interchange design noted above.

KEY INFORMATION

TIF District
Shared - Baylands (primary), West Brisbane, Sierra Point

Location
US-101 Candlestick Park Interchange

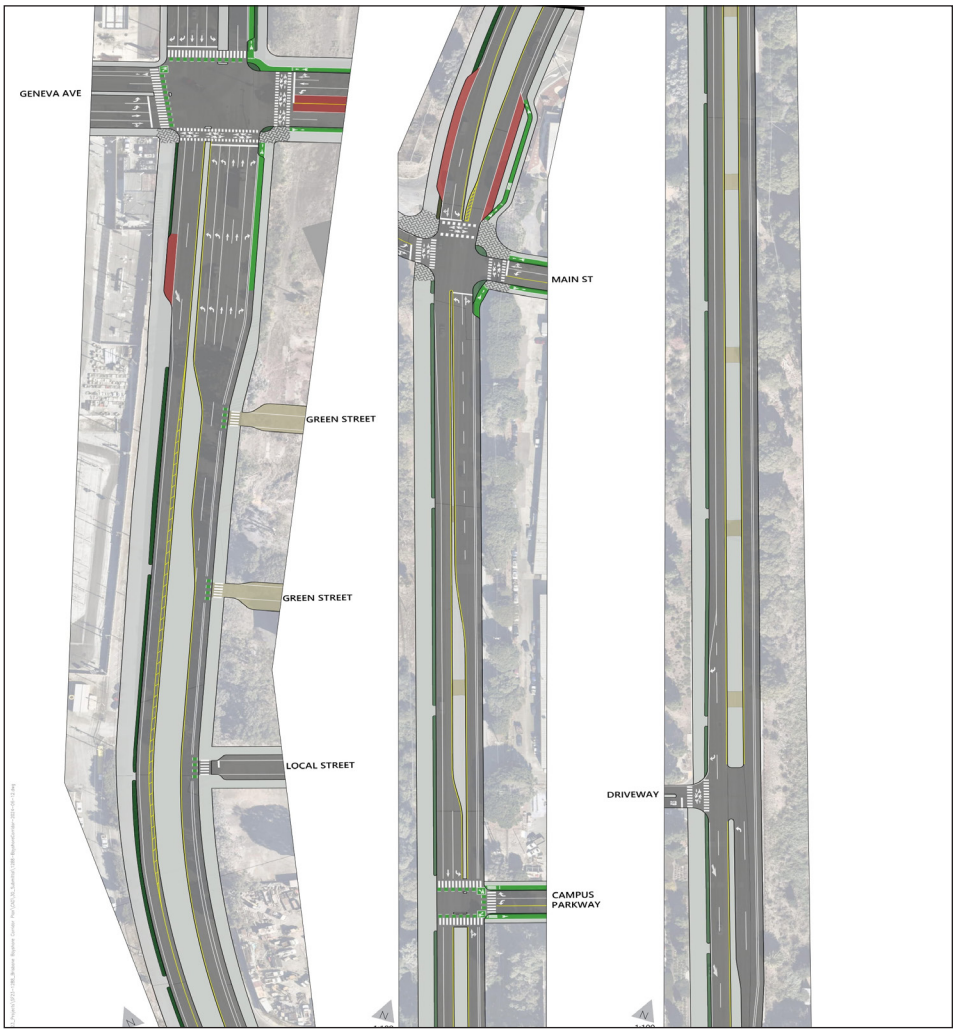
Total Project Cost Estimate
$ 195,000,000 (from 2013 Bi-County Study)

Assumed TIF Contribution (from 2013 Bi-County Study)*
$ 42,344,516
- $ 35,880,000 - Baylands
- $ 1.284,467 - West Brisbane
- $ 5,180,049 - Sierra Point

* Allocation of assumed TIF contribution is based on proportional cost responsibility per Table ES-3 "Cost-Participation Percentages and Amounts, by Automobile Trip Generation Method" in the Bi-County Transportation Study.

2a Bayshore Corridor Mobility Plan

BAYLANDS | WEST BRISBANE | SIERRA PT



Source: Bayshore Mobility Plan: Concept Design Recommendations (2024), Fehr & Peers

KEY INFORMATION

TIF District
Shared - Baylands, West Brisbane, Sierra Point

Location
Bayshore Boulevard (Brisbane)

Total Project Cost Estimate
$ 10,000,000

Assumed TIF Contribution*
$ 8,532,096
- $ 2,476,433 - Baylands
- $ 4,034,865 - West Brisbane
- $ 2,020,799 - Sierra Point

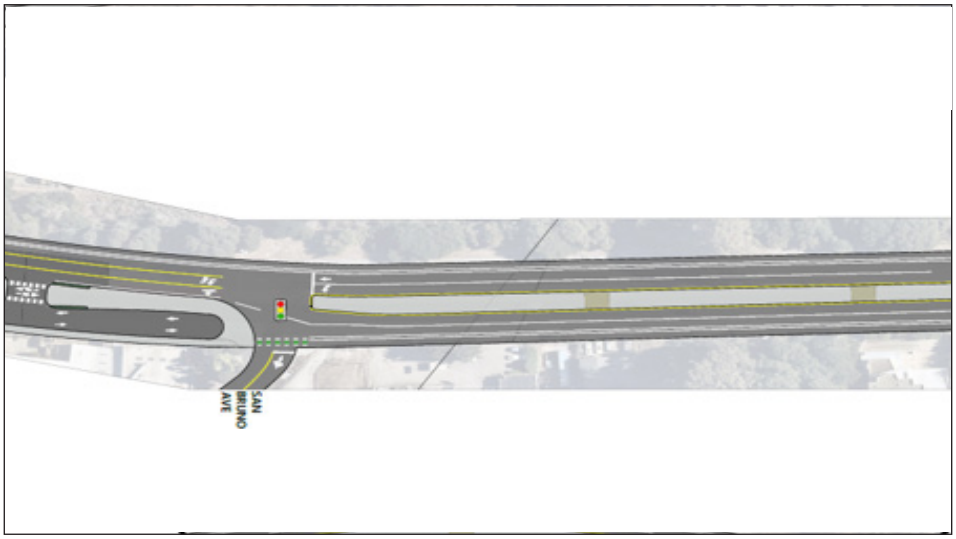
* Allocation of assumed TIF contribution is based on growth in traffic volumes.

PROJECT DESCRIPTION

The Bayshore Mobility Plan sets forth the design plan for Bayshore Boulevard required by Program C.1.b of the City of Brisbane General Plan. General Plan Policy C.1 calls for the City's roadway system to be designed "to emphasize mobility for Brisbane residents and businesses, accommodate bicycle and pedestrian in addition to vehicular movement, and provide for comfortable and safe travel within the community to shopping, employment, and recreation, as well as to transit and the Highway 101 freeway." The Bayshore Mobility Plan consists of a road diet, improved local access, and road safety improvements consistent with the conceptual plans presented in the Bayshore Mobility Plan: Concept Design Recommendations memorandum included as an appendix to the Brisbane Baylands Transportation Impact Assessment Report. The Bayshore Mobility Plan would address deficient conditions that would occur due to the growth in demand for multi-modal travel resulting from the land use changes. Given the citywide role of Bayshore Boulevard for travel within Brisbane, the funding for the Bayshore Mobility Plan would be shared among the three districts based on the percent of vehicle traffic generated by the land use growth on Bayshore Boulevard from each district. This project would be implemented in tandem with the Baylands Specific Plan, which includes access changes along Bayshore Boulevard between Geneva Avenue in the north and the future Campus Drive intersection in the south.

2b Bayshore Boulevard / San Bruno Avenue Signalization

WEST BRISBANE



Source: Bayshore Mobility Plan: Concept Design Recommendations (2024), Fehr & Peers
Note: Figure shows the signal with Bayshore Mobility Plan in place.

KEY INFORMATION

TIF District
West Brisbane

Location
Bayshore Boulevard / San Bruno Avenue

Total Project Cost Estimate
$ 850,000

Assumed TIF Contribution*
$ 850,000 - West Brisbane

* Allocation of assumed TIF contribution is based on growth in traffic volumes.

PROJECT DESCRIPTION

The Bayshore Boulevard and San Bruno Avenue Intersection Improvement is part of the greater Bayshore Boulevard Mobility Plan (see Project 2a), to accommodate traffic and land use growth in West Brisbane. The project could be funded as part of Project 2a or could be funded separately as an interim improvement prior to implementation of the entire plan (with a credit applied to the rest of Project 2a). The mast arm at Bayshore/San Bruno was already completed as indicated in the TIF Contribution.

3a Sierra Pt Pkwy / Lagoon Road / US 101 Southbound Ramp Roundabout

BAYLANDS | SIERRA PT

Source: The Baylands Specific Plan (2023), Universal Paragon Corporation

PROJECT DESCRIPTION

As documented in the Brisbane Baylands Transportation Impact Assessment, a roundabout is the preferred configuration for the rebuilt intersection of Sierra Point Parkway, Lagoon Road, and the U.S. 101 Southbound Ramp Terminal to reduce off-ramp queues from extending back onto the mainline with the addition of traffic generated by the Baylands Specific Plan and land use growth in Sierra Point. A roundabout would replace the traffic signal required as a part of TRAF-1 P3RE MMRP, with a credit for the $1,025,000 for design and construction costs already paid by the Sierra Pt LLC applicant .

A roundabout at this location will be completed in tandem with the realignment of Lagoon Road as proposed in the Baylands Specific Plan. The roundabout will require Caltrans approval and is expected to include the following features based on the Brisbane Baylands Transportation Impact Assessment:

- Two left turn lanes from westbound U.S. 101 Southbound Off-Ramp to southbound Sierra Point Parkway
- Two right turn lanes from northbound Sierra Point Parkway onto the U.S. 101 Southbound On-Ramp
- Taper down to one-lane in each direction on Sierra Point Parkway south of the roundabout
- One lane in each direction on Lagoon Road (west leg) and Sierra Point Parkway (north leg)
- Class 1 trail crossings for the Bay Trail across the north and west legs would include features that meet the design standards outlined in the *Brisbane Baylands Transportation Impact Study: Supplemental Design Guidelines*, which are based on Caltrans and Bay Trail standards.

KEY INFORMATION

TIF District
Baylands and Sierra Point

Location
US-101 Southbound Ramps, Sierra Point Parkway, and Lagoon Road

Total Project Cost Estimate
$ 1,025,000

Assumed TIF Contribution*
$ 1,025,000
$ 512,500 - Baylands
$ 512,500 - Sierra Point

* Allocation of assumed TIF contribution is based on growth in traffic volumes.

3b Sierra Point Bay Trail Gap Closure

BAYLANDS | SIERRA PT

Source: The Baylands Specific Plan (2023), Universal Paragon Corporation

PROJECT DESCRIPTION

As documented in the Brisbane Baylands Transportation Impact Assessment, with the addition of the Bay Trail segment north of Lagoon Road and the change in land uses proposed by the Baylands Specific Plan and in Sierra Point would create demand for walking and bicycling travel along this segment of Sierra Point Parkway. With these land uses changes, this segment would represent a 1.2 mile deficient gap in the "all ages and abilities" network for people walking and bicycling, as identified by MTC's Active Transportation Network and Bay Trail Plans, between the proposed pathways in Baylands and Sierra Point. A Bay Trail compliant Class I multi-use pathway on this segment would close this network gap and would allow commuter and recreational travelers to walk or bike safely between Bay Trail pathways at Sierra Point and the rest of the City of Brisbane and other nearby communities.

This Bay Trail segment would connect in the north to the proposed Class 1 multi-use pathways included in the Baylands Specific Plan south of Lagoon Road and east of the Sierra Point Parkway extension north of Lagoon Road. This connection is identified in the San Mateo County Comprehensive Bicycle Plan's Backbone Network. In the north, the Bay Trail would cross Sierra Point Parkway and Lagoon Road on the north and west legs of the intersection, as described for Project 3a. In the south, the Bay Trail would travel under the U.S. 101 underpass on the west / south side of Sierra Point Parkway and connect to the Bay Trail and other multi-use pathways on the south and east legs of the U.S. 101 Northbound Ramp Terminal. Class 1 trail crossings would include features that meet the design standards outlined in the *Brisbane Baylands Transportation Impact Study: Supplemental Design Guidelines*, which are based on Caltrans and Bay Trail standards.

KEY INFORMATION

TIF District
Baylands and Sierra Point

Location
Sierra Point Parkway between Lagoon Road and Marina Boulevard

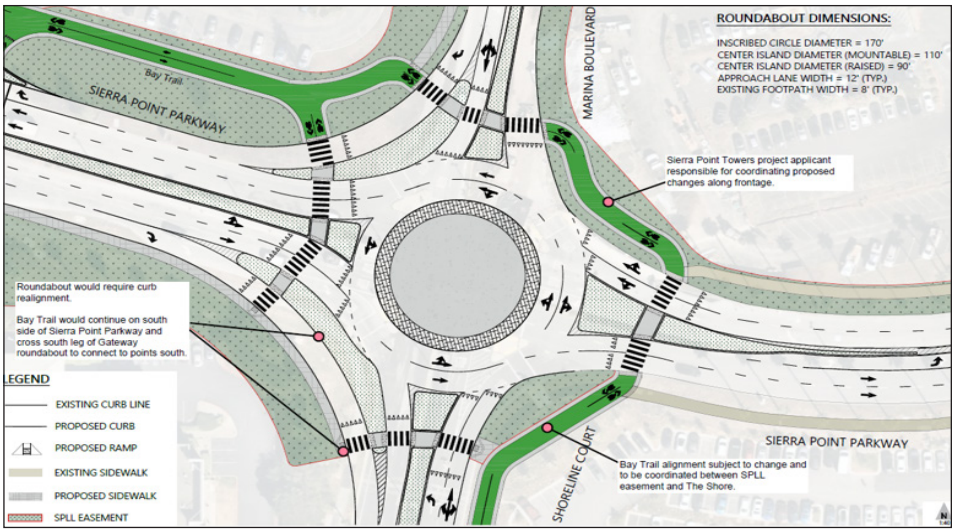
Total Project Cost Estimate
$ 1,715,000

Assumed TIF Contribution*
$ 1,715,000
$ 857,500 - Baylands
$ 857,500 - Sierra Point

* The Sierra Point Bay Trail Gap Closure, has its fee split 50% / 50% between the Baylands and Sierra Point TIF districts. This reflects a shared benefit of the proposed Class I bike facility for Baylands residents and Sierra Point employees.

4a Sierra Pt Parkway / Marina Blvd (West) / Shoreline Court Roundabout

SIERRA PT



Source: City of Brisbane

PROJECT DESCRIPTION

The Sierra Point Sub-Area includes operational and safety improvements to the intersection Sierra Point Parkway / Marina Boulevard (West) / Shoreline Court to support the increase in multi-modal travel associated with the increased density of Sierra Point. The project includes the installation of a dual-lane roundabout to address deficient future traffic operations with the build out of land uses in Sierra Point. This project replaces a previous proposal to signalize the intersection from the prior Sierra Point EIR (TRAF-3 P3RE MMRP), with a credit for the $1,540,000 for design and construction costs already paid by the Sierra Pt LLC applicant . The roundabout would improve traffic flow and multi-modal safety compared to the previously proposed signalized intersection by reducing vehicle speeds and crossing distances for people walking and bicycling. New Bay Trail connections would be provided through the roundabout to connect the existing Bay Trail segments in Sierra Point to the northwest and southeast of the intersection, Project 3b (Sierra Point Parkway Bay Trail Gap Closure), and Project 5 (Sierra Point Internal Multi-Use Pathway). Class 1 trail crossings would include features that meet the design standards outlined in the *Brisbane Baylands Transportation Impact Study: Supplemental Design Guidelines*, which are based on Caltrans and Bay Trail standards.

KEY INFORMATION

TIF District
Sierra Point

Location
Sierra Point Parkway and Marina Boulevard (West)

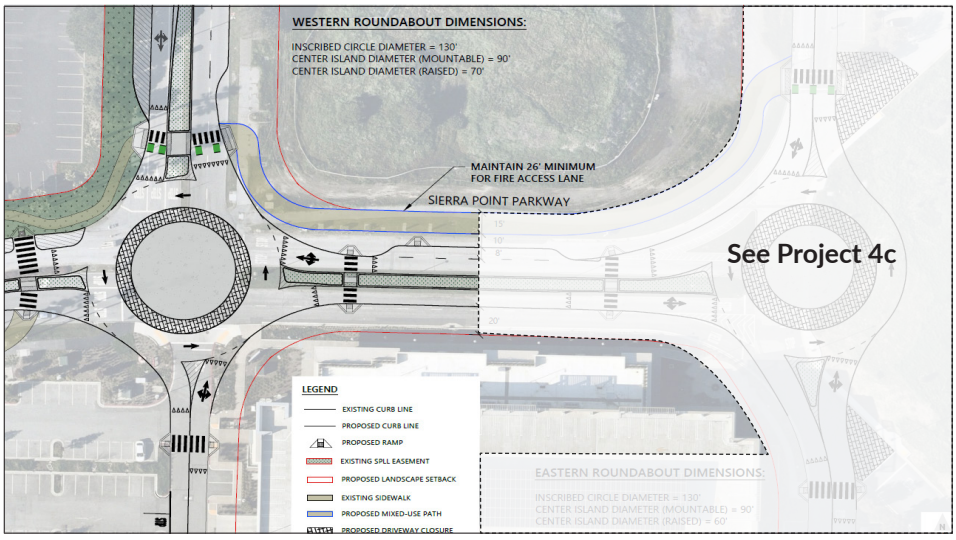
Total Project Cost Estimate
$ 3,280,000

Assumed TIF Contribution*
$ 3,280,000 - Sierra Point

* Allocation of assumed TIF contribution is based on growth in traffic volumes.

4b Sierra Pt Parkway / Marina Blvd (East) / Shoreline Court Roundabout

SIERRA PT



Source: Fehr & Peers, 2024

PROJECT DESCRIPTION

The Sierra Point Sub-Area includes operational and safety improvements to the intersection Sierra Point Parkway / Marina Boulevard (East) to support the increase in multi-modal travel associated with the increased density of Sierra Point. The project includes the installation of a single-lane roundabout to replace the existing all-way stop sign with four lane approaches on Sierra Point Parkway and Marina Boulevard. The roundabout and associated reduction from four to two lanes on Sierra Point Parkway and Marina Boulevard approaching the intersection would reduce vehicle speeds and crossing distances for people walking and bicycling. These would enhance the comfort and safety for people walking and bicycling within Sierra Point and thus encourage the replacement of vehicle trips with walking and bicycling trips. New Bay Trail connections would be provided through the roundabout on the north leg to connect Project 5 (Sierra Point Internal Multi-Use Pathway) with the pathway through the 9000 Marina Boulevard property to Project 4C (Sierra Point Parkway Terminus Roundabout). Class 1 trail crossings would include features that meet the design standards outlined in the Brisbane Baylands Transportation Impact Study: Supplemental Design Guidelines, which are based on Caltrans and Bay Trail standards.

KEY INFORMATION

TIF District
Sierra Point

Location
Sierra Point Parkway and Marina Boulevard (East)

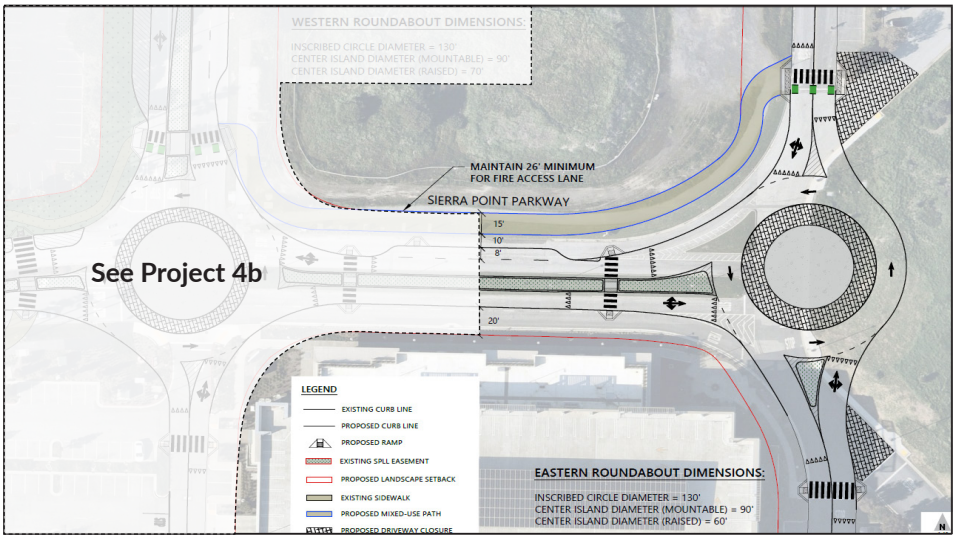
Total Project Cost Estimate
$ 2,000,000

Assumed TIF Contribution*
$ 2,000,000 - Sierra Point

* Allocation of assumed TIF contribution is based on growth in traffic volumes.

4c Sierra Point Parkway Terminus Roundabout

SIERRA PT



Source: Fehr & Peers, 2024

PROJECT DESCRIPTION

The Sierra Point Sub-Area includes operational and safety improvements to the terminus of the Sierra Point Parkway at the Brisbane Marina driveways to support the increase in multi-modal travel associated with the increased density of Sierra Point and facilitate vehicle access to 9000 Marina Boulevard. The project includes the installation of a single-lane roundabout to replace the existing all-way stop sign with right-turn channelized slip lanes. The roundabout, reduction from four to two lanes on Sierra Point Parkway, and reconfiguration of driveway access into the Brisbane Marina would simplify vehicle access while allowing vehicles to use the roundabout to access the proposed driveway and loading zones for 9000 Marina Boulevard. Reduced crossing distances for people walking and bicycling and a designated Class 1 connection would provide continuous access all the way from the Sierra Point Gateway to the Brisbane Marina and Bay Trail segment. These would enhance the comfort and safety for people walking and bicycling throughout Sierra Point and thus encourage the replacement of vehicle trips with walking and bicycling trips. Class 1 trail crossings would include features that meet the design standards outlined in the *Brisbane Baylands Transportation Impact Study: Supplemental Design Guidelines,* which are based on Caltrans and Bay Trail standards.

KEY INFORMATION

TIF District
Sierra Point

Location
Sierra Point Parkway at Brisbane Marina

Total Project Cost Estimate
$ 2,000,000

Assumed TIF Contribution*
$ 2,000,000 - Sierra Point

* Allocation of assumed TIF contribution is based on growth in traffic volumes.

4d Sierra Point Internal Multi-Use Pathway

SIERRA PT

KEY INFORMATION

TIF District
Sierra Point

Location
Sierra Point District

Total Project Cost Estimate
$ 4,000,000

Assumed TIF Contribution*
$ 4,000,000 - Sierra Point

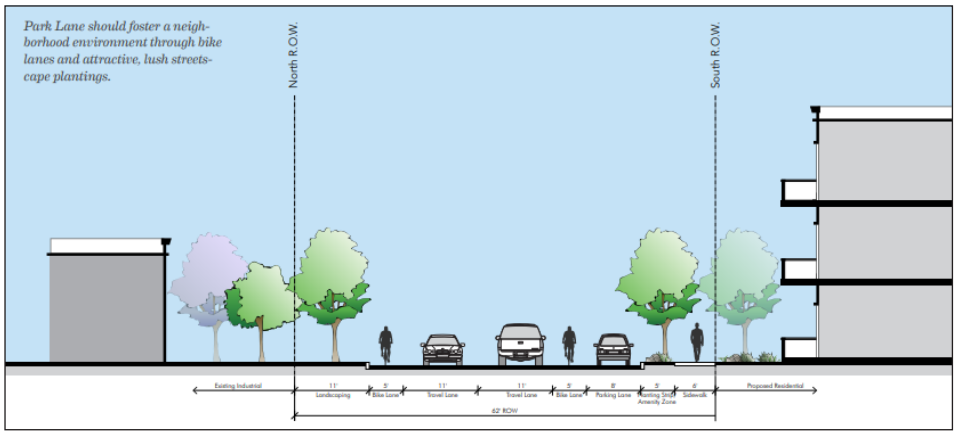
* Allocation of assumed TIF contribution is based on growth in traffic volumes.

PROJECT DESCRIPTION

The Sierra Point Sub-Area includes safety improvements to connect other proposed Class 1 pathways to provide a complete internal network for multi-modal travel in support of the increased density of Sierra Point. This project includes the installation of a class 1 pathway around the central parcel of Sierra Point Parkway in coordination with the Sierra Point Towers project and high-visibility crosswalks with crossing enhancements consistent with those outlined in the *Brisbane Baylands Transportation Impact Study: Supplemental Design Guideline*s. This would enhance the comfort and safety for people walking and bicycling throughout Sierra Point and thus encourage the replacement of vehicle trips with walking and bicycling trips.

5 Parkside Precise Plan: Park Lane

WEST BRISBANE



Source: Parkside Precise Plan (2017), City of Brisbane

PROJECT DESCRIPTION

Implement Park Lane street section of the Parkside Precise Plan to accommodate land use changes:

- Maintain established street alignments.
- Within existing public rights-of-way, narrow the travel lanes and medians to allow excess width to be converted into bike lanes and/or sidewalks according to figure above
- Maintain existing curb edges and stormwater flowlines unless otherwise authorized by the City Engineer.
- Add bulb-outs along parking lanes. Landscaping bulbs in the parking lane may be considered at key locations if the adjacent parkway does not provide sufficient width for appropriate landscaping.
- Plant trees in the Brisbane Approved Street Tree List along all roadways to help articulate the street edge and open areas, provide pedestrians with a buffer from motorized traffic, and offer shade and wind protection along sidewalks and pathways
- Require a clear, unobstructed contiguous, minimum eight-foot-wide ADA accessible boarding and unboarding area at all transit shelters

KEY INFORMATION

TIF District
West Brisbane

Location
Park Lane between 145 Park Lane and Old County Road

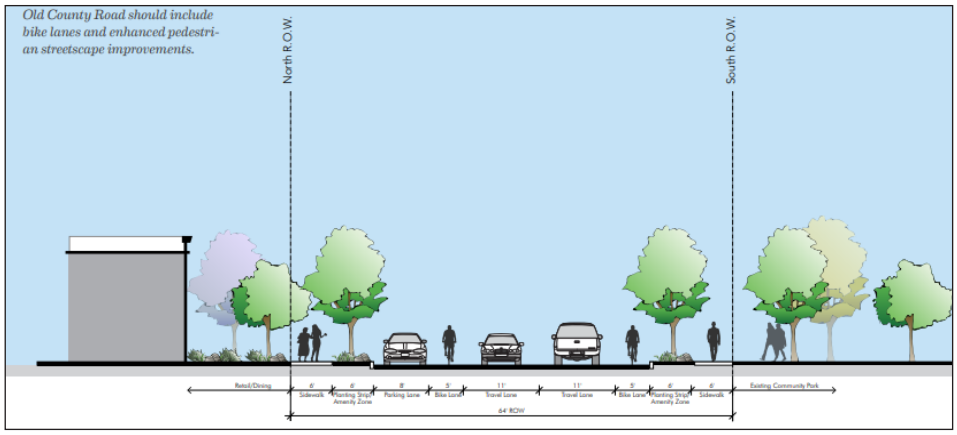
Total Project Cost Estimate
$ 1,200,000

Assumed TIF Contribution*
$ 1,200,000 - West Brisbane

* Allocation of assumed TIF contribution is based on growth in traffic volumes.

6 Parkside Precise Plan: Old County Road

WEST BRISBANE



Source: Parkside Precise Plan (2017), City of Brisbane

PROJECT DESCRIPTION

Implement Old County Road street section of the Parkside Precise Plan to accommodate land use changes:

- Maintain established street alignments.
- Within existing public rights-of-way, narrow the travel lanes and medians to allow excess width to be converted into bike lanes and/or sidewalks according to figure above
- Maintain existing curb edges and stormwater flowlines unless otherwise authorized by the City Engineer.
- Add bulb-outs along parking lanes. Landscaping bulbs in the parking lane may be considered at key locations if the adjacent parkway does not provide sufficient width for appropriate landscaping.
- Plant trees in the Brisbane Approved Street Tree List along all roadways to help articulate the street edge and open areas, provide pedestrians with a buffer from motorized traffic, and offer shade and wind protection along sidewalks and pathways
- Require a clear, unobstructed contiguous, minimum eight-foot-wide ADA accessible boarding and unboarding area at all transit shelters

The Class II Bicycle Lanes are planned to be included in an upcoming repaving project, and therefore will be removed from the total cost (~$80,000).

KEY INFORMATION

TIF District
West Brisbane

Location
Old County Rd between San Francisco Ave and Bayshore Blvd

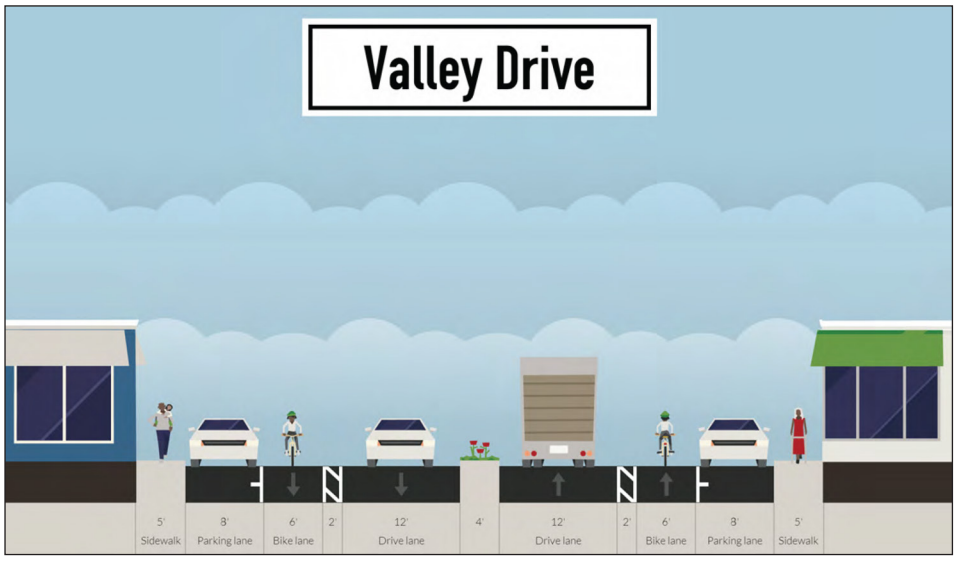
Total Project Cost Estimate
$ 100,000

Assumed TIF Contribution*
$ 100,000 - West Brisbane

* Allocation of assumed TIF contribution is based on growth in traffic volumes.

7 Valley Drive Improvements

WEST BRISBANE



Source: Crocker Park Technical Assistance Panel (2014), City of Brisbane

PROJECT DESCRIPTION

Implement Valley Drive bicycle and pedestrian improvements per the 2017 Bicycle and Pedestrian Master Plan and the findings from the Crocker Park Technical Assistance Panel. Improvements include the following:

- Install Class II bike lanes from Bayshore Blvd to Silverspot Dr
- Extend existing median islands and pedestrian cages at Crocker Trail and City Hall
- Add median islands, pedestrian cages, and yield teeth at two existing locations

KEY INFORMATION

TIF District
West Brisbane

Location
Valley Drive from Bayshore Blvd to Silverspot Dr

Total Project Cost Estimate
$ 3,000,000

Assumed TIF Contribution*
$ 3,000,000 - West Brisbane

* Allocation of assumed TIF contribution is based on growth in traffic volumes.

Attachment B:
Updating Fees with Future Candlestick Interchange Cost Estimate

The Candlestick Interchange represents the largest project cost of the projects included in this TIF. Since the cost estimate for the Candlestick Interchange project will likely be updated in the future, this report also provides the fee calculations for each land use category and TIF district exclusive of the Candlestick Interchange project. This information can serve as the basis from which to calculate a revised maximum fee rate with an updated cost estimate for the Candlestick Interchange.

Table 9 presents the maximum fee rates for each land use category and TIF district, exclusive of the Candlestick Interchange Project. These fee rates are significantly lower than those presented in **Table 8** because they exclude the Candlestick Interchange project, which represents the largest cost of the projects included in this TIF.

Table 9: Maximum Fee Calculations Without the Candlestick Interchange Project

Land Use Category	Baylands	Sierra Point	West Brisbane
Residential (Dwelling Unit)	$274.94	-	$6,935.87
Office (SF)	$0.50	$7.73	-
Retail (SF)	$4.93	-	-
Hotel (Room)	$393.48	$5,348.77	-
Warehouse/Quarry (SF)	-	-	$2.99
Life Science (SF)	-	$7.73	-

Source: Fehr & Peers

Should the City of Brisbane include an updated cost estimate for the Candlestick Interchange project in the TIF, the fees for all TIF districts will need to be revised since the costs for the Candlestick Interchange are distributed across all TIF districts.

To update the maximum fee values, use the values in **Table 9** to perform the following calculations:

1. **Determine each TIF District's share of Candlestick Interchange costs**: allocate the total cost (i.e., dollar value) of the Candlestick Interchange project to each Brisbane TIF district (Baylands, Sierra Point, West Brisbane).
2. **Calculate the percentage of growth**: Calculate the percentage of growth (e.g., ratio) for each TIF district that results from adding the fees for the Candlestick Interchange in Step 1 to the baseline total costs for each TIF district below. These values would replace the values presented in **Table 7**, and sum to the total cost for all projects excluding the Candlestick Interchange.
    - Baylands: $4,644,004
    - Sierra Point: $9,260,278
    - West Brisbane: $14,929,824

Calculate the percentage growth as:

$$\frac{New\ Total\ Cost - Baseline\ Total\ Cost}{Baseline\ Total\ Cost} \times 100$$

3. **Adjust all fee categories in each TIF district**: Apply the percentage of growth for each TIF district in Step 2 to all fee categories in the TIF district. For each fee category in the table (e.g., Residential, Office), apply the percentage growth calculated in Step 2. Multiply each fee by:

$$(1 + Percentage\ Growth)$$

Example: If the percentage growth is 10%, a $100 fee would increase to $110.

As previously stated, the fees described in this report reflect maximum fees the City could adopt as part of the TIF. The City may choose to adopt fee amounts that are less than the maximum fees shown in this report; this may require additional funding sources to cover the costs for the projects in this nexus study.

CITY OF BRISBANE

Public Facilities Impact Fee Study
Final Report

October 10, 2025

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Executive Summary

The City of Brisbane retained NBS Government Finance Group to prepare this study to analyze the impacts of new development on several types of City capital facilities and to calculate impact fees based on that analysis. The methods used in this study satisfy all legal requirements of the U. S. Constitution, the California Constitution and the California Mitigation Fee Act (Government Code Sections 66000 *et seq*.).

Organization of the Report

Chapter 1 of this report provides an overview of the legal requirements for establishing and imposing such fees, and methods that can be used to calculate impact fees.

Chapter 2 contains data on existing and future development used in this report.

Chapters 3 through 6 analyze the impacts of development on specific types of facilities and calculate impact fees for those facilities. The facilities addressed in this report are listed by chapter below:

Chapter 3. Library
Chapter 4. General Government Facilities
Chapter 5. Police Department Facilities and Vehicles
Chapter 6. Fire Department Facilities, Apparatus and Vehicles

Chapter 7 contains recommendations for adopting and implementing impact fees.

Development Data

Chapter 2 of this report presents estimates of existing development in Brisbane and a forecast of future development through buildout. Chapter 2 also establishes values for factors such as population per unit, service population per unit, and police and fire calls per unit that are used in the impact fee calculations.

It is important to note that because of some provisions of AB 602 that were incorporated into the Mitigation Fee Act, effective in 2022, impact fee categories for residential development in this study are defined in terms of unit-size categories, broken down by square footage ranges. Prior to the adoption of AB 602 it was common practice to base residential impact fees on unit type categories (e.g., single-family or multi-family units).

Impact Fee Analysis

The impact fee analysis for each type of facility addressed in this report is presented in a separate chapter. In each case, the relationship, or nexus, between development and the need for a particular type of facility is defined in a way that allows the impact of additional development on facility needs to be quantified.

The impact fees are based on capital costs for facilities and other capital assets needed to mitigate the impacts of additional development. Impact fees may not be used for maintenance or operating costs. Impact fees calculated in this study are intended to recover only new development's proportionate share of the cost of facilities. Costs for correcting existing deficiencies in City facilities must be funded by non-impact fee funds.

The following paragraphs briefly discuss the methods used to calculate impact fees for each of the facility types addressed in this study.

Library. Impact fees for library facilities in Chapter 3 are calculated using the existing inventory method discussed in Chapter 1, which means that the library impact fees are based on the existing level of service for those facilities in Brisbane. The existing level of service is defined as the replacement value of existing library facilities per capita of existing population.

To calculate that cost per capita, the estimated replacement cost for the existing library is divided by the existing population. That cost per capita is then multiplied by the estimated population per unit for each type of residential development defined in this study to get an impact fee per unit for each type of residential development. Because added population is associated with new residential development, the library impact fees apply only to residential development.

General Government. Impact fees general government facilities in Chapter 4 are calculated using the existing inventory method discussed in Chapter 1, which means that impact fees for general government facilities are based on the existing level of service for those facilities in Brisbane. The impact of development on the need for those facilities is represented by the added service population associated with new development in the City. The existing level of service is defined as the replacement cost of existing facilities per capita of existing service population.

To calculate that cost per capita, the estimated replacement cost for existing general government facilities is divided by the existing service population. That cost per capita is then multiplied by the estimated service population per unit for each type of development defined in this study to get an impact fee per unit for each type of development.

Police Facilities and Vehicles. The police impact fees in Chapter 5 are calculated using the existing inventory method discussed in Chapter 1, which means that impact fees for police facilities and vehicles are based on the existing level of service for those assets in Brisbane. The existing level of service is based on the replacement cost of the Police Department's existing capital assets. The impact of development on the need for those assets is represented by the added calls for service per year associated with various types of new development in the City. The replacement cost of existing Police Department capital assets is divided by the existing calls for service per year to get a cost per call for service per year.

As part of this study, NBS analyzed the distribution of Police Department calls for service for a full year to determine the average number of calls per unit per year generated by different types of development. The impact fees are calculated as the cost per call for service multiplied by the calls per unit per year associated with each type of development defined in this study. The police impact fees apply to all types of new development in the City.

Fire Station. Unlike the other impact fees calculated in this study, which use the existing inventory method, the fire impact fees in Chapter 6 are calculated using the planned facilities method. That method bases the impact fees on a forecast of future development to buildout along with the estimated cost of additional facilities, apparatus and vehicles needed to serve that future development.

The impact of new development on Fire Department facilities, apparatus and vehicles is represented in this study by the number of Fire Department calls for service per year generated by development in the City. As part of this study, NBS analyzed the distribution of fire calls for service for a full year to determine the average number of calls per unit per year generated by different types of development.

A cost per call for service per year is calculated by dividing the estimated cost of planned new Fire Department facilities, apparatus and vehicles by the projected number of calls for service per year generated by new development in the City to buildout. Then, an impact fee per unit is calculated by multiplying that cost per call by the number of calls for service per unit per year generated by each category of development defined in this study.

The reason that the fire impact fees are calculated using the system plan method is that the projected revenue from those fees is exactly equal to the cost of the new assets. In this case, impact fees calculated by either the existing inventory method or the system plan method would result in projected impact fee revenue that would exceed the cost of the new assets needed to serve future development.

Impact Fee Summary

Table S.1 shows the impact fees calculated in this report. Blank areas in the table indicate that some impact fees are not calculated for non-residential development.

Table S.1: Summary of Proposed Impact Fees

Development Type	Units [1]	Library	General Gov't	Police	Fire	**Total**
Residential <800 Sq. Ft. Unit	DU	$ 1,944	$ 3,708	$ 395	$ 2,611	**$ 8,658**
Residential 800-1,200 Sq. Ft. Unit	DU	$ 3,791	$ 7,230	$ 621	$ 3,046	**$ 14,688**
Residential 1,200-2,100 Sq. Ft. Unit	DU	$ 5,734	$ 10,938	$ 847	$ 3,482	**$ 21,001**
Residential >2,100 Sq. Ft. Unit	DU	$ 7,678	$ 14,646	$ 1,073	$ 3,917	**$ 27,314**
Commercial	KSF		$ 3,795	$ 9,657	$ 5,566	**$ 19,018**
Hotel/Motel	Room		$ 2,201	$ 2,452	$ 2,305	**$ 6,959**
Office	KSF		$ 3,804	$ 186	$ 479	**$ 4,469**
Life Science/R&D	KSF		$ 3,369	$ 327	$ 1,523	**$ 5,220**
Industrial	KSF		$ 2,358	$ 2,811	$ 392	**$ 5,561**
Warehouse	KSF		$ 1,179	$ 570	$ 740	**$ 2,489**

[1] DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

Because Brisbane has no existing impact fees, there is no need to compare the proposed impact fees with any existing impact fees.

The impact fees calculated in this report are the maximum amounts justified based on the data used to support the calculations. The City Council may choose to adopt impact any of the proposed impact fees at any level up to the amounts shown in Table S.1.

Findings

As discussed in Chapter 1 of this report, the Mitigation Fee Act (Govt. Code Section 66001) requires that in any action establishing, increasing, or imposing a fee as a condition of development approval, the local agency must do all of the following:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put (a capital improvement plan is now required for that purpose).
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development on which the fee is imposed.
5. When the fee is imposed as a condition of approval on a development project, determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

In addition, as discussed in Chapter 2, we recommend that the City Council adopt the following findings pursuant to Government Code Section 66016.5(a)(5)(B) to justify the use of tiered square footage ranges for residential development in this study rather than a fixed fee-per-square-foot approach:

1. A fixed fee-per-square-foot approach would not reflect the actual impact of different-sized residential units on the facilities addressed in this study and would not meet the rough proportionality standard set forth in *Dolan v. Tigard*.
2. The use of tiered square footage ranges rather than a fixed fee per square foot approach better reflects the relationship between the fees charged and the actual burden imposed by various types of development.
3. Calculating impact fees for tiered square footage ranges rather than a fixed fee per square foot still ensures that smaller developments are not charged disproportionate fees because that approach allows the impact fees to be tailored to the actual impacts created by smaller developments, while protecting larger units from excessive fees.

Chapter 1. Introduction

Purpose

The purpose of this study is to analyze the impacts of development on the need for certain capital facilities and other capital assets provided by the City of Brisbane and to calculate impact fees based on that analysis. This report documents the approach, data and methodology used in this study to calculate impact fees.

The impact fees calculated in this report are intended to satisfy all legal requirements governing such fees, including provisions of the U. S. Constitution, the California Constitution and the California Mitigation Fee Act (Government Code Sections 66000-66025).

Legal Framework for Impact Fees

This brief summary of the legal framework for development fees is intended as a general overview. It was not prepared by an attorney and should not be treated as legal advice.

U. S. Constitution. Like all land use regulations, development exactions, including impact fees, are subject to the 5th Amendment prohibition on taking of private property for public use without just compensation. Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against "regulatory takings." A regulatory taking occurs when regulations unreasonably deprive landowners of property rights protected by the Constitution.

In two cases dealing with exactions, the U. S. Supreme Court has held that when a government agency requires the dedication of land or an interest in land as a condition of development approval or imposes exactions as a condition of approval on a development project, the agency must demonstrate an "essential nexus" between such exactions and the interest being protected (See *Nollan v. California Coastal Commission,* 1987) and make an "individualized determination" that the exaction imposed is "roughly proportional" to the burden created by development (See *Dolan v. City of Tigard,* 1994). In April 2024, the U. S. Supreme Court ruled that Impact fees, even legislatively adopted impact fees, are subject to *Nollan* and *Dolan*.

Defining "Nexus." The nexus required to justify exactions and impact fees can be thought of as having the three elements discussed below. We think proportionality is logically included as one element of that nexus, even though it was discussed separately in *Dolan v. Tigard.* The elements of the nexus discussed below mirror the three "reasonable relationship" findings required by the Mitigation Fee Act for establishment and imposition of impact fees.

1. Need or Impact**.** An agency imposing impact fees must demonstrate that a development project subject to those fees will create a need for the facilities to be funded by the impact fees. All new development in a community creates additional demands on some or all public facilities provided by local government. If the capacity of facilities is not increased to satisfy the additional demand, the quality or availability of public services for the entire community will deteriorate.

Impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is related to the development project subject to the fees.

The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate impacts created by the development projects upon which they are imposed. In this study, the impact of development on facility needs is analyzed in terms of quantifiable relationships between various types of development and the demand for public facilities based on applicable level-of-service standards. This report contains all of the information needed to demonstrate compliance with this element of the nexus.

2. Benefit. An agency imposing impact fees must demonstrate that a development project subject to those fees will benefit from the facilities funded by the impact fees. With respect to the benefit relationship, the most basic requirement is that facilities funded by impact fees be available to serve the development paying the fees. A sufficient benefit relationship also requires that impact fee revenues be segregated from other funds and expended in a timely manner on the facilities for which the fees were charged. Nothing in the U.S. Constitution or California law requires that facilities paid for with impact fee revenues be available exclusively to development projects paying the fees.

Procedures for earmarking and expenditure of fee revenues are mandated by the Mitigation Fee Act, as are procedures to ensure that the fees are either expended in a timely manner or refunded. Those requirements are intended to ensure that developments benefit from the impact fees they are required to pay. Thus, over time, procedural issues as well as substantive issues can come into play with respect to the benefit element of the nexus.

3. Proportionality. An agency imposing impact fees must demonstrate that the amount of those fees is proportional to the impact created by development projects subject to the fees. Proportionality in impact fees depends on properly identifying development-related facility costs and calculating the fees in such a way that those costs are allocated in proportion to the facility needs created by different types and amounts of development. The section on impact fee methodology, below, describes methods used to allocate facility costs and calculate impact fees that meet the proportionality standard.

California Constitution. The California Constitution grants broad police power to local governments, including the authority to regulate land use and development. That police power is the source of authority for local governments in California to impose impact fees on development. Some impact fees have been challenged on grounds that they are special taxes imposed without voter approval in violation of Article XIIIA. Impact fees calculated in this report do not exceed the cost of providing facilities needed to serve new development and, thus, are not special taxes requiring voter approval pursuant to Article XIIIA.

Articles XIIIC and XIIID, added to the California Constitution by Proposition 218 in 1996, require voter approval for some "property-related fees," but exempt "the imposition of fees or charges, as a condition of property development." Thus, impact fees are exempt from those requirements.

The Mitigation Fee Act. California's impact fee statute originated in Assembly Bill 1600 during the 1987 session of the Legislature and took effect in January 1989. AB 1600 added several

sections to the Government Code, beginning with Section 66000. Since that time, the impact fee statute has been amended from time to time, and in 1997 was officially titled the "Mitigation Fee Act." Unless otherwise noted, code sections referenced in this report are from the Government Code.

The Mitigation Fee Act does not limit the types of capital improvements for which impact fees may be charged. It defines public facilities very broadly to include "public improvements, public services and community amenities." Although the issue is not specifically addressed in the Mitigation Fee Act, both case law and statute (see Government Code Section 65913.8) clarify that impact fees may not be used to pay for ongoing maintenance or operating costs. Consequently, the fees calculated in this report are based on the cost of capital assets only.

The Mitigation Fee Act does not use the term "mitigation fee" except in its official title. Nor does it use the common term "impact fee." The Act simply uses the word "fee," which is defined as "a monetary exaction, other than a tax or special assessment…that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project …."

To avoid confusion with other types of fees, this report uses the widely accepted term "impact fee" which should be understood to mean "fee" as defined in the Mitigation Fee Act.

The Mitigation Fee Act contains requirements for establishing, increasing and imposing impact fees. They are summarized below. It also contains provisions that govern the collection and expenditure of fees and requires annual reports and periodic re-evaluation of impact fee programs. Those administrative requirements are discussed in the implementation chapter of this report.

Required Findings**.** Section 66001 (a) requires that an agency establishing, increasing or imposing impact fees, must make findings to:

1. Identify the purpose of the fee
2. Identify the use of the fee; and
3. Determine that there is a reasonable relationship between the use of the fee and the development type on which it is imposed
4. Determine that there is a reasonable relationship between the need for the facility and the type of development on which the fee is imposed

In addition, Section 66001 (b) requires that in any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

The requirements outlined above are discussed in more detail below.

Identifying the Purpose of the Fees. The broad purpose of impact fees is to protect public health, safety and general welfare by providing for adequate public facilities. The specific purpose of the

fees calculated in this study is to fund acquisition or construction of certain capital assets that will be needed to mitigate the impacts of planned new development on District facilities, and to maintain an acceptable level of public services as the District grows.

This report recommends that findings regarding the purpose of an impact fee should define the purpose broadly, as providing for the funding of adequate public facilities to serve additional development.

Identifying the Use of the Fees. According to Section 66001(a)(2), if a fee is used to finance public facilities, those facilities must be identified. A capital improvement plan may be used for that purpose but is not mandatory if the facilities are identified in a General Plan, a Specific Plan, or in other public documents. Section 66002 (b) requires that if a capital improvement plan is used to identify the facilities, it must be updated annually.

However, a new provision in Section 66016.5(a)(6), which was added by AB 602 in 2021, requires that large jurisdictions adopt a capital improvement plan as part of an impact fee study. That requirement applies to impact fee nexus studies adopted after January 1, 2022. "Large jurisdiction" means a county of 250,000 or more or any city within that county. Section 66002 (a) states that the capital improvement plan shall indicate the approximate location, size, time of availability and estimates of cost for all facilities or improvements to be financed with the fees. That amendments contained in AB 602 appears to override the original language of Section 66001(a)(2), so that a capital improvement plan (CIP) is no longer optional. A CIP is now required for all new impact fee nexus studies adopted by large jurisdictions. The annual update requirement for the CIP appears to remain in effect.

Reasonable Relationship Requirement. As discussed above, Section 66001 requires that, for fees subject to its provisions, a "reasonable relationship" must be demonstrated between:

5. the use of the fee and the type of development on which it is imposed;
6. the need for a public facility and the type of development on which a fee is imposed; and,
7. the amount of the fee and the facility cost attributable to the development on which the fee is imposed.

Development Agreements and Reimbursement Agreements. The requirements of the Mitigation Fee Act do not apply to fees collected under development agreements (see Govt. Code Section 66000) or reimbursement agreements (see Govt. Code Section 66003). The same is true of fees in lieu of park land dedication imposed under the Quimby Act (see Govt. Code Section 66477).

Existing Deficiencies. In 2006, Section 66001(g) was added to the Mitigation Fee Act (by AB 2751) to clarify that impact fees "shall not include costs attributable to existing deficiencies in public facilities…" The legislature's intent in adopting this amendment, as stated in the bill, was to codify the holdings of *Bixel v. City of Los Angeles* (1989), *Rohn v. City of Visalia* (1989), and *Shapell Industries Inc. v. Governing Board* (1991).

Section 66001(g) also states that impact fees "may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to *(1)*

refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan." (Emphasis added.)

Impact Fees for Existing Facilities. Impact fees may be used to recover costs for existing facilities to the extent that those facilities are needed to serve additional development and have the capacity to do so. In other words, it must be possible to show that fees used to pay for existing facilities meet the need and benefit elements of the nexus. As a practical matter, such fees are difficult to implement unless the fees are needed to repay outstanding debt related to the facilities in question.

Recent Legislation

Several new laws enacted by the State of California since 2019 to facilitate development of affordable housing bear on the implementation of impact fees calculated in this study. Below are brief overviews of some key bills passed since 2019.

SB 330 – The Housing Crisis Act of 2019. SB 330 (amended and clarified in 2021 by SB 8) contained a variety of amendments designed to promote affordable housing. Among them was a provision in Government Code Section 65589.5 that prohibits the imposition of new approval requirements on a housing development project once a preliminary application has been submitted. That provision applies to increases in impact fees except when the resolution or ordinance establishing the fee authorizes automatic, inflationary adjustments to the fee or exaction. These provisions will remain in effect until January 1, 2030.

AB 1483 – Housing Data: Collection and Reporting (2019). AB 1483 added Section 65490.1 to the Government Code, and requires that a city, county or special district must post on its website a current schedule of its fees and exactions, as well as associated nexus studies and annual reports. Updates must be posted within 30 days.

SB 13 – Accessory Dwelling Units (2019). SB 13 amended Government Code Section 65852.2 to prohibit the imposition of impact fees on accessory dwelling units (ADUs) smaller than 750 square feet and to require that impact fees for ADUs of 750 square feet or more must be proportional to the square footage of the primary dwelling unit. The proportionality requirement means that impact fees for ADUs of 750 square feet or more must be calculated on a case-by-case basis during the approval process.

Existing law requires a water or sewer connection fee or capacity charge for an accessory dwelling unit requiring a new or separate utility connection to be based on either the accessory dwelling unit's size or the number of its plumbing fixtures. SB 13 revises the basis for calculating the connection fee or capacity charge to either the accessory dwelling unit's square feet or the number of its drainage fixture units.

AB 602 – Amendments to the Planning and Land Use Law and the Mitigation Fee Act (2021). AB 602 adds Section 65940.1 to the Planning and Land Use Law requiring cities, counties and special districts that have internet websites to post schedules of fees, exactions and affordability requirements, annual fee reports, and an archive of nexus studies on that website, and to update that information within 30 days after any changes.

AB 602 also adds Section 66016.5 to the Mitigation Fee Act imposing several new requirements for impact fees that went into effect in 2022, including:

- A nexus study must identify the existing level of service for each facility, identify the proposed new level of service (if any), and explain why the new level of service is appropriate.
- If a nexus study supports an increase in an existing fee the local agency shall review the assumptions of the nexus study supporting the original fee and evaluate the amount of the fees collected under the original fee.
- Large jurisdictions (counties over 250,000 and cities within those counties) must adopt a capital improvement plan as part of the nexus study.
- All impact fee nexus studies shall be adopted at a public hearing with at least 30 days' notice, and the local agency shall notify any member of the public that requests notice of intent to begin and impact fee nexus study of the date of the hearing.
- Nexus studies shall be updated at least every eight years, from the period beginning on January 1, 2022.
- A nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of proposed units in the development. A nexus study is not required to comply with this requirement if the local agency makes certain findings specified in the law. A local agency that imposes a fee proportionately to the square footage of units in the development shall be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development.
- Authorizes any member of the public, including an applicant for a development project, to submit evidence that impact fees proposed by an agency fail to comply with the Mitigation Fee Act, and requires the legislative body of the agency to consider such evidence and adjust the proposed fee if deemed necessary.

AB 516 – Amendments to the Mitigation Fee Act (2023). AB 516, which took effect on January 1, 2024, amends Government Code Section 66006 to add certain requirements to the annual reports mandated by that section. Specifically, Section 66006 now requires that:

- Annual reports indicate whether construction on public improvements identified in previous annual reports began on the approximate date shown in the previous annual report; and,
- If a project failed to start construction on schedule, the annual report must explain the reason for the delay and provide a revised approximate date when construction will begin.

AB 516 also amends Section 66023 to provide that when a person requests an audit of a fee or charge levied by a local agency, that audit may address when revenue generated by that fee or charge is scheduled to be expended, and when the public improvement to be funded by that fee

or charge is scheduled to be completed. Prior to this amendment, the only stated purpose of such an audit was to determine whether such a fee or charge exceeds the amount reasonably necessary to cover the cost of any product, public facility or service provided by the local agency.

Impact Fee Calculation Methodology

The methods used to calculate impact fees in this study are designed to comply with all of the legal requirements discussed earlier in this chapter. Any one of several legitimate methods may be used to calculate impact fees. The choice of a particular method depends primarily on the service characteristics of, and planning requirements for, the type of facility being addressed. To some extent those methods are interchangeable, because they all allocate facility costs in proportion to the needs created by development.

Allocating facility costs to various types and amounts of development is central to all methods of impact fee calculation. Costs are allocated by means of formulas that quantify the relationship between development and the need for facilities. In a cost allocation formula, the impact of development is represented by some attribute of development such as added population or added vehicle trips that represent the impacts created by different types and amounts of development.

Although it is not mandatory, this study adopts the nomenclature used in the Impact Fee Nexus Study Templates prepared by the Terner Center for Housing Innovation at UC Berkeley to describe impact fee calculation methods. Those templates were prepared for The California Department of Housing and Community Development pursuant to Section 50466.5 of the Health and Safety Code and are cited in AB 602.

Planned Facility Method. With this method, impact fees are calculated so that new development will pay for the planned expansion of facilities at the future standard attributable to new development. To calculate the cost per unit of demand, the cost of planned facilities is divided by the amount of demand that will be created by new development. The impact fees depend on the cost of planned future facilities and a plan for future development, so the fees should be recalculated if facility plans or development plans change.

Existing Inventory Method. With this method, impact fees are calculated so that new development will fund expansion of facilities at the same standard currently used to serve existing development. To calculate the cost per unit of demand, the value of existing facilities is divided by the amount of demand associated with existing development. This method allows impact fees to be calculated without a list of planned facilities, but such a list is required by AB 602 as part of a Capital Improvement Plan that must be adopted with any new impact fee nexus study. This approach can be used to calculate impact fees for many types of public facilities but is usually not appropriate for facilities such as transportation improvements or water, wastewater or drainage systems where improvement needs must be determined by engineering analysis.

System Plan Method. With this method, impact fees are calculated so that new development pays for its share of the cost of an integrated system of facilities at the future standard attributable to new development. To calculate the cost per unit of demand, the value of existing

facilities plus the cost of planned facilities is divided by the combined demand associated with both existing development and planned development. This approach is especially appropriate for impact fees for fire protection and EMS facilities because new facilities must be planned to integrate geographically with existing facilities.

Impact Fees for Accessory Dwelling Units (ADUs)

SB 477, enacted in 2024, relocated and consolidated California's ADU laws into a new Government Code Chapter (Chapter 13, Division 1, Title 7). Recent amendments to ADU law provide that impact fees may not be imposed on ADUs smaller than 750 square feet and establish the following requirement for impact fees imposed on ADUs of 750 square feet or more:

> "Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit."

The proportionality requirement depends on the square footage of both the primary unit and the ADU, which necessitates that impact fees for ADUs be calculated on a case-by-case basis. Consequently, this report does not calculate a schedule of impact fees for ADUs. The formula for calculating proportional ADU impact fees is:

Primary unit impact fee X (ADU square feet / Primary unit square feet)

Facilities Addressed in this Study

Impact/in-lieu fees for the following types of facilities are addressed in this report:

- Libraries
- General Government Facilities
- Police Facilities and Vehicles
- Fire Department Facilities, Apparatus and Vehicles

Each of those facilities is addressed in a separate chapter of this report, beginning with Chapter 3. Chapter 2 contains data on existing and future development used in the impact fee analysis.

Chapter 2. Development Data

This chapter presents data on existing and future development that will be used to calculate impact fees in subsequent chapters of this report. The information in this chapter may be used to establish levels of service, analyze facility needs, and/or allocate the cost of capital facilities between existing and future development and among various types of new development.

Study Area

The study area for the City of Brisbane (City) in this study is the planning area defined in the City's current General Plan which was adopted in 1994. That area encompasses both the existing City and the small Sphere of Influence consisting primarily of open space.

Time Frame

Planned future development in this study is forecasted to buildout of the remaining developable land in the City. The methods used to calculate impact fees in this study do not depend on the timing of future development.

Development Types

The development types for which impact fees are calculated in this report are discussed below. Impact fees calculated in this report are intended to be applied based on actual land uses rather than zoning or general plan land use designations. For mixed use development projects, impact fees should be applied to each type of development within the project, consistent with the number of units of development of each type within the project.

Residential Development. Traditionally, impact fees for residential development are based on the type of unit, e.g., single-family, multi-family or mobile home. However, Government Code Section 66016.5(a)(5)(A) which was added to the Mitigation Fee Act by AB 602 in 2021 contains the following requirement:

> "A nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of proposed units of the development. A local agency that imposes a fee proportionately to the square footage of the proposed units of the development shall be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development"

But that requirement is not absolute. Section 66016.5(a)(5)(B) provides that a nexus study is not required to comply with Section 66016.5(a)(5)(A) if the local agency makes a finding that includes all of the following:

1. An explanation as to why square footage is not the appropriate metric to calculate fees imposed on a housing development project.
2. An explanation that an alternative basis of calculating the fee bears a reasonable relationship between the fee charged and the burden imposed by the development.
3. That other policies in the fee structure support smaller developments or otherwise ensure that smaller developments are not charged disproportionate fees.

The proportionality requirement in Section 66016.5(a)(5)(A) is often interpreted to mean that impact fees must have a linear relationship to unit square footage. That means the fees must increase by the same amount for every added square foot of unit size. Such a fee structure results in impact fees that are necessarily five times as high for a 3,000 square-foot single-family unit as for a 600 square apartment. That type of fee structure is justified only if the actual impact of a 3,000 square-foot unit is five times greater than the impact of a 600 square-foot unit.

Otherwise, the impact fees could violate the "rough proportionality" requirement set forth in the U. S. Supreme Court in *Dolan v. Tigard* [512 U. S. 374 (1994)]. The recent U. S. Supreme Court decision in *Sheetz v. County of El Dorado* [601 U. S. __ (2024)] made clear that *Dolan* applies to all impact fees, whether they are applied ad hoc or legislatively adopted.

This study uses several attributes of development, including added population, added police calls for service per year and added fire calls for service per year, to represent the impact of new development on different types of City facilities. We use those attributes to represent the demand created by various types of development for public services and the capital facilities and other capital assets needed to support those services.

What we see in analyzing patterns of service demand is that the relationship between unit size and service demand doesn't conform to a linear model. While the potential for added population may be five times as great for the largest residential units compared with the smallest units, that increase is not linear. In the real world, population per unit does not increase in a tiny increment for each added square foot. It increases in a stairstep fashion, jumping from one person to two persons to three persons per unit and so on.

It is not feasible to get specific data on police and fire calls by unit size, but in our experience, the difference in the average number of police and fire calls-per-unit-per-year generated by single-family as opposed to multi-family residential units does not justify a flat impact fee per square foot. So, a fee structure that results in large units paying five times as much as small units would appear disproportionate to the actual demand created by units of different sizes for some types of facilities.

This study breaks down residential development into tiered square-feet-per-unit ranges and calculates an impact fee for each range or category. That approach allows impact fees to be graduated by unit size while avoiding the distortions that result from a rigid, fixed fee per square foot approach, and while respecting the need for rough proportionality between the fees and the impact of development as set forth in *Dolan v. Tigard*.

Based on the foregoing discussion, we propose that the City of Brisbane City Council adopt the following findings pursuant to Government Code Section 66016.5(a)(5)(B) to justify the use of tiered square footage ranges for residential development in this study rather than a fixed fee-per-square-foot approach:

1. A fixed fee-per-square-foot approach would not reflect the actual impact of different-sized residential units on the facilities addressed in this study and would not meet the rough proportionality standard set forth in Dolan v. Tigard.

2. The use of tiered square footage ranges rather than a fixed fee per square foot approach better reflects the relationship between the fees charged and the actual burden imposed by various types of development.
3. Calculating impact fees for tiered square footage ranges rather than a fixed fee per square foot still ensures that smaller developments are not charged disproportionate fees because that approach allows the impact fees to be tailored to the actual impacts created by smaller developments, while protecting larger units from excessive fees.

As discussed above, residential development categories are defined in this study by ranges of unit sizes rather than by unit types (e.g., single-family or multi-family) as is the case for the City's existing impact fees. Unit-size ranges used to define residential development in this study are listed below.

- Residential <800 Square Feet per Unit
- Residential >800-1,200 Square Feet per Unit
- Residential <1,200-2,100 Square Feet per Unit
- Residential >2,100 Square Feet per Unit

Each of these unit-size ranges is typical of units with a certain number of bedrooms, ranging from studio and one-bedroom apartments up to single-family units with four or more bedrooms.

Non-Residential Development. Non-residential development types used in this study are:

- Commercial
- Hotel/Motel
- Office
- Life Science/R&D
- Industrial
- Warehouse

The impact fees calculated in this report are intended to be applied to development projects, or portions of projects, based on the actual type of development being constructed. Except for the Hotel/Motel category, which is measured in terms of guest rooms, the non-residential development types listed above are measured in terms of gross leasable floor area in thousands of square feet (KSF).

Public Facilities, Public Schools and Parks. In addition to the development types listed above, the development tables presented later in this chapter include public (government) facilities, public schools and parks. The City does not impose impact fees on those uses, either because of legal constraints or because it would be imposing the fees on itself, which serves no purpose. However, those uses do create measurable impacts on some services, including law enforcement and fire protection/emergency medical services, and they are included in the impact fee analysis so that the impacts associated with those exempt uses can be distinguished from demand associated with fee-paying development types.

Other types of Development. The development types for which impact fees are calculated in this study will encompass most new development in the City, but there may be some development projects that don't fit very well within any of the established fee categories. In such cases, it is possible for City staff to calculate a project-specific impact fee at the time a project is approved.

For example, to calculate a customized police impact fee, it would be necessary to estimate the number of police calls for service per year that will be generated by the project, based on the number of calls generated by similar existing uses in the City. Then, that number would be multiplied by the cost per call calculated in this study to arrive at the police impact fee for the project. Customized impact fees for other facility types could be calculated in a similar manner.

Demand Variables

To calculate impact fees, the relationship between facility needs and development must be quantified in cost allocation formulas. Certain measurable attributes of development (for example, added population) are used as "demand variables" in those formulas to represent the impact of different types of development on various types of facilities.

Demand variables are selected either because they directly measure the service demand created by various types of development, or because they are reasonably correlated with that demand.

For example, the need for parks in a community is typically defined in terms of the relationship between population and acres of parks. As population grows, more parks are needed to maintain that relationship. Logically, then, the increase in population related to new residential development is an appropriate yardstick, or demand variable, for use in measuring the impact of development on the need for additional parks.

Demand variables have specific values for each type of development defined in this study. Those values may be referred to as "demand factors." So, if the demand variable used to calculate impact fees for a particular type of facility is added population, the demand factor for a specific category of residential development would be the population per dwelling unit for that category.

Demand variables used in this study are discussed below. Specific demand factors can be found in Table 2.3.

Population. Population is used in this study as the demand variable for libraries. The need for those facilities is driven largely by the added population associated with residential development. They are not impacted substantially by non-residential development. The specific population per unit factors used in this study are shown in Table 2.1, below and in Table 2.3

Table 2.1 shows the estimated average population per unit for each residential unit-size category. The unit-size categories shown in Table 2.1 are based on the number of bedrooms per unit, as shown in American Community Survey (ACS) Table B25041, which also shows the number of units in each category. Average population per unit is assumed to increase with unit size. The estimated population per unit factors are adjusted using the overall average population per unit and total population as controls. The results are cross-checked against ACS Table B25001 which shows the mix of household sizes in the City.

Table 2.1. Population per Unit by Unit Size

Unit Size in Sq Ft [1]	No. of Bedrms	No. of Units [2]	% of Units	Pop at 2.25 per Unit [3]	Est Pop per Unit [4]	Adjusted Pop [5]
<800	0 or 1	557	26.3%	1,253	1.00	557
800-1,200	2	646	30.5%	1,454	1.95	1,260
>1,200-2,100	3	634	30.0%	1,427	2.95	1,870
>2,100	4+	279	13.2%	628	3.95	1,102
Total/Average		2,116	100.0%	4,761	2.26	4,789

[1] Estimated square-feet-per-unit ranges based on number of bedrooms

[2] Distribution of units by number of bedrooms from American Community Survey (ACS) Table B25041, 2022 1-Year estimates

[3] Population for all units in each square-footage range if all units were occupied by the overall average of 2.25 persons per unit

[4] Estimated population per unit by NBS

[5] Adjusted population = number of units X estimated population per unit

Service Population. Some types of City facilities are impacted by both residential and non-residential development so population alone does not represent all of the impacts of development on those facilities. For facilities like City Hall, where the impact of development cannot be measured by a specific demand variable such as vehicles trips or police or fire calls for service, a variable called service population is commonly used to represent the impact of development.

Service population is a composite variable that includes both residents of the City and employees of businesses in the City. Resident population is included to represent the impacts of residential development. Employees are included to represent the impacts of non-residential uses, such as commercial, office and industrial development.

Because the impact of one new resident is not necessarily the same as the impact of one new employee, various components of the service population are weighted to reflect their relative impacts on demand for certain types of facilities.

Service population is intended to approximate the number of people creating the demand for service on an average day. It is difficult to estimate that number precisely for several reasons. Some residents work in the City, some residents commute to work outside the City, and some residents don't work at paid jobs. In addition, non-residents may be pre- sent in the City for work, shopping, recreation, or any number of other reasons.

In this study, residents are assigned a weight of 1.0. Our estimate of the average number of hours per week that residents spend in the City is based in part on an analysis of Census Bureau data on how many residents work in the city and how many commute to work outside the City. In addition, we assume the average resident spends eight hours a week outside the City for activities like shopping and recreation. Census Bureau American Community Survey (ACS) data for 2022 show that about 60% of Brisbane residents aged 16 and over are employed, and that about 78% of employed residents work outside the City.

Assuming that out-commuters spend 47.5 hours a week (9.5 hours per day) outside the City for work and commuting, and that all residents spend an average of eight hours a week outside the City for shopping and recreation leads us to the conclusion that out- commuters spend an average of 112.5 (168 - 47.5 - 8 = 112.5) hours per week in the City. Assuming other residents spend 160 (168 - 8 = 160) hours per week in the City, the weighted average for all residents is 141.5 hours per week in the City. Dividing that number by 168 hours per week gives us a weight of 0.842 for all residents (population) of the City.

Service population weights for employees associated with different types of development are based on estimates of the number of hours per week businesses of a certain type are in operation. This study assumes that retail and service commercial businesses operate 12 hours a day, 7 days a week (84 hours). For professional offices, industrial uses and public facilities, that number is estimated to be 45 hours (9 hours a day, 5 days a week). The weights assigned to employees of businesses associated with various types of non- residential development are based on the hours per week of operation divided by 168 total hours per week. The hours per week for each development as well as the weighting factor for each type of development are shown in Table 2.2, below. It should be noted that since all students in the K-12 Schools category are assumed to be residents of the City, the non-residential service population weight for that category is zero.

The service population weights shown in Table 2.2 are intended to allow a balanced allocation of costs among non-residential development types.

Finally, for simplicity, all of the service population base weights are normalized by dividing them by residential base weight of 0.842 so that the normalized weight for population equals 1.0 and weight for each of the non-residential components is increased proportionately. The resulting service population weights are shown in Table 2.2. Service-population-per-unit factors based on the normalized service population weights are shown in Table 2.3.

Table 2.2: Service Population Weights

Development Type	Avg Hrs per Wk [1]	Total Hrs per Week	Base Svc Pop Weight [2]	Normalized Svc Pop Wt [3]
Residential	141.5	168.0	0.842	1.000
Commercial/Retail	84.0	168.0	0.500	0.594
Hotel/Motel	84.0	168.0	0.500	0.594
Office	45.0	168.0	0.268	0.318
Life Science/R&D	45.0	168.0	0.268	0.318
Industrial	45.0	168.0	0.268	0.318
Warehouse	45.0	168.0	0.268	0.318
Public Facilities	45.0	168.0	0.268	0.318

[1] Expected average hours per week of business operation

[2] Base service population weight = average hours per week / total hrs per week

[3] Service population weight normalized to residential service population weight = base population weight / residential base service population weight

Police Calls for Service. Demand for police services is impacted by both residential and non-residential development in the City. In this study, the number of police calls for service per unit per year is used to represent the demand for police services by various types of development. The calls-for-service factors used in this study are based on analysis by NBS of a random sample of all calls for service received by the City of Brisbane Police Department for a one-year period from April 1 2023 to March 31 2024.

During that period, the City of Brisbane Police Department logged about 15,500 calls. A random sample of 600 calls was classified by development type based on address or location. Calls that could not be associated with a particular type of development were excluded from the analysis. The percentage of sampled calls associated with each type of development defined in this study was applied to the one-year count of calls to get the number of calls generated by each type of development for the year. The number of calls for each type of development was divided by the number of existing units for that type of development to arrive at the average number of calls per unit per year for that category.

Because it is not possible to determine individual call rates for residential units by square footage in the analysis of police calls for service, the overall average calls per unit per year for all residential units is used as the midpoint in estimating calls-for-service factors for the residential unit size categories used in this study and the factors are scaled up and down from that midpoint relative to unit size. The overall range of call rates from the smallest to the largest units is adjusted for consistency with the extent of differences in call rates for single-family and multi-family units. Police calls per unit per year for each type of development defined in this study is shown in Table 2.3.

Fire Authority Calls for Service per Year. Fire protection, emergency medical response and other services are provided in the City by the North County Fire Authority (NCFA), which also serves Daly City and Pacifica. Demand for the services provided by NCFA is impacted by both residential and non-residential development. In this study, the number of calls for service per unit per year from Brisbane to NCFA is used to represent the demand for fire protection and emergency response services by various types of development in the City. The calls-for-service factors used in this study are based on analysis by NBS of a random sample of all 2023 calls for service from the City of Brisbane to NCFA.

In 2023, NCFA logged about 600 calls for service in Brisbane. As part of this study, NBS analyzed a random sample of 400 of those calls and classified them by development type based on address. Calls that could not be associated with a particular type of development were excluded from the analysis.

The percentage of sampled calls associated with each type of development defined in this study was applied to the total number of 2023 calls to get the full number of calls generated by that type of development for the year. Then, the number of calls per year was divided by the number of existing units for each type of development to arrive at the average number of calls per unit per year.

Because it is not possible to determine individual call rates for residential units by square footage in the analysis of fire calls for service, the overall average calls per unit per year for all residential units is used as the midpoint in estimating calls for service factors for the unit size categories used in this study. The factors are scaled up and down from that midpoint relative to unit size. The overall range of call rates from the smallest to the largest units is adjusted for consistency with the extent of differences in call rates for single-family and multi-family units. Fire calls-per-unit-per-year for each type of development defined in this study are shown in Table 2.3.

Demand Factors

Table 2.2 shows the values of demand factors used in this study for each type of development.

Table 2.3: Demand Factors

Development Type	Dev Units [1]	Pop per Unit [2]	Employees per Unit [3]	Svc Pop per Unit [4]	PD Calls per Unit [5]	Fire Calls per Unit [6]
Residential <800 Sq. Ft. Unit	DU	1.00		1.00	0.70	0.120
Residential 800-1,200 Sq. Ft. Unit	DU	1.95		1.95	1.10	0.140
Residential 1,200-2,100 Sq. Ft. Unit	DU	2.95		2.95	1.50	0.160
Residential >2,100 Sq. Ft. Unit	DU	3.95		3.95	1.90	0.180
Commercial	KSF		1.72	1.02	17.11	0.256
Hotel/Motel	Room		1.00	0.59	4.34	0.106
Office	KSF		3.23	1.03	0.33	0.022
Life Science/R&D	KSF		2.86	0.91	0.58	0.070
Industrial	KSF		2.00	0.64	4.98	0.018
Warehouse	KSF		1.00	0.32	1.01	0.034
Public Facilities	KSF		3.00	0.95	4.78	0.105
Public Schools	Students				1.36	0.006
Parks	Acres				72.17	0.333

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

[2] See Table 2.1

[3] Employees per unit provided by the City of Brisbane Community Development Department

[4] Service population per unit estimated based on residents and employees weighted by factors in Table 1.2

[5] Police Department calls for service per unit per year based on analysis of a random sample of all 2023 calls; calls for service rates for residential unit size categories based on the range of actual rates for single-family, multi-family and mobile home units

[6] Fire Department calls for service per unit per year based on analysis of a random sample of all 2023 calls; calls for service rates for residential unit size categories based on the range of actual rates for single-family, multi-family and mobile home units

Existing and Future Development

Tables 2.4 through 2.6, beginning on the next page, present summaries of existing and future development by development type in Brisbane. Table 2.4 shows estimated existing development as of January 1, 2024.

Table 2.4: Existing Development as of January 2024

Development Types	Dev Units [1]	Existing Units [2]	Existing Pop [2]	Existing Empl [3]	Existing Svc Pop [4]	Existing PD Calls [5]	Existing Fire Calls [6]
All Residential	DU	2,076	4,645		4,645	3,414	323
Commercial	KSF	125.1		216	128	2,140	32
Hotel/Motel	Room	387		387	230	1,681	41
Office	KSF	695.4		2,243	713	253	15
Life Science/R&D	KSF	561.0		1,603	510	358	39
Industrial	KSF	756.6		1,513	481	2,776	14
Warehouse	KSF	4,356.4		4,356	1,385	3,237	148
Public Facilities	KSF	85.3		256	81	408	9
Public Schools	Students	337				459	2
Parks	Acres	12.0				866	4
Total			**4,645**	**10,574**	**8,174**	**15,592**	**627**

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite;

[2] Existing residential units and population from the California Department of Finance (DOF) 2024 E-5 report; existing hotel/motel rooms provided by the City of Brisbane; existing non-residential units provided by the Brisbane Community Development Department

[3] Existing employees = existing units X employees per unit from Table 2.3

[4] Existing service population = existing units X service population per unit from Table 2.3

[5] Existing police department calls for service per year by development type based on analysis by NBS of a random sample of 2023 Brisbane Police Department calls for service

[6] Existing fire department calls for service per year by development type based on analysis by NBS of a random sample of 2023 Brisbane Police Department calls for service

Table 2.5, on the next page, shows projected future development in Brisbane to buildout.

Table 2.5: Forecasted Future Development to Buildout

Development Types	Dev Units [1]	Added Units [2]	Added Pop [3]	Added Empl [4]	Added Svc Pop [5]	Added PD Calls [6]	Added Fire Calls [7]
All Residential	DU	3,003	6,607		6,607	4,474	480
Commercial	KSF	140.0		241	143	2,395	36
Hotel/Motel	Room	1,408.0		1,408	836	6,116	149
Office	KSF	2,770.6		8,937	2,842	914	61
Life Science/R&D	KSF	5,366.5		15,333	4,876	3,113	376
Industrial	KSF	(69.4)		(139)	(44)	(346)	(1)
Warehouse	KSF	1,156.0		1,156	368	1,168	39
Public Facilities	KSF	121.2		364	116	579	13
Public Schools	Students	478.5				652	3
Parks	Acres	17.0				1,230	6
Total			**6,607**	**27,300**	**15,743**	**20,295**	**1,161**

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite;

[2] Added units estimated by the Brisbane Community Development Department; estimates include buildout of the Baylands Specific Plan Area; future units for Public Facilities, Public Schools and Parks assumed to increase at the same rate as population

[3] Added population assumes an average of 2.2 occupants per added residential unit

[4] Added employees = added non-residential units X employees per unit from Table 2.3

[5] Added residential service population = added population; added non-residential service population = added non-residential units X service pop per unit from Table 2.3

[6] Added Police Dept calls for service per year = added units X PD calls per unit from Table 2.3; added residential calls per year based on an average of 1.49 calls per unit

[7] Added Fire Department calls for service per year = added units X Fire calls per unit from Table 2.3; added residential calls per year based on an average of 0.16 calls per unit

Table 2.6 on the next page shows projected total development in Brisbane at buildout.

Table 2.6: Buildout Development

Development Types	Dev Units [1]	Buildout Units [2]	Buildout Pop [2]	Buildout Empl [2]	Buildout Svc Pop [2]	Buildout PD Calls [2]	Buildout Fire Calls [2]
All Residential	DU	5,079	11,252		11,252	7,888	803
Commercial	KSF	265.1		457	271	4,535	68
Hotel/Motel	Room	1,795.0		1,795	1,066	7,797	190
Office	KSF	3,466.0		11,181	3,556	1,167	76
Life Science/R&D	KSF	5,927.5		16,936	5,386	3,471	415
Industrial	KSF	687.2		1,374	437	2,430	12
Warehouse	KSF	5,512.4		5,512	1,753	4,405	187
Public Facilities	KSF	206.5		620	197	987	22
Public Schools	Students	815.5				1,111	5
Parks	Acres	29.0				2,096	10
Total			**11,252**	**37,875**	**23,917**	**35,887**	**1,789**

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite;

[2] Figures in this table = the sum of the corresponding figures from the Tables 2.4 and 2.5

The numbers presented in Tables 2.4 through 2.6 indicate that projected growth in the City between 2024 and buildout will represent large percentage increases of 142% in population and 258% in employment, mostly as a result of development in the Baylands Specific Plan Area. The impact fees calculated in this report are intended to pay for capital facilities and other capital assets needed by the City to serve that additional development.

Chapter 3. Library

This chapter calculates library impact fees for the City of Brisbane. The existing Brisbane Library is part of the San Mateo County library system. The City's existing library is located at 163 Visitacion Avenue. It was funded by a number of sources including the City's general fund, donations from library supporters, and a loan from the County.

Methodology

This chapter calculates impact fees using the existing inventory method discussed in Chapter 1. With that method, impact fees are based on the existing level of service so that the impact fees will provide the funding needed to maintain the existing level of service as the City grows.

Service Area

Brisbane's existing and future libraries will serve all residents of the City. The impact fees calculated in this chapter are intended to apply to all residential development in the City unless the fees for a project are limited by statute or established by a development agreement.

Demand Variable

A "demand variable" is a quantifiable attribute of development that is used in impact fee calculation formulas to represent the impact of development. The demand variable used to calculate impact fees for the library in this chapter is population.

Population is used for that purpose because the need for libraries is almost universally defined in terms of the population to be served. Because added population is associated with new residential development, the impact fees calculated in this chapter are intended to apply only to residential development.

Population per dwelling unit varies by development type, so the average population per unit is estimated for each residential unit size category defined in this study. Those individual population-per-unit factors are shown in Table 2.1 in Chapter 2 and are used in the library impact fee calculations in Table 3.3, later in this chapter.

Level-of-Service Standard

The level-of-service standard used in this study to calculate impact fees for libraries is the existing level of service. That level is defined as the replacement cost of the City's existing library divided by the existing population, which results in a cost per capita. To calculate an impact fee per unit, that cost per capita is multiplied by the population per unit for each residential unit size category defined in this study.

In 2021, Section 66016.5 was added to the Mitigation Fee by Act AB 602. That section requires, after January 1, 2022, that the level of service used in an impact fee study must be compared

with the existing level of service. If the level used in the impact fee study exceeds the existing level of service, an explanation is required.

Because the library impact fees calculated in this chapter are based on the existing level of service, those fees present no issue with respect to the statute.

Existing Library Facility

Table 3.1 shows key data about Brisbane's existing library, including its current replacement cost which is combined with the land value of the library site to arrive at the impact fee cost basis. The current principal balance of the loan from San Mateo County is deducted from the impact fee cost basis to reflect the City's current equity in the library.

Table 3.1: Existing Library Facilities

Facility	Building Sq Feet [1]	Site Acres [2]	Facility Repl Cost [3]	Land Value [4]	Impact Fee Cost Basis [5]
Brisbane Library	7,629	0.29	$ 8,977,520	$ 1,015,000	$ 9,992,520
Outstanding Balance on Loan from San Mateo County as of April 2025					$ (963,333)
Total					$ 9,029,187

[1] Building square feet provided by the City of Brisbane

[2] Site acres provided by the City of Brisbane

[3] 2020 construction cost provided by the City of Brisbane escalated 38% to 2024 cost using the California Construction Cost Index

[4] Land value based on $3,500,000 per acre

[5] Impact fee cost basis = facility replacement cost + land value

Table 3.2 divides the City's net impact fee cost basis for the library by the City's existing population to calculate the existing level of service in terms of a cost per capita.

Table 3.2: Library Existing Level of Service

Impact Fee Cost Basis [1]	Existing Population [2]	Cost per Capita [3]
$9,029,187	4,645	$1,943.85

[1] See Table 3.1

[2] See Table 2.4

[3] Cost per capita = impact fee cost basis / existing population

In the next section, the cost per capita from Table 3.2 is used to calculate library impact fees per unit for each residential unit size range defined in this study.

Impact Fees per Unit

Table 3.3 shows the calculation of library impact fees per unit of residential development by unit size category. Those fees are calculated using the per-capita cost from Table 3.2 and population per unit factors from Table 2.1.

Table 3.3: Impact Fees per Unit - Library

Development Type	Units [1]	Cost per Capita [2]	Population per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$1,943.85	1.00	$ 1,943.85
Residential 800-1,200 Sq. Ft. Unit	DU	$1,943.85	1.95	$ 3,790.51
Residential 1,200-2,100 Sq. Ft. Unit	DU	$1,943.85	2.95	$ 5,734.36
Residential >2,100 Sq. Ft. Unit	DU	$1,943.85	3.95	$ 7,678.21

[1] Units of development: DU = dwelling unit

[2] See Table 3.2

[3] See Table 2.3

[4] Impact fee per unit = cost per capita X population per unit

Projected Revenue

Table 3.4 projects potential revenue from the library impact fees. That projection is based on the cost per capita from Table 3.2 and the added population from Table 2.5.

Table 3.4: Projected Revenue - Library Impact Fees

Development Type	Added Population [1]	Cost per Capita [2]	Projected Revenue [3]
All Residential	6,607	$1,943.85	$ 12,842,245
Total			**$ 12,842,245**

[1] See Table 2.5

[2] See Table 3.2

[3] Projected revenue = added population X cost per capita

The projected revenue shown in Table 3.4 assumes that future development in the City will occur as forecasted in Chapter 2. It does not account for limits on impact fees set by development agreements for some future projects.

Planned Improvements

Details regarding planned expenditure of the library impact fees can be found in the City's Capital Improvement Plan.

Updating the Fees

The impact fees calculated in this chapter are based on estimated current replacement costs for the for the existing library. We recommend that the fees be reviewed annually and adjusted as needed using the most current cost estimates. The City will be required to update the nexus study at least every eight years, per Government Code Section 66016.5(a)(8).

Nexus Summary

As discussed in Chapter 1 of this report, Section 66001 of the Mitigation Fee Act requires that an agency establishing, increasing or imposing impact fees, must make findings to:

Identify the purpose of the fee;

Identify the use of the fee; and,

Determine that there is a reasonable relationship between:

a. The use of the fee and the development type on which it is imposed;
b. The need for the facility and the type of development on which the fee is imposed; and
c. The amount of the fee and the facility cost attributable to the development project.

Satisfying those requirements also ensures that the fees meet the "rational nexus" and "rough proportionality" standards enunciated in leading court decisions bearing on impact fees and other exactions. (For more detail, see "Legal Framework for Impact Fees" in Chapter 1.) The following paragraphs explain how the impact fees calculated in this chapter satisfy those requirements.

Purpose of the Fee: The purpose of the impact fees calculated in this chapter is to provide additional library facilities to maintain the existing level of service for libraries in Brisbane.

Use of the Fee. Impact fees calculated in this chapter will be used to pay for additional library facilities to serve new residential development in the City.

Reasonable Relationship between the Use of the Fee and the Development Type on Which It Is Imposed. The impact fees calculated in this chapter will be used to pay for additional library facilities needed to serve additional residential development in Brisbane at the currently existing level of service in terms of the relationship between facility cost and population.

Reasonable Relationship between the Need for the Facilities and the Type of Development on Which the Fee Is Imposed. Added population associated with new residential development will increase the need for library facilities in Brisbane. The library impact fees will provide funding for additional library facilities needed to maintain the existing level of service for libraries in Brisbane.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to the Development Project. The amount of the library impact fees charged to a development project will depend on the increase in population associated with that project. The fees per unit of development calculated in this chapter for each type of residential development are based on the estimated average population per unit for that type of development in Brisbane. Thus, the fee charged to a development project reflects the impact of that project on the need for libraries in the City.

Chapter 4. General Government Facilities

This chapter calculates impact fees for general government facilities in Brisbane, including City Hall, the City Hall Annex and the corporation yard.

Methodology

This chapter calculates impact fees using the existing inventory method discussed in Chapter 1. With that method, impact fees are based on the existing level of service so that the impact fees will provide the funding needed to maintain the existing level of service as the City grows.

Service Area

Brisbane's general government facilities serve all development in the City. The impact fees calculated in this chapter are intended to apply to all new development except new public facilities, unless the fees for a project are limited by statute or established by a development agreement.

Demand Variable

A "demand variable" is a quantifiable attribute of development that is used in impact fee calculation formulas to represent the impact of development. The demand variable used to calculate impact fees for the general government in this chapter is service population.

As discussed in Chapter 2, service population is used in cases where facilities serve both residential and non-residential development and there is no other single demand variable that better represents the demand created by development for a certain type of facility.

The residential component of service population is the same population used to calculate impact fees for facilities such as libraries, that only serve residential development. The non-residential component of service population is based on the number of employees associated with various types of non-residential development, but those employee numbers are weighted as discussed in Chapter 2. The service population per unit factors are shown in Table 2.3 and are used in Table 4.3 to calculate impact fees per unit for general government facilities.

Level-of-Service Standard

The level-of-service standard used in this study to calculate impact fees for general government facilities is the existing level of service. That level is defined as the replacement cost of the City's existing general government facilities divided by the existing service population, which results in a cost per capita. To calculate an impact fee per unit, that cost per capita is multiplied by the service population per unit for each development type defined in this study.

In 2021, Section 66016.5 was added to the Mitigation Fee by Act AB 602. That section requires, after January 1, 2022, that the level of service used in an impact fee study must be compared with the existing level of service. If the level used in the impact fee study exceeds the existing level of service, an explanation is required.

Because the general government facilities impact fees calculated in this chapter are based on the existing level of service, those fees present no issue with respect to the statute.

Existing General Government Facilities

Table 4.1 shows key data about Brisbane's existing general government facilities, including its current replacement cost which is combined with the land value of the general government facilities sites to arrive at the impact fee cost basis. Outstanding debt related to existing facilities is deducted from the impact fee cost basis so that it reflects only the City's equity in those facilities.

Table 4.1: Existing General Government Facilities

Facility	Building Sq Feet [1]	Site Acres [2]	Facility Repl Cost [3]	Land Value [4]	Impact Fee Cost Basis [5]
City Hall	18,025	1.04	$ 18,025,000	$ 3,634,750	$ 21,659,750
City Hall Annex	5,260	1.55	$ 5,500,000	$ 5,425,000	$ 10,925,000
Corp Yard Office/Shops/Storage	10,800	2.00	$ 5,158,000		$ 5,158,000
Outstanding Debt on City Hall/Police Building (City-Hall Share = 72%)					$ (2,264,400)
Outstanding Debt on City Admin Office Annex					$ (5,170,000)
Total	**34,085**	**4.59**	**$ 28,683,000**	**$ 9,059,750**	**$ 30,308,350**

[1] Building square feet provided by the City of Brisbane is the share of the combined City Hall/Police building occupied by City Hall

[2] Site acres provided by the City of Brisbane; City Hall share of site for combined City Hall/Police building estimated by NBS at 67% of the total 1.55 acre site

[3] Facility replacement cost provided by the City of Brisbane

[4] Land value based on $3,500,000 per acre

[5] Impact fee cost basis = facility replacement cost + land value; outstanding debt from City Hall/ Police Station remodeling/expansion = City Hall portion (72%) of principal balance on 2014 bonds; City Hall share of debt based on share of building square feet; outstanding debt on City Hall Annex renovation = principal balance on 2023 bonds; outstanding debt provided by the City of Brisbane Finance Department

Table 4.2, on the next page, divides the City's net impact fee cost basis for the general government facilities by the City's existing service population to calculate the existing level of service in terms of a cost per capita of service population.

Table 4.2: Existing Level of Service - General Government

Impact Fee Cost Basis [1]	Existing Service Population [2]	Cost per Capita [3]
$30,308,350	8,174	$3,707.90

[1] See Table 4.1

[2] See Table 2.4

[3] Cost per capita = impact fee cost basis / existing service population

In the next section, the cost per capita from Table 4.2 is used to calculate impact fees per unit for general government facilities for each type of development defined in this study.

Impact Fees per Unit

Table 4.3 shows the calculation of impact fees per unit for general government facilities. Those fees are calculated using the per-capita cost from Table 4.2 and service population per unit factors from Table 2.1.

Table 4.3: Impact Fees per Unit - General Government Facilities

Development Type	Units [1]	Cost per Capita [2]	Svc Pop per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$3,707.90	1.00	$ 3,707.90
Residential 800-1,200 Sq. Ft. Unit	DU	$3,707.90	1.95	$ 7,230.41
Residential 1,200-2,100 Sq. Ft. Unit	DU	$3,707.90	2.95	$ 10,938.31
Residential >2,100 Sq. Ft. Unit	DU	$3,707.90	3.95	$ 14,646.22
Commercial	KSF	$3,707.90	1.02	$ 3,795.10
Hotel/Motel	Room	$3,707.90	0.59	$ 2,201.16
Office	KSF	$3,707.90	1.03	$ 3,803.84
Life Science/R&D	KSF	$3,707.90	0.91	$ 3,369.12
Industrial	KSF	$3,707.90	0.64	$ 2,358.38
Warehouse	KSF	$3,707.90	0.32	$ 1,179.19
Public Facilities	KSF	$3,707.90	0.95	$ 3,537.58

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

[2] See Table 4.2

[3] Service population per unit; see Table 2.3

[4] Impact fee per unit = cost per capita X service population per unit

Projected Revenue

Table 4.4 projects potential revenue from the general government impact fees. That projection is based on the cost per capita from Table 4.2 and the added service population from Table 2.5.

Table 4.4: Projected Revenue - General Gov't Impact Fees

Development Type	Added Svc Population [1]	Cost per Capita [2]	Projected Revenue [3]
All Development	15,628	$3,707.90	$ 57,945,959
Total			**$ 57,945,959**

[1] See Table 2.5; added service population in this table does not include added service population generated by public facilities

[2] See Table 4.2

[3] Projected revenue = added service population X cost per capita

The projected revenue shown in Table 4.4 assumes that future development in the City will occur as forecasted in Chapter 2. It does not account for limits on impact fees set by development agreements for some future projects.

Planned Improvements

Details regarding expenditure of the general government impact fees can be found in the City's Capital Improvement Plan.

Updating the Fees

The impact fees calculated in this chapter are based on estimated current replacement costs for the City's existing general government facilities. We recommend that the fees be reviewed annually and adjusted as needed using the most current cost estimates. The California Cost Index, published by the Department of General Services and the Engineering News Record Building Cost Index (BCI) can be useful for indexing construction costs over time. The City will be required to update the nexus study at least every eight years, per Government Code Section 66016.5(a)(8).

Nexus Summary

As discussed in Chapter 1 of this report, Section 66001 of the Mitigation Fee Act requires that an agency establishing, increasing or imposing impact fees, must make findings to:

Identify the purpose of the fee;

Identify the use of the fee; and,

Determine that there is a reasonable relationship between:

a. The use of the fee and the development type on which it is imposed;

b. The need for the facility and the type of development on which the fee is imposed; and

c. The amount of the fee and the facility cost attributable to the development project.

Satisfying those requirements also ensures that the fees meet the "rational nexus" and "rough proportionality" standards enunciated in leading court decisions bearing on impact fees and other exactions. (For more detail, see "Legal Framework for Impact Fees" in Chapter 1.) The following paragraphs explain how the impact fees calculated in this chapter satisfy those requirements.

Purpose of the Fee: The purpose of the impact fees calculated in this chapter is to provide additional general government facilities to maintain the existing level of service for general government facilities in Brisbane.

Use of the Fee. Impact fees calculated in this chapter will be used to pay for additional general government facilities to serve new development in the City.

Reasonable Relationship between the Use of the Fee and the Development Type on Which It Is Imposed. The impact fees calculated in this chapter will be used to pay for additional general government facilities needed to serve additional development in Brisbane at the currently existing level of service in terms of the relationship between facility cost and service population.

Reasonable Relationship between the Need for the Facilities and the Type of Development on Which the Fee Is Imposed. Added service population associated with new development will increase the need for general government facilities in Brisbane. The general government facilities impact fees will provide funding for additional general government facilities needed to maintain the existing level of service in Brisbane.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to the Development Project. The amount of the general government facilities impact fees charged to a development project will depend on the increase in service population associated with that project. The fees per unit of development calculated in this chapter for each type of development are based on the estimated average service population per unit for that type of development in Brisbane. Thus, the fee charged to a development project reflects the impact of that project on the need for general government facilities in the City.

Chapter 5. Police Department Facilities

This chapter calculates impact fees for Police Department facilities in Brisbane. Brisbane currently has one police station which shares a building with City Hall.

Methodology

This chapter calculates impact fees using the existing inventory method discussed in Chapter 1. With that method, impact fees are based on the existing level of service so that the impact fees will provide the funding needed to maintain the existing level of service as the City grows.

Service Area

Brisbane's Police Department facilities serve all development in the City. The impact fees calculated in this chapter are intended to apply to all new development except for public facilities, unless the fees for a project are limited by statute or established by a development agreement.

Demand Variable

A "demand variable" is a quantifiable attribute of development that is used in impact fee calculation formulas to represent the impact of development. The demand variable used to calculate impact fees for Police Department facilities in this chapter is police calls for service per year.

The police calls-per-unit-per-year factors used to calculate impact fees for police facilities are shown in Table 2.3 in Chapter 2 and are used in Table 5.4 in this chapter to calculate impact fees per unit for each type of development defined in this study.

Level-of-Service Standard

The level-of-service standard used in this study to calculate impact fees for Police Department facilities is the existing level of service. That level is defined as the replacement cost of the City's existing Police Department facilities divided by the existing number of calls per year, which results in a cost per call. To calculate impact fee per unit, by development type, that cost per call is multiplied by the number of calls per unit per year for each development type defined in this study.

In 2021, Section 66016.5 was added to the Mitigation Fee by Act AB 602. That section requires, after January 1, 2022, that the level of service used in an impact fee study must be compared with the existing level of service. If the level used in the impact fee study exceeds the existing level of service, an explanation is required.

Because the impact fees for Police Department facilities calculated in this chapter are based on the existing level of service, those fees present no issue with respect to the statute.

Existing Police Department Facilities

Table 5.1 shows key data about Brisbane's existing police station, including its current replacement cost which is combined with the land value of the Police Department's share of the City Hall/police station site to arrive at the impact fee cost basis. The police station's share of outstanding debt related to existing facilities is deducted from the impact fee cost basis so that it reflects only the City's equity in the existing facility.

Table 5.1: Existing Police Department Facilities

Facility	Building Sq Feet [1]	Site Acres [2]	Facility Repl Cost [3]	Land Value [4]	Impact Fee Cost Basis [5]
Police Facility	7,056	0.51	$ 7,056,000	$ 1,790,250	$ 8,846,250
Outstanding debt on City Hall/Police Station (Police Bldg share = 28%)					$ (915,195)
					$ 7,931,055

[1] Building square feet provided by the City of Brisbane is the share of the combined City Hall/Police building occupied by the Police Department

[2] Site acres provided by the City of Brisbane; Police Dept share of site for combined City Hall/Police building estimated by NBS at 33% of the total 1.55 acre site

[3] Facility replacement cost provided by the City of Brisbane

[4] Land value based on $3,500,000 per acre

[5] Impact fee cost basis = facility replacement cost + land value; outstanding debt from City/Hall Police Station remodeling/expansion = Police Station portion (28%) of the principal balance on the 2014 bonds; Police Station share of debt based on share of building square feet; outstanding debt provided by the City of Brisbane Finance Dept.

Table 5.2 shows an inventory of the Brisbane Police Department's vehicle fleet. The replacement cost of those vehicles will be included in the cost basis for the impact fees calculated in this chapter. Leased vehicles are not considered in this analysis.

Table 5.2: Existing Police Department Vehicles and Equipment

No. of Units	Model Year	Make	Model	Assignment	Repl Cost per Unit [1]	Impact Fee Cost Basis [2]
3	2020	Chevrolet	Tahoe	Patrol	$ 84,040.00	$ 252,120.00
1	2015	Ford	Explorer	Patrol	$ 76,551.00	$ 76,551.00
2	2017	Ford	Explorer	Patrol	$ 76,551.00	$ 153,102.00
1	2023	Chevrolet	Tahoe	Patrol	$ 87,314.00	$ 87,314.00
1	2020	Ford	Explorer	Chief	$ 56,164.00	$ 56,164.00
1	2019	Ford	F150	CSO	$ 69,761.00	$ 69,761.00
2	2021	Harley	Road King	Traffic Motor	$ 39,786.00	$ 79,572.00
16	Sworn Officer Personal Safety Equipment				$ 6,041.00	$ 96,656.00
Total						**$ 871,240.00**

[1] Vehicle cost per unit includes equipment

[2] Impact fee cost basis = number of units X replacement cost per unit

Table 5.3 divides the combined impact fee cost basis for Police Department facilities and vehicles by the number of existing calls for service to calculate the existing level of service in terms of a cost per call for service per year.

Table 5.3: Existing Level of Service - Police Facilities

Impact Fee Cost Basis [1]	Existing Calls for Service [2]	Cost per Call [3]
$8,802,295	15,592	$564.54

[1] Impact fee cost basis = sum of impact fee cost basis from Table 5.1 and Table 5.2

[2] See Table 2.4

[3] Cost per call = impact fee cost basis / existing calls for service per year

In the next section, the cost per call from Table 5.3 is used to calculate impact fees per unit for Police Department facilities for each type of development defined in this study.

Impact Fees per Unit

Table 5.4 shows the calculation of impact fees per unit for Police Department facilities. Those fees are calculated using the per-capita cost from Table 5.3 and calls-per-unit-per-year factors from Table 2.3.

Table 5.4: Impact Fees per Unit - Police Facilities

Development Type	Units [1]	Cost per Call [2]	Calls per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$564.54	0.70	$ 395.18
Residential 800-1,200 Sq. Ft. Unit	DU	$564.54	1.10	$ 620.99
Residential 1,200-2,100 Sq. Ft. Unit	DU	$564.54	1.50	$ 846.81
Residential >2,100 Sq. Ft. Unit	DU	$564.54	1.90	$ 1,072.62
Commercial	KSF	$564.54	17.11	$ 9,657.19
Hotel/Motel	Room	$564.54	4.34	$ 2,452.17
Office	KSF	$564.54	0.33	$ 186.30
Life Science/R&D	KSF	$564.54	0.58	$ 327.43
Industrial	KSF	$564.54	4.98	$ 2,811.41
Warehouse	KSF	$564.54	1.01	$ 570.18
Public Facilities	KSF	$564.54	4.78	$ 2,699.20

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

[2] See Table 5.3

[3] Police calls per unit; see Table 2.3

[4] Impact fee per unit = cost per call X calls per unit

Projected Revenue

Table 5.5 projects potential revenue from the police impact fees. That projection is based on the cost per call from Table 5.3 and the calls per unit per year from Table 2.5.

Table 5.5: Projected Revenue - Police Impact Fees

Development Type	Added Calls For Service [1]	Cost per Call [2]	Projected Revenue [3]
All Development	17,834	$564.54	$ 10,068,024
Total			**$ 10,068,024**

[1] See Table 2.5; added calls for service in this table do not include calls generated by public facilities, public schools or parks

[2] See Table 5.3

[3] Projected revenue = added calls for service X cost per call

The projected revenue shown in Table 5.5 assumes that future development in the City will occur as forecasted in Chapter 2. It does not account for limits on impact fees set by development agreements for some future projects.

Updating the Fees

The impact fees calculated in this chapter are based on estimated current replacement costs for the City's existing Police Department facilities. We recommend that the fees be reviewed annually and adjusted as needed using the most current cost estimates. The City will be required to update the nexus study at least every eight years, per Government Code Section 66016.5(a)(8). The California Cost Index, published by the Department of General Services and the Engineering News Record Building Cost Index (BCI) can be useful for indexing construction costs over time. The City will be required to update the nexus study at least every eight years, per Government Code Section 66016.5(a)(8).

Planned Improvements

Details regarding expenditure of the police impact fees can be found in the City's Capital Improvement Plan.

Nexus Summary

As discussed in Chapter 1 of this report, Section 66001 of the Mitigation Fee Act requires that an agency establishing, increasing or imposing impact fees, must make findings to:

Identify the purpose of the fee;

Identify the use of the fee; and,

Determine that there is a reasonable relationship between:

a. The use of the fee and the development type on which it is imposed;

b. The need for the facility and the type of development on which the fee is imposed; and

c. The amount of the fee and the facility cost attributable to the development project.

Satisfying those requirements also ensures that the fees meet the "rational nexus" and "rough proportionality" standards enunciated in leading court decisions bearing on impact fees and other exactions. (For more detail, see "Legal Framework for Impact Fees" in Chapter 1.) The following paragraphs explain how the impact fees calculated in this chapter satisfy those requirements.

Purpose of the Fee: The purpose of the impact fees calculated in this chapter is to provide additional Police Department facilities and vehicles to maintain the existing level of service for those facilities in Brisbane.

Use of the Fee. Impact fees calculated in this chapter will be used to pay for additional Police Department facilities and vehicles to serve new development in the City.

Reasonable Relationship between the Use of the Fee and the Development Type on Which It Is Imposed. The impact fees calculated in this chapter will be used to pay for additional Police Department facilities and vehicles needed to serve new development in Brisbane at the currently existing level of service in terms of the relationship between facility cost and calls for service per year.

Reasonable Relationship between the Need for the Facilities and the Type of Development on Which the Fee Is Imposed. Added calls for service associated with new development will increase the need for Police Department facilities and vehicles in Brisbane. The police impact fees will provide funding for additional Police Department facilities and vehicles needed to maintain the existing level of service in Brisbane.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to the Development Project. The amount of the police impact fees charged to a development project will depend on the increase in calls for service associated with that project. The fees per unit of development calculated in this chapter for each type of development are based on the estimated average calls per unit per year for that type of development in Brisbane. Thus, the fee charged to a development project reflects the impact of that project on the need for Police Department facilities and vehicles in the City.

Chapter 6. Fire Department Facilities

This chapter calculates impact fees for Fire Department facilities, apparatus and vehicles in Brisbane. Fire protection and emergency response services in Brisbane are provided by the North County Fire Authority (NCFA). Brisbane currently has one fire station which is owned by the City and operated by NCFA. The City and NCFA are planning to construct one additional fire station to serve future development in the City.

Methodology

Unlike the other impact fees calculated in this report, the fire impact fees are calculated using the planned facilities method discussed in Chapter 1. With that method, impact fees are based on the cost of providing additional facilities, apparatus and vehicles needed to serve new development.

The reason that the fire impact fees are calculated using the planned facilities method instead of the existing inventory method used to calculate other impact fees in this study is that impact fees based on the existing inventory method would generate impact fee revenue in excess of the cost of the planned future fire station with its new apparatus and vehicles. NBS also calculated fire impact fees based on the system plan method and found the same to be true in terms of projected impact fee revenue exceeding the cost of planned improvements.

Service Area

Brisbane's Fire Department facilities serve all development the City. The impact fees calculated in this chapter are intended to apply to all new development except for public facilities, unless the fees for a project are limited by statute or established by a development agreement.

Demand Variable

A "demand variable" is a quantifiable attribute of development that is used in impact fee calculation formulas to represent the impact of development. The demand variable used to calculate impact fees for Fire Department facilities in this chapter is fire calls for service per year.

The fire calls-per-unit-per-year factors used to calculate impact fees for Fire Department facilities in this chapter are shown in Table 2.3 in Chapter 2 and are used in Table 6.4 in to calculate impact fees per unit for each type of development defined in this study.

Level-of-Service Standard

The level-of-service standard used in this study to calculate impact fees for Fire Department facilities is the relationship between the estimated cost of the City's planned new fire station and its associated apparatus and vehicles and the number of additional calls for service per year that will be generated by future development in the City to buildout. That level of service is defined as a cost per call for service, calculated by dividing the estimated cost of the new fire station and

associated assets by the projected number of calls for service per year to be generated by new development between 2025 and buildout of available land in Brisbane.

This level of service standard is consistent with the use of the planned facilities method discussed in the Methodology section above

In 2021, Section 66016.5 was added to the Mitigation Fee by Act AB 602. That section requires, after January 1, 2022, that the level of service used in an impact fee study must be compared with the existing level of service. If the level used in the impact fee study exceeds the existing level of service, an explanation is required.

In fact, the level-of-service standard discussed above is lower than the existing level of service in terms of cost per call for service, so the impact fees calculated in this chapter present no issue with respect to the statute. The cost per call shown in Table 6.3 on the next page is $21,759.45, whereas the cost per call for the existing level of service based on the value of existing assets and existing calls for service would be $31,080.39.

Planned Fire Department Facilities

Table 6.1 shows key data about Brisbane's planned future fire station, including estimated cost costs for land and construction. The impact fee cost basis in Table 6.1 is the sum of the land and construction costs.

Table 6.1: Planned Future Fire Department Facilities

Facility	Building Sq Feet [1]	Site Acres [2]	Facility Constr Cost [3]	Land Cost [4]	Impact Fee Cost Basis [5]
Baylands Station	12,000	1.50	$ 14,400,000	$ 5,250,000	$ 19,650,000

[1] Building square feet provided by North County Fire Authority

[2] Site acres provided by North County Fire Authority

[3] Facility construction cost based on $1,200 per square foot

[4] Land value based on $3,500,000 per acre

[5] Impact fee cost basis = facility replacement cost + land value

Table 6.2 on the next page lists the new apparatus and vehicles that will be needed to equip the new fire station. The cost of the additional apparatus and vehicles will be included in the cost basis for the impact fees calculated in this chapter. Table 6.2 also includes the cost of firefighter personal protective equipment for additional firefighters needed to staff a second fire station.

Table 6.2: Future Fire Station Apparatus, Vehicles and Equipment

Units	Description	Replacement Cost per Unit [1]	Impact Fee Cost Basis [3]
1	Ladder Truck	$ 3,000,000	$ 3,000,000
1	Type 1 Engine	$ 1,700,000	$ 1,700,000
2	Administrative Vehicle	$ 100,000	$ 100,000
18	Personal Protective Equipt	$ 45,662	$ 821,916
Total			**$ 5,621,916**

Table 6.3 divides the combined impact fee cost from Tables 6.1 and 6.2 by the projected increase in fire calls for service per year to arrive at a cost per call for service per year.

Table 6.3: Cost per Call per Year - Planned Fire Dept. Facilities/Equipment

Cost Component	Impact Fee Cost Basis [1]	Added Calls for Service [2]	Cost per Call [3]
Planned Facilities	$ 19,650,000	1,161	$ 16,918.91
Future Station Apparatus, Vehicles, Equipt	$ 5,621,916	1,161	$ 4,840.54
Total	**$ 25,271,916**	**1,161**	**$ 21,759.45**

[1] See Tables 6.1 and 6.2

[2] See Table 2.5

[3] Cost per call = impact fee cost basis / added calls for service per year

In the next section, the cost per call from Table 6.3 is used to calculate impact fees per unit for additional Fire Department facilities and other capital assets needed to serve projected future development in Brisbane. Impact fees are calculated for each type of development defined in this study.

Impact Fees per Unit

Table 6.4 shows the calculation of impact fees per unit for planned new Fire Department facilities, apparatus and vehicles. Those fees are calculated using the cost per call from Table 6.3 and fire calls-for-service-per-unit per year factors from Table 2.1.

Table 6.4: Impact Fees per Unit - Fire Department Facilities

Development Type	Units [1]	Cost per Call [2]	Fire Calls per Unit [3]	Impact Fee per Unit [4]
Residential <800 Sq. Ft. Unit	DU	$21,759.45	0.12	$ 2,611.13
Residential 800-1,200 Sq. Ft. Unit	DU	$21,759.45	0.14	$ 3,046.32
Residential 1,200-2,100 Sq. Ft. Unit	DU	$21,759.45	0.16	$ 3,481.51
Residential >2,100 Sq. Ft. Unit	DU	$21,759.45	0.18	$ 3,916.70
Commercial	KSF	$21,759.45	0.26	$ 5,565.97
Hotel/Motel	Room	$21,759.45	0.11	$ 2,305.27
Office	KSF	$21,759.45	0.02	$ 478.71
Life Science/R&D	KSF	$21,759.45	0.07	$ 1,523.16
Industrial	KSF	$21,759.45	0.02	$ 391.67
Warehouse	KSF	$21,759.45	0.03	$ 739.82
Public Facilities	KSF	$21,759.45	0.11	$ 2,294.94

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = guest room or suite

[2] See Table 6.3

[3] Fire Calls per unit; see Table 2.3

[4] Impact fee per unit = cost per call X calls per unit

Projected Revenue

Table 6.5 projects potential revenue from the fire impact fees. That projection is based on the cost per call from Table 6.3 and the calls per unit per year from Table 2.5.

Table 6.5: Projected Revenue - Fire Impact Fees

Development Type	Added Calls for Service [1]	Cost per Call [2]	Projected Revenue [3]
All Development	1,140	$21,759.45	$ 24,808,440
Total			**$ 24,808,440**

[1] See Table 2.5; added calls for service in this table do not include calls generated by public facilities, public schools or parks

[2] See Table 6.3

[3] Projected revenue = added service population X cost per capita

The projected revenue shown in Table 6.5 is equal to the cost of the planned new fire station and its associated apparatus and vehicles. The projected revenue calculation assumes that future development in the City will occur as forecasted in Chapter 2. It does not account for limits on impact fees set by development agreements for some future projects.

Updating the Fees

The impact fees calculated in this chapter are based on estimated costs for the City's planned future Fire Department facilities, apparatus and vehicles. We recommend that the fees be reviewed annually and adjusted as needed using the most current cost estimates. The City will be required to update the nexus study at least every eight years, per Government Code Section 66016.5(a)(8). The California Cost Index, published by the Department of General Services and the Engineering News Record Building Cost Index (BCI) can be useful for indexing construction costs over time. The City will be required to update the nexus study at least every eight years, per Government Code Section 66016.5(a)(8).

Planned Improvements

Details regarding expenditure of the fire impact fees can be found in the City's Capital Improvement Plan.

Nexus Summary

As discussed in Chapter 1 of this report, Section 66001 of the Mitigation Fee Act requires that an agency establishing, increasing or imposing impact fees, must make findings to:

Identify the purpose of the fee;

Identify the use of the fee; and,

Determine that there is a reasonable relationship between:

a. The use of the fee and the development type on which it is imposed;

b. The need for the facility and the type of development on which the fee is imposed; and

c. The amount of the fee and the facility cost attributable to the development project.

Satisfying those requirements also ensures that the fees meet the "rational nexus" and "rough proportionality" standards enunciated in leading court decisions bearing on impact fees and other exactions. (For more detail, see "Legal Framework for Impact Fees" in Chapter 1.) The following paragraphs explain how the impact fees calculated in this chapter satisfy those requirements.

Purpose of the Fee: The purpose of the impact fees calculated in this chapter is to provide additional Fire Department facilities apparatus and vehicles to maintain the existing level of service for those facilities in Brisbane.

Use of the Fee. Impact fees calculated in this chapter will be used to pay for additional Fire Department facilities, apparatus and vehicles to serve new development in the City.

Reasonable Relationship between the Use of the Fee and the Development Type on Which It Is Imposed. The impact fees calculated in this chapter will be used to pay for additional Fire Department facilities, apparatus and vehicles needed to serve new development in Brisbane at the currently existing level of service in terms of the relationship between facility costs and calls for service per year.

Reasonable Relationship between the Need for the Facilities and the Type of Development on Which the Fee Is Imposed. Added calls for service associated with new development will increase the need for Fire Department facilities, apparatus and vehicles in Brisbane. The fire impact fees will provide funding for additional Fire Department facilities, apparatus and vehicles needed to serve planned future development in Brisbane.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to the Development Project. The amount of the fire impact fees charged to a development project will depend on the increase in calls for service associated with that project. The fees per unit of development calculated in this chapter for each type of development are based on the estimated average calls per unit per year for that type of development in Brisbane. Thus, the fee charged to a development project reflects the impact of that project on the need for new Fire Department facilities, apparatus and vehicles in the City.

Chapter 7. Implementation

This chapter of the report summarizes requirements for adoption and administration of impact fees, calculated in this study. It was not prepared by an attorney and is not intended as legal advice.

Statutory requirements for the adoption and administration of fees imposed as a condition of development approval (impact fees) are found in the Mitigation Fee Act (Government Code Sections 66000 *et seq.*).

Adoption

The form in which development impact fees are enacted should be determined by the City Attorney. Procedures for adoption of fees subject to the Mitigation Fee Act including notice and public-hearing requirements are specified in Government Code Sections 66016 and 66018. It should be noted that Section 66018 refers to Government Code Section 6062a, which requires that the public hearing notice be published at least twice during the 10-day notice period. However, Section 66016.5 added by AB 602 in 2021 requires that impact fee nexus studies be adopted at a public hearing with at least a 30-day notice.

Government Code Section 66017 provides that fees subject to the Mitigation Fee Act do not become effective until 60 days after final action by the governing body.

Actions establishing or increasing fees subject to the Mitigation Act require certain findings, as set forth in Government Code Section 66001 and discussed in Chapter 1 of this report.

Administration

The California Mitigation Fee Act (Government Code Sections 66000 et seq.) mandates procedures for administration of impact fee programs, including collection and accounting, reporting, and refunds. References to code sections in the following paragraphs pertain to the California Government Code.

Notices and Statute of Limitations. Section 66006 (f) provides that a local agency, at the time it imposes a fee for public improvements on a specific development project, "... shall identify the public improvement that the fee will be used to finance." The required notification could refer to the capital improvement plan that must now be adopted with each new impact fee nexus study.

Section 66020 (d) (1) requires that the agency, at the time it imposes an impact fee, provide a written statement of the amount of the fee and written notice of a 90-day period during which the imposition of the fee can be protested. Failure to protest imposition of the fee during that period may deprive the fee payer of the right to subsequent legal challenge.

Section 66022 (a) provides a separate procedure for challenging the establishment of an impact fee. Such challenges must be filed within 120 days of enactment.

Collection of Fees. Section 66007, as amended by SB 937 in 2024, provides that, with some exceptions, a local agency shall not require payment of impact fees by developers of residential development projects prior to the issuance of the first certificate of occupancy, or first temporary certificate of occupancy, whichever occurs first. That provision does not apply if construction of the

residential development does not begin within five years of the date upon which the building permit is issued.

An exception that allows utility service fees to be collected when an application for service is received, is now limited to the cost of "connection activities."

Local agencies may require payment of fees prior to issuance of a certificate of occupancy under certain conditions, including if the fees are to reimburse the agency for expenditures previously made, unless the project reserves at least 49% of residential units for occupancy by lower income households. For such projects, the local agency may require posting of a performance bond or letter of credit from a federally insured depository institution to guarantee payment when the fees are eligible for collection.

In cases where the fees are not collected upon issuance of building permits, Sections 66007 (d) (1) and (2) provide that the City may require the property owner to execute a contract to pay the fee, and to record that contract as a lien against the property until the fees are paid. The local agency may not charge interest or other fees on any amounts deferred pursuant to Section 66007.

If a residential development contains more than one dwelling, the local agency may determine whether the fees or charges described shall be paid on a pro rata basis for each dwelling when it receives its certificate of occupancy, on a pro rata basis when a certain percentage of the dwellings have received their certificate of occupancy, or on a lump-sum basis when all the dwellings in the development receive their certificate of occupancy.

Statutory restrictions on the time at which fees may be collected do not apply to non-residential development.

Earmarking and Expenditure of Fee Revenue. Section 66006 (a) mandates that fees be deposited "with other fees for the improvement in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency, except for temporary investments, and expend those fees solely for the purpose for which the fee was collected." Section 66006 (a) also requires that interest earned on the fee revenues be placed in the capital account and used for the same purpose.

The language of the law is not clear as to whether depositing fees "with other fees for the improvement" refers to a specific capital improvement or a class of improvements (e.g., street improvements). Common practice is to maintain separate funds or accounts for impact fee revenues by facility category (i.e., streets, park improvements), but not for individual projects.

Impact Fee Exemptions, Reductions, and Waivers. In the event that a development project is found to have no impact on facilities for which impact fees are charged, such project must be exempted from the fees.

If a project has characteristics that will make its impacts on a particular public facility or infrastructure system significantly and permanently smaller than the average impact used to calculate impact fees in this study, the fees should be reduced accordingly to meet the requirement that there must be a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed. The fee reduction is required if the fee is not proportional to the impact of the development on relevant public facilities.

In some cases, an agency may desire to voluntarily waive or reduce impact fees that would otherwise apply to a project as a way of promoting goals such as affordable housing or economic development. Such a waiver or reduction is within the discretion of the governing body but may not result in increased costs to other development projects. So, the effect of such policies is that the lost revenue must be made up from sources other than impact fees.

Credit for Improvements Provided by Developers. If the City requires a developer, as a condition of project approval, to dedicate land or construct facilities or improvements for which impact fees are charged, the City should ensure that the impact fees are adjusted so that the overall contribution by the developer does not exceed the impact created by the development.

In the event that a developer voluntarily offers to dedicate land, or construct facilities or improvements in lieu of paying impact fees, the City may accept or reject such offers and may negotiate the terms under which such an offer would be accepted. Excess contributions by a developer may be offset by reimbursement agreements.

Credit for Existing Development. If a project involves replacement, redevelopment or intensification of previously existing development, impact fees should be applied only to the portion of the project that represents a net increase in demand for relevant City facilities, applying the measure of demand used in this study to calculate that impact fee.

Annual Report. Section 66006 (b) (1) requires that once each year, within 180 days of the close of the fiscal year, the local agency must make available to the public the following information for each separate account established to receive impact fee revenues:

1. A brief description of the type of fee in the account or fund;
2. The amount of the fee;
3. The beginning and ending balance of the account or fund;
4. The amount of the fees collected and interest earned;
5. Identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the percentage of the cost of the public improvement that was funded with fees;
6. Identification of the approximate date by which the construction of a public improvement will commence, if the City determines sufficient funds have been collected to complete financing of an incomplete public improvement;
7. A description of each inter-fund transfer or loan made from the account or fund, including interest rates, repayment dates, and a description of the improvement on which the transfer or loan will be expended;
8. The amount of any refunds or allocations made pursuant to Section 66001, paragraphs (e) and (f).

The annual report must be reviewed by the City Council at its next regularly scheduled public meeting, but not less than 15 days after the statements are made public, per Section 66006 (b) (2).

Five-Year Findings and Refunds under the Mitigation Fee Act. Prior to 1996, The Mitigation Fee Act required that a local agency collecting impact fees was required to expend or commit impact fee

revenue within five years or make findings to justify a continued need for the money. Otherwise, those funds had to be refunded. SB 1693, adopted in 1996 as an amendment to the Mitigation Fee Act, changed that requirement in material ways.

Now, Section 66001 (d) requires that, for the fifth fiscal year following the first deposit of any impact fee revenue into an account or fund as required by Section 66006 (b), and every five years thereafter, the local agency shall make all of the following findings for any fee revenue that remains unexpended, whether committed or uncommitted:

1. Identify the purpose to which the fee will be put;
2. Demonstrate the reasonable relationship between the fee and the purpose for which it is charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements for which impact fees are to be used;
4. Designate the approximate dates on which the funding necessary to complete financing of those improvements will be deposited into the appropriate account or fund.

Those findings are to be made in conjunction with the annual reports discussed above. If such findings are not made as required by Section 66001, the local agency could be required to refund the moneys in the account or fund, per Section 66001 (d).

Once the agency determines that sufficient funds have been collected to complete financing on incomplete improvements for which impact fee revenue is to be used, it must, within 180 days of that determination, identify an approximate date by which construction of the public improvement will be commenced (Section 66001 (e)). If the agency fails to comply with that requirement, it must refund impact fee revenue in the account according to procedures specified in Section 66001 (d).

For a useful discussion of the foregoing requirements, see "The Mitigation Fee Act's Five-Year Findings Requirement: Beware Costly Pitfalls" by Glen Hansen, Senior Counsel, Abbott and Kindermann, and Rick Jarvis, Managing Partner, Jarvis, Fay and Gibson, presented at the 2022 League of California Cities City Attorneys Spring Conference.

Audit Requests. Section 66023 provides that any person may request an audit to determine whether any fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product, public facility, as defined in Section 66000, or service provided by the local agency. The legislative body of the local agency may retain an independent auditor to conduct the audit but is not required to conduct an audit if an audit has been performed for the same fee within the previous 12 months.

The agency shall retain an independent auditor to conduct an audit only if the person who requests the audit deposits with the local agency the amount of the local agency's reasonable estimate of the cost of the independent audit. At the conclusion of the audit, the local agency shall reimburse unused sums, if any, or the requesting person shall pay the local agency the excess of the actual cost of the audit over the amount that was deposited.

However, if the local agency fails to comply with the annual report requirement of Section 66006 following the establishment, increase or imposition of a fee, but requires payment of that fee in

connection with the approval of a development project for three consecutive years, the agency shall not require a deposit for the independent audit and shall pay the cost of the audit.

Indexing of Impact Fees. Impact fees calculated in this report are based on current costs and should be adjusted periodically to account for changes in the cost of facilities or other capital assets that will be funded by those fees. That adjustment is intended to account for escalation in costs for land, construction, vehicles and other relevant capital assets. The California Construction Cost Index published by the Department of General Services and the *Engineering News Record* Building Cost Index (BCI) are useful for indexing construction costs. Where land costs are covered by an impact fee or in-lieu fee, land costs should be adjusted based on changes in local land prices. Estimated costs for vehicles and equipment can be based on vendor quotes.

Requirements Imposed by AB 602

This section repeats information about AB 602 which is also included in Chapter 1. In 2021, the California Legislature passed AB 602 and the Governor signed it into law. AB 602 creates some new requirements for impact fees that went into effect in 2022. The new law amends Government Code Section 65940.1 and adds Section 66016.5 to impose the following requirements:

1) A city, county or special district that has an internet website shall post on its website:
    a) A current written schedule of fees, exactions and affordability requirements applicable to a proposed housing development project, and shall present that information in a manner that identifies the fees, exactions and affordability requirements that apply to each parcel and the fees that apply to each new water and sewer utility connection
    b) All zoning ordinances and development standards and specifying the zoning, design and development standards that apply to each parcel
    c) A list of the information that will be required from any applicant for a development project, as specified in Government Code Section 69540
    d) The current and five previous annual fee reports required by Government Code Section 66006 and Subsection 66013 (d).
    e) An archive of impact fee nexus studies, cost of service studies or equivalent conducted on or after January 1, 2018.
2) The above information shall be updated within 30 days of any changes
3) A City or County shall request from a development proponent, upon issuance of a certificate of occupancy or final inspection, the total amount of fees and exactions associated with the project for which the certificate is issued. That information must be posted on the website and updated at least twice a year.
4) Before adoption of an impact fee, an impact fee nexus study shall be adopted.
5) When applicable, the nexus study shall identify the existing level of service for each public facility, identify the proposed new level of service and explain why the new level of service is appropriate

6) If a nexus study supports the increase of an existing fee, the local agency shall review the assumptions of the nexus study supporting the original fee and evaluate the amount of the fees collected under the original fee.

7) A nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of the proposed units of the development. A local agency that imposes a fee proportionately to the square footage if the proposed units of the development shall be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development. A nexus study is not required to comply with this requirement if the agency makes certain findings outlined in the statute.

8) Large jurisdictions as defined in Section 53559.1 (d) of the Health and Safety Code (counties of 250,000 or more and cities in those counties) shall adopt a capital improvement plan as part of a nexus study.

9) All studies shall be adopted at a public hearing with at least 30-day's notice, and the local agency shall notify any member of the public that requests notice of intent to begin an impact fee nexus study of the date of the hearing.

10) Studies shall be updated at least every eight years, beginning on January 1, 2022.

Training and Public Information

Effective administration of an impact fee program requires considerable preparation and training. It is important that those responsible for collecting the fees, and for explaining them to the public, understand both the details of the fee program and its supporting rationale.

It is also useful to pay close attention to handouts that provide information to the public regarding impact fees. Impact fees should be clearly distinguished from other fees, such as user fees for application processing, and the purpose and use of particular impact fees should be made clear.

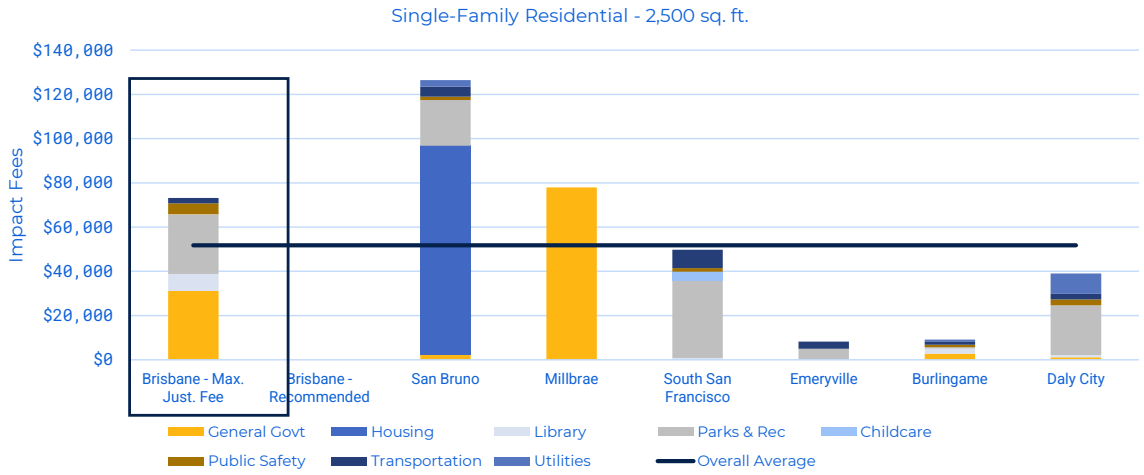
Finally, anyone responsible for accounting, capital budgeting, or project management for projects involving impact fees must be fully aware of the restrictions placed on the expenditure of impact fee revenues. Fees must be expended for the purposes identified in the impact fee nexus study in which they were calculated, and the City must be able to show that funds have been properly expended.

0

Single-Family

Sq. ft. 2,500

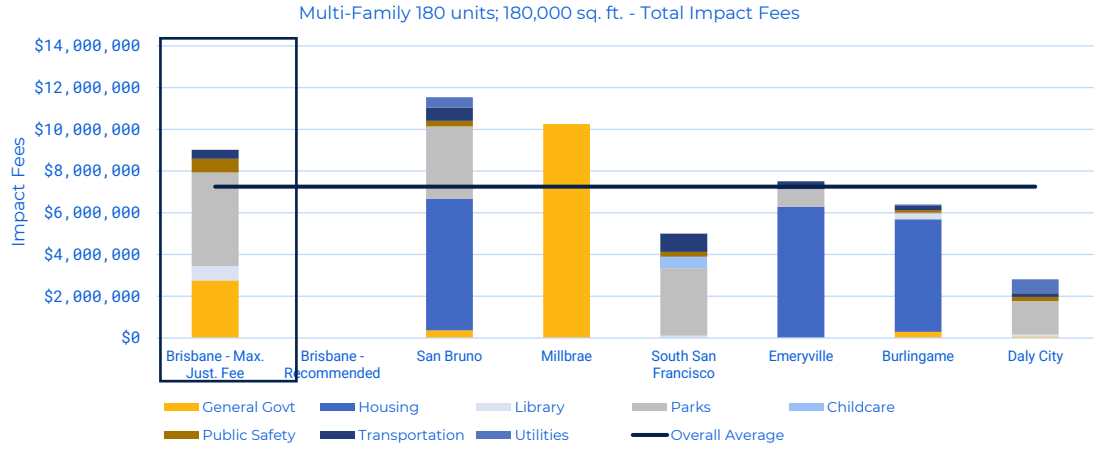
Jurisdiction	General Govt	Housing	Library	Parks & Rec	Childcare	Public Safety	Transportation	Utilities	Total	Cost / Sq.	Cost / Unit	Overall Average
Brisbane - Max. Just. Fee	**$31,121**	**$0**	**$7,678**	**$26,949**	**$0**	**$4,991**	**$2,399**	**$0**	**$73,138**	**$29.26**	**$73,138**	$51,762
Brisbane - Recommended									**$0**	**$0.00**	**$0**	$51,762
San Bruno	$2,167.94	$94,625.00		$20,630.79		$1,531.95	$4,512.55	$2,967.99	$126,436	$50.57	$126,436	$51,762
Millbrae	$77,887.79								$77,888	$31.16	$77,888	$51,762
South San Francisco			$833.77	$34,821.41	$4,165.32	$1,668.06	$8,327.00		$49,816	$19.93	$49,816	$51,762
Emeryville				$4,950.00			$3,319.00		$8,269	$3.31	$8,269	$51,762
Burlingame	$2,756.00		$2,383.00	$590.00		$1,079.00	$1,573.00	$781.00	$9,162	$3.66	$9,162	$51,762
Daly City	$1,150.00		$1,050.00	$22,450.00		$2,675.00	$2,500.00	$9,175.00	$39,000	$15.60	$39,000	$51,762
Overall Avg	$20,990	$94,625	$1,422	$16,688	$4,165	$1,739	$4,046	$4,308	$51,762	$20.70		
Avg Cost / SF	$8.40	$37.85	$0.57	$6.68	$1.67	$0.70	$1.62	$1.72				
Avg Cost / Unit	$20,990	$94,625	$1,422	$16,688	$4,165	$1,739	$4,046	$4,308				
Brisbane Calculated Fee	$31,121		$7,678	$26,949		$4,991	$2,399					



Multi-Family

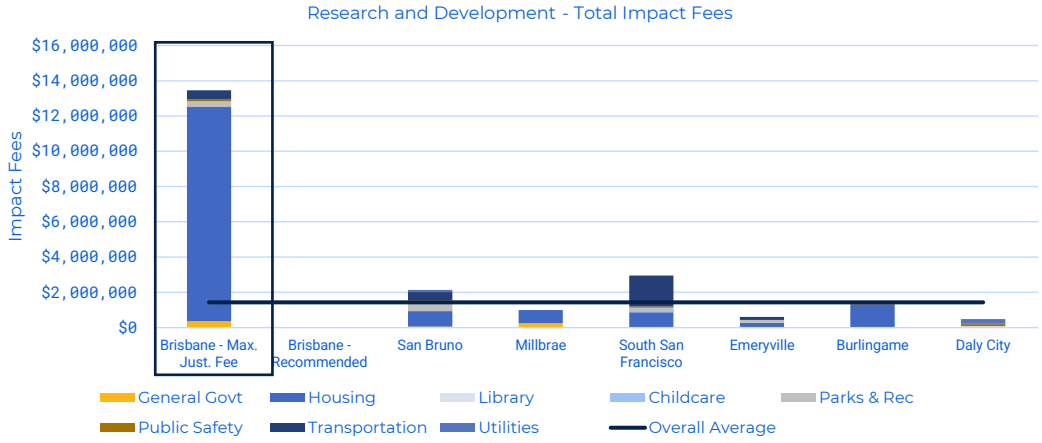
# of Units	180
Sq. Ft. / Unit	1,000
Sq. ft.	180,000
Acres	4.13

Jurisdiction	General Govt	Housing	Library	Parks	Childcare	Public	Transportation	Utilities	Total	Cost / Sq.	Cost / Unit	Overall Average
Brisbane - Max. Just. Fee	**$2,765,340**		**$682,380**	**$4,482,000**		**$660,240**	**$431,845**		**$9,021,805**	**$50.12**	**$50,121**	$7,252,624
Brisbane - Recommended									**$0**	**$0.00**	**$0**	$7,252,624
San Bruno	$366,152	$6,309,000		$3,462,008		$275,522	$628,501	$501,529	$11,542,712	$64.13	$64,126	$7,252,624
Millbrae	$10,257,482								$10,257,482	$56.99	$56,986	$7,252,624
South San Francisco			$111,796	$3,233,792	$558,983	$223,619	$869,137		$4,997,327	$27.76	$27,763	$7,252,624
Emeryville		$6,285,060		$857,880			$370,620		$7,513,560	$41.74	$41,742	$7,252,624
Burlingame	$294,480	$5,400,000	$254,700	$63,000		$115,200	$198,900	$70,380	$6,396,660	$35.54	$35,537	$7,252,624
Daly City	$82,800		$75,600	$1,616,400		$192,600	$180,000	$660,600	$2,808,000	$15.60	$15,600	$7,252,624
Overall Avg	$2,750,229	$5,998,020	$147,365	$1,846,616	$558,983	$201,735	$449,432	$410,836	$7,252,624	$40.29	$40,292	
Avg Cost / SF	$15.28	$33.32	$0.82	$10.26	$3.11	$1.12	$2.50	$2.28				
Avg Cost / Unit	$15,279	$33,322	$819	$10,259	$3,105	$1,121	$2,497	$2,282				
Brisbane Fee	$15,363		$3,791	$24,900		$3,668	$2,399					



R&D / Office
Sq. ft. 50,000
Acres 1.15

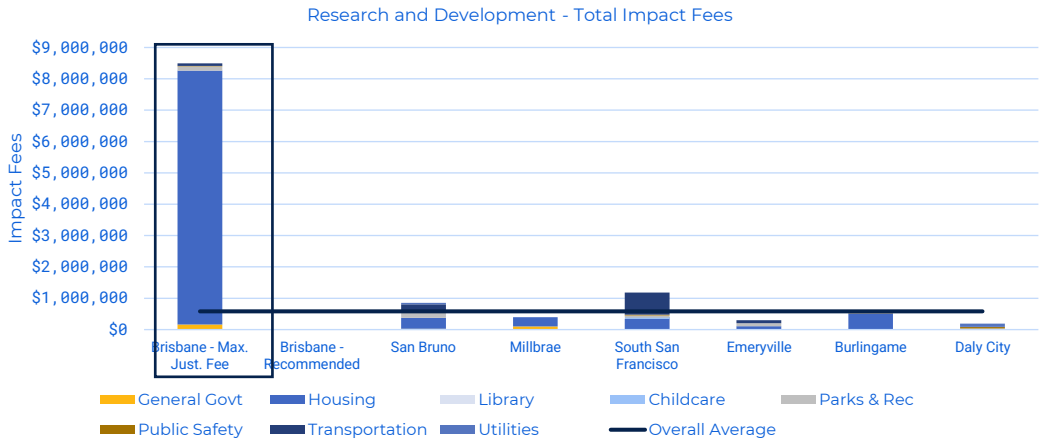
Jurisdiction	General Govt	Housing	Library	Childcare	Parks & Rec	Public	Transportation	Utilities	Total	Cost / Sq.	Overall Average
Brisbane - Max. Just. Fee	**$357,950**	**$12,150,000**			**$335,050**	**$92,550**	**$520,500**		**$13,456,050**	**$269.12**	$1,431,046
Brisbane - Recommended									**$0**	**$0.00**	$1,431,046
San Bruno	$62,500	$876,000			$577,500	$38,500	$465,000	$115,000	$2,134,500	$42.69	$1,431,046
Millbrae	$258,278	$730,000							$988,278	$19.77	$1,431,046
South San Francisco		$869,000	$7,000	$76,000	$178,000	$66,000	$1,757,500		$2,953,500	$59.07	$1,431,046
Emeryville		$265,000			$167,000		$177,500		$609,500	$12.19	$1,431,046
Burlingame	$32,000	$1,250,000			$5,900	$17,500	$90,500	$22,100	$1,418,000	$28.36	$1,431,046
Daly City	$46,000		$41,000			$106,000	$21,500	$268,000	$482,500	$9.65	$1,431,046
Avg Impact Fee	**$99,695**	**$798,000**	**$24,000**	**$76,000**	**$232,100**	**$57,000**	**$502,400**	**$135,033**	**$1,431,046**	**$28.62**	
Avg fee / sq. ft.	$1.99	$15.96	$0.48	$1.52	$4.64	$1.14	$10.05	$2.70			
Brisbane Fee	$7,159	$243			$6,701	$1,851	$10.41				



R&D / Office

Sq. ft.	20,000
Acres	0.46

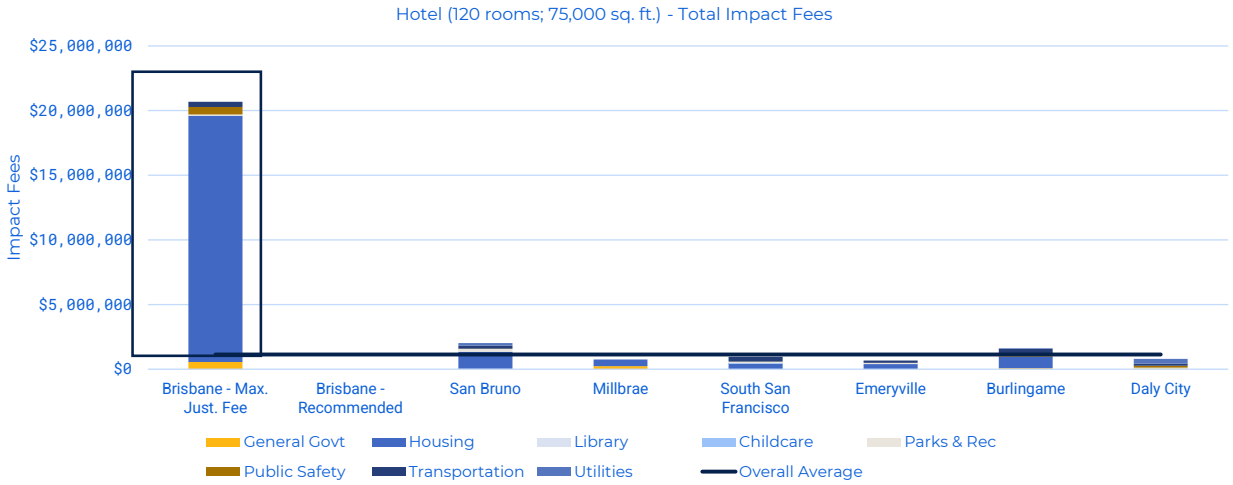
Jurisdiction	General Govt	Housing	Library	Childcare	Parks & Rec	Public	Transportation	Utilities	Total	Cost / Sq.	Overall Average
Brisbane - Max. Just. Fee	**$161,660**	**$8,100,000**			**$134,020**	**$13,300**	**$87,800**		**$8,496,780**	**$424.84**	$581,252
Brisbane - Recommended									**$0**	**$0.00**	$581,252
San Bruno	$25,000	$350,400			$231,000	$15,400	$186,000	$46,000	$853,800	$42.69	$581,252
Millbrae	$103,311	$292,000							$395,311	$19.77	$581,252
South San Francisco		$347,600	$2,800	$30,400	$71,200	$26,400	$703,000		$1,181,400	$59.07	$581,252
Emeryville		$106,000			$97,000		$93,800		$296,800	$14.84	$581,252
Burlingame	$12,800	$500,000			$2,360	$7,000	$36,200	$8,840	$567,200	$28.36	$581,252
Daly City	$18,400		$16,400			$42,400	$8,600	$107,200	$193,000	$9.65	$581,252
Avg Impact Fee	**$39,878**	**$319,200**	**$9,600**	**$30,400**	**$100,390**	**$22,800**	**$205,520**	**$54,013**	**$581,252**	**$29.06**	
Avg fee / sq. ft.	$1.99	$15.96	$0.48	$1.52	$5.02	$1.14	$10.28	$2.70			
Brisbane Fee	$8,083	$405			$6,701	$665	$4.39				



Hotel

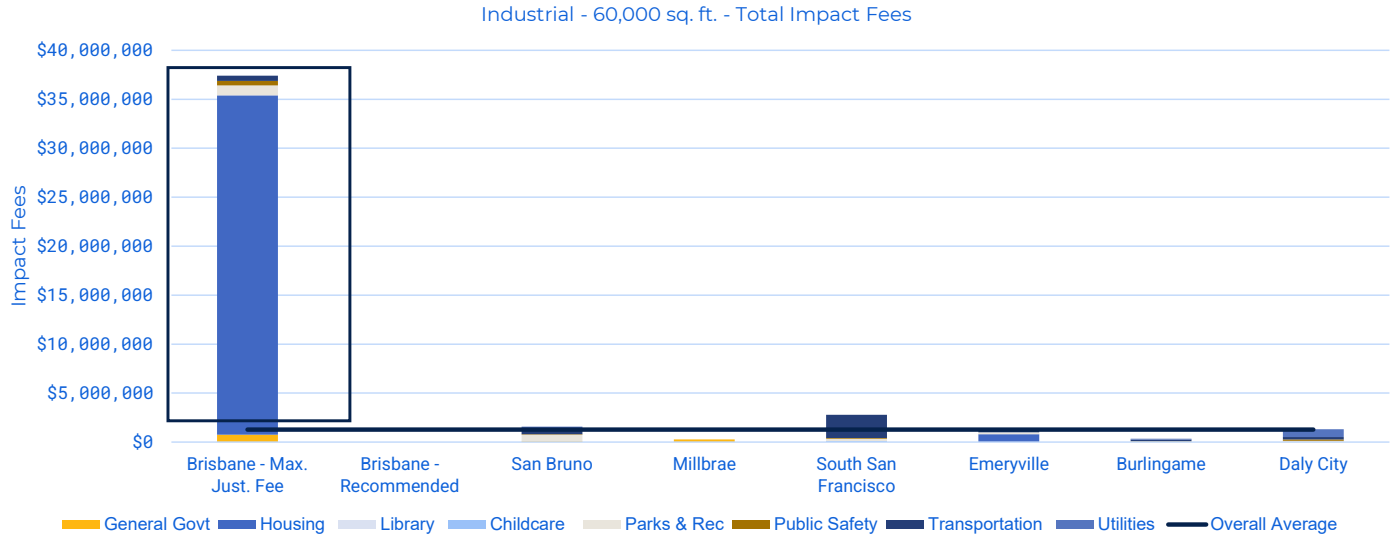
# of Rooms	120
Sq. Ft. / Room	500
Sq. ft.	75,000
Acres	1.72

Jurisdiction	General Govt	Housing	Library	Childcare	Parks & Rec	Public	Transportation	Utilities	Total	Cost / Room	Cost / Sq.	Overall Average
Brisbane - Max. Just. Fee	**$561,240**	**$19,050,000**			**$93,840**	**$571,080**	**$412,027**		**$20,688,187**	**$172,402**	**$275.84**	$1,137,194
Brisbane - Recommended									**$0**	**$0**	**$0.00**	$1,137,194
San Bruno	$24,380	$1,314,000			$226,838	$15,294	$245,161	$196,250	$2,021,924	$16,849	$26.96	$1,137,194
Millbrae	$230,264	$527,027							$757,291	$6,311	$10.10	$1,137,194
South San Francisco		$435,000	$3,000	$22,500	$108,750	$23,250	$371,603		$964,103	$8,034	$12.85	$1,137,194
Emeryville		$397,500			$99,000		$167,160		$663,660	$5,531	$8.85	$1,137,194
Burlingame	$69,750	$900,000			$12,900	$38,025	$546,375	$53,775	$1,620,825	$13,507	$21.61	$1,137,194
Daly City	$63,000		$56,760			$145,560	$162,120	$367,920	$795,360	$6,628	$10.60	$1,137,194
Avg Impact Fee	**$96,849**	**$714,705**	**$29,880**	**$22,500**	**$111,872**	**$55,532**	**$298,484**	**$205,982**	**$1,137,194**	**$9,477**	**$15**	
Avg fee / sq. ft.	$1.29	$9.53	$0.40	$0.30	$1.49	$0.74	$3.98	$2.75				
Avg Fee / Room	$807.07	$5,955.88	$249.00	$187.50	$932.27	$462.77	$2,487.37	$1,716.52	$9,476.62			
Brisbane Fee	$4,677	$254			$782	$4,759	$3,433.56					



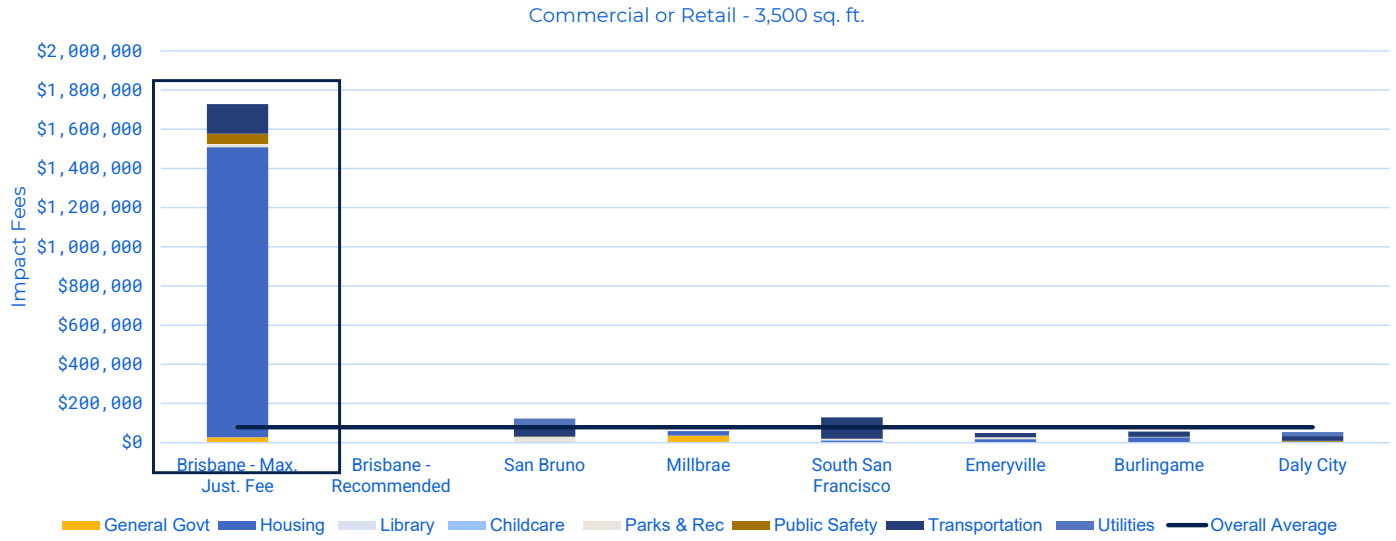
Industrial
Sq. ft. 150,000
Acres 3.44

Jurisdiction	General Govt	Housing	Library	Childcare	Parks & Rec	Public Safety	Transportation	Utilities	Total	Cost / Sq. Ft.	Overall Average
Brisbane - Max. Just. Fee	**$751,650**	**$34,650,000**			**$1,005,150**	**$480,900**	**$511,500**		**$37,399,200**	**$249.33**	$1,274,724
Brisbane - Recommended									**$0**	**$0.00**	$1,274,724
San Bruno	$73,500				$688,500	$45,000	$558,000	$216,000	$1,581,000	$10.54	$1,274,724
Millbrae	$262,191								$262,191	$1.75	$1,274,724
South San Francisco			$7,500	$90,000	$253,500	$72,000	$2,373,000		$2,796,000	$18.64	$1,274,724
Emeryville		$795,000			$198,000		$366,000		$1,359,000	$9.06	$1,274,724
Burlingame	$45,750				$8,400	$24,900	$171,900	$94,200	$345,150	$2.30	$1,274,724
Daly City	$63,000		$57,000			$144,000	$255,000	$786,000	$1,305,000	$8.70	$1,274,724
Avg Impact Fee	**$111,110**	**$795,000**	**$32,250**	**$90,000**	**$287,100**	**$71,475**	**$744,780**	**$365,400**	**$1,274,724**	**$8.50**	
Avg fee / sq. ft.	$0.74	$5.30	$0.22	$0.60	$1.91	$0.48	$4.97	$2.44			
Brisbane Fee	$5,011	$231			$6,701	$3,206	$3.41				



Commercial / Retail
Sq. ft. 3,500

Jurisdiction	General Govt	Housing	Library	Childcare	Parks & Rec	Public Safety	Transportation	Utilities	Total	Cost / Sq. Ft.	Overall Average
Brisbane - Max. Just. Fee	**$28,224**	**$1,480,500**			**$15,635**	**$53,312**	**$150,675**		**$1,728,346**	**$493.81**	$78,860
Brisbane - Recommended									**$0**	**$0.00**	$78,860
San Bruno	$2,835				$26,075	$2,870	$41,930	$50,050	$123,760	$35.36	$78,860
Millbrae	$35,763	$23,065							$58,828	$16.81	$78,860
South San Francisco		$10,150	$280	$2,870	$5,320	$1,855	$108,255		$128,730	$36.78	$78,860
Emeryville		$18,550			$9,310		$21,630		$49,490	$14.14	$78,860
Burlingame	$3,255	$24,500			$602	$1,775	$25,498	$2,510	$58,139	$16.61	$78,860
Daly City	$2,345		$2,100			$5,355	$24,150	$20,265	$54,215	$15.49	$78,860
Avg Impact Fee	**$11,049**	**$19,066**	**$1,190**	**$2,870**	**$10,327**	**$2,964**	**$44,293**	**$24,275**	**$78,860**	**$22.53**	
Avg fee / sq. ft.	$3.16	$5.45	$0.34	$0.82	$2.95	$0.85	$12.66	$6.94			
Brisbane Fee	$8,064	$423			$4,467	$15,232	$43.05				



	A	B	C	D	E	F	G
1	**Development Type**	**Low (Score=1)**	**Medium (Score=2)**	**High (Score=3)**	**Total Votes**	**Comments**	**Recommended Level**
2	Single Family Residential						
3	Multifamily Residential						
4	Hotel						
5	Industrial						
6	R&D / Office						
7	Commercial / Retail						

City of Brisbane – Development Impact Fee Matrix						
Development Type	**Transportation**	**Parks & Recreation**	**Commercial Linkage**	**Public Facilities**	**Overall Score**	**Notes**
Single Family Residential			X			
Multifamily Residential			X			
Hotel						
Industrial						
R&D / Office						
Commercial / Retail						
Commercial Linkage applies to commercial development only.						
Legend:						
Rank 1- Low Impact Fee						
Rank 2 - Average Impact Fee						
Rank 3 - High Impact Fee						

City Council Staff Report
Meeting Date: March 5, 2026
From: Lisa Macias, Police Chief
Subject: Receive Security Update on Flock Cameras

Recommendation

Staff recommends that the City Council receive this informational report providing an update regarding privacy concerns on recent statewide misuse of the ALPR systems in neighboring communities and the safeguards in place within the Brisbane Police Department to protect privacy and maintain program integrity. Staff has published a statement outlining the Brisbane Police Departments privacy safeguards related to the use of Automated License Plate Reader Technology which is included as Attachment 1.

Background

Over the past several months, there has been increased public discussion regarding the use of Automated License Readers (ALPR) technology, particularly involving the vendor FLOCK Safety. Several cities have recently chosen to suspend their ALPR program while they examine concerns related to data access and potential misuse by Federal Agencies along with Out-of-State Law Enforcement Agency access. Currently, the ALPR system is used by law enforcement agencies throughout the state to assist in locating stolen vehicles, identifying vehicles associated with serious crimes, locating missing people, and supporting active investigations.

Discussion

Some of the cities have reported that the misuse of their data was a result of not properly setting up the privacy protection and safeguards that govern the systems' operation. Following these recent concerns, to reinforce public confidence, staff immediately conducted a complete review of our ALPR system to ensure all privacy protections and sharing limitations were properly configured. Staff confirmed that our agency's settings were set to prevent unauthorized out-of-state- and federal access and are fully consistent with California law Senate Bill 34, establishing clear requirements for the responsible use of the license plate reader data, including limiting its use to legitimate law enforcement purposes, prohibiting the sharing of ALPR data with federal agencies, restricting access to authorized personnel only. Brisbane's ALPR program has always adhered to strong data security, retention and audit practices.

In addition to system access controls, our department performs formal monthly ALPR data audits as an added layer of accountability. Audit reviews include activity logs, case-related query, and verification that all data access and sharing practices comply with adopted policy and statutory requirements. Moving forward, staff will review weekly, all privacy protections

and system safeguards to ensure they remain properly configured and fully compliant with policy and state law. The Brisbane Police Department's ALPR Policy is included as Attachment 2.

Considering the recent concern involving the privacy setting configuration, FLOCK has disabled the nation-wide sharing function on the ALPR dashboard settings, to avoid agencies from inadvertently enabling this feature in the future. The agencies that we currently share data information with is included as Attachment 3.

ALPR Investigative tool -Crime Reduction

Since the installation of the ALPR system, Brisbane has experienced a substantial reduction in vehicle related crime. In the first year of deployment, the city saw a 50 percent decrease in reported stolen vehicle incidents, that reduction has decreased year after year. For context, Brisbane recorded 30 stolen vehicles in 2021, after deployment of the ALPR program, in mid-2022, our number dropped to 16, and in 2023 to 9, 2024 to 4 and in 2025, we had 2 reported stolen vehicles.

Beyond crime reduction, ALPR technology has proven to be a valuable deterrent, a force multiplier for a small department. ALPR alerts officers when stolen vehicles or vehicles linked to criminal investigations enter our jurisdiction, enabling officers to respond proactively and prevent potential victimization of our residents. It has also become an important investigative tool that has assisted us in solving crimes and supporting victims while operating within strict privacy boundaries-for instance, it was through the ALPR that we were able to identify the suspect involved in a fatal hit and run in the 3800 block of Bayshore Blvd last year. Maintaining community trust is paramount to City staff and the Brisbane Police Department.

While ALPR has proven to be a valuable investigative tool that has supported stolen vehicles recovery, notification, and crime reduction, it's use must remain lawful, limited, transparent, and accountable. The department remains committed to balancing public safety needs with privacy protection.

Fiscal Impact

None.

Attachments

1. ALPR Community Engagement Letter Attachment 1
2. ALPR Policy Attachment 2
3. ALPR Agency Share List Attachment 3

City Manager Approval

Jeremy Dennis, City Manager 02/27/2026

Brisbane Police Department Reaffirms Privacy Safeguards in Automated License Readers

Widespread media coverage has prompted questions about the security of Flock Cameras (Automated License Plate Readers), utilized by numerous Bay Area Cities including Brisbane.

The Brisbane Police Department conducted a comprehensive review of our ALPR system to confirm that all privacy protections, access restrictions, and data-sharing safeguards are properly configured and compliant with California law (SB 34).

This review confirmed that access by Federal agencies, including U.S. Immigration and Customs Enforcement (ICE), and out-of-state law enforcement agencies was appropriately restricted in our Flock Cameras at the time of setup and has remained appropriately restricted.

Though you may have heard about several California cities having data accessed, the reported issues may stem from systems not being properly configured with the proper privacy controls and safeguards.

The City of Brisbane and the Brisbane Police Department are committed to ensuring privacy controls are always in place.

ALPR data collected in Brisbane is retained for no more than 30 days unless needed for Police Department investigative purposes. Data older than 30 days is automatically purged from the system. This limited retention period is a key safeguard that supports public safety while protecting individual privacy.

Senate Bill 34. establishes clear requirements for the responsible use of license plate reader data, including limiting its use to legitimate law enforcement purposes, restricting access to authorized personnel, requiring strong security and audit practices, and prohibiting the sharing of ALPR data with Federal agencies. **Brisbane's ALPR program has consistently adhered to these requirements**.

The Brisbane Police Department also maintains strict accountability measures. All ALPR usage is subject to monthly internal and external audits to ensure searches and access comply with applicable laws and departmental policy. Each month, audit results are formally documented and attested to the Chief of Police through a written audit attestation process.

Brisbane's service agreement with Flock Safety reflects the scope and limitations approved by the City Council. The City of Brisbane owns and controls its data. The Brisbane Police Department does not share ALPR data with federal agencies, including ICE, and has never done so. Our policies, contractual terms, and system settings are aligned to ensure these restrictions remain enforced.

Public trust is essential, and safeguarding personal data is a responsibility we take extremely seriously. The Brisbane Police Department remains committed to transparency, accountability, and strict adherence to the privacy protections entrusted to us by our community. See our Transparency Portal to see the organizations granted access to Brisbane PD data.

We will continue to monitor developments statewide, regularly review our policies, and keep the community informed. **Moving forward, we remain committed to staying at the forefront of software upgrades and ongoing user education to ensure our team utilizes this technology with the highest level of proficiency and security.** If you have questions about Brisbane's ALPR program or would like additional information, please contact Chief Lisa Macias at (415) 508-2177 or Commander Mario Garcia at (415) 508-2178.

The Brisbane Police Department also plans to provide an oral update to the City Council at the Thursday, March 5 Council meeting at 6:30 PM. Residents with questions or concerns are encouraged to attend, either in person or online via Zoom at brisbaneca.org/cc-zoom.

Automated License Plate Readers (ALPRs)

470.1 POLICY

The Policy of the Brisbane Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are the official use of this department. Because such data may contain confidential information, it is not open to public view.

470.2 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

470.3 DEFINITIONS

(a) **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images to lists of known information of interest.

(b) **ALPR Operator:** Trained Department members who may utilize ALPR system/ equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.

(c) **ALPR Administrator:** The Commander or the Chief's designee, serves as the ALPR Administrator for the Department.

(d) **Hot List:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.

(e) **Vehicles of Interest:** Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/ or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.

(f) **Detection:** Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.

(g) **Hit:** Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity

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470.4 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the Brisbane Police Department's ALPR's system and the vendor's vehicle identification technology. The technology is used by the Brisbane Police Department to convert data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the ALPR Administrator. The ALPR Administrator will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

470.4.1 ALPR ADMINISTRATOR

The Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

470.5 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation; reasonable suspicion or probable cause is not required before using an ALPR.

(c) Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

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(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through Dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)

(f) Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department may be uploading them and thus the Department's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Department members shall undertake the following:

1. **Verification of status on a Hot List.** An officer must receive confirmation, from a Brisbane Police Department Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).

2. **Visual verification of license plate number.** Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

3. Department members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the Department member shall update with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle in the hot list (hit).

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4. Hot List from teh Stolen Vehicle System will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.

5. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or his/her designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the officers attention to specific vehicles that have been associated with criminal activit

All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
- Related case number
- Short synopsis describing the nature of the originating call

(a) Training. No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.

(b) Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Brisbane Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

(a) Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s)are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

(b) Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.

(c) Use Based on a Protected Characteristic. It is a violation of this policy to use the ALPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.

(d) Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.

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(e) First Amendment Rights. It is a violation of this policy to use the ALPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:

- Criminal prosecution,
- Civil liability, and/or
- Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

470.6 DATA COLLECTION AND RETENTION

The Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

All ALPR data downloaded will not be stored or retained by the Brisbane Police Department or any vendor beyond 30 days, nor will it be warehoused or co-mingled with any private company data. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

ALPR vendor, (Flock Safety) will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. (Flock Safety) will purge their data at the end of the 30 days of storage.

Restrictions on use of ALPR Data**:** Information gathered or collected, and records retained by (Flock Safety) License Plate Readers will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

470.7 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Brisbane Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52). Passwords are required to be changed periodically. Employees that leave the City will have all access immediately revoked.

(b) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.

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(c) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a monthly basis.

(f) Every ALPR Detection Browsing Inquiry must be documented by either the associated Brisbane Police case number or incident number, and/or a reason for the inquiry.

For security or data breaches, see the Records Release and Maintenance Policy.

470.8 ALPR DATA DETECTION BROWSING AUDIT

It is the responsibility of the Commander or the Chief's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least monthly during each calendar year. The audit shall randomly select at least 10 detection browsing inquiries conducted by department employees during each month..

The audit shall be documented in the form of an internal department audit form. The audit form shall include any data errors found so that such errors can be corrected. After review by the Chief of Police or designee, the audit and any associated documentation shall be filed and retained in a secured location.

470.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Commander/Chief or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

(d) The Chief of Police or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), before approving the release of ALPR data. The Brisbane Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

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(e) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

470.10 TRAINING

The Training Sergeant should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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Brisbane Police Department Automated License Plate Readers

Data Agency Sharing List

- Alameda CA PD
- Alameda County CA SO
- Albany CA PD
- Antioch CA PD
- Belmont CA PD
- Belvedere CA PD
- Benicia CA PD
- Brawley CA PD
- Brentwood CA PD
- Burlingame CA PD
- Calistoga CA PD
- Campbell CA PD
- Capitola CA PD
- Carmel CA PD
- Central Marin CA PD
- Chino CA PD
- Clayton CA PD
- Colma CA PD
- Concord CA PD
- Contra Costa County CA SO
- Corona CA PD
- Costa Mesa CA PD
- Cotati CA PD
- Daly City CA PD
- Danville CA PD
- Dixon CA PD
- Dublin CA PD (ACSO)
- East Bay Parks CA PD
- East Palo Alto CA PD
- El Cerrito CA PD
- Emeryville CA PD
- Fairfield CA PD
- Folsom CA PD
- Foothill-DeAnza CA PD
- Fort Bragg CA PD
- Fremont CA PD
- Hayward CA PD
- Hercules CA PD
- Hillsborough CA PD
- Livermore CA PD

- Los Altos CA PD
- Marin County CA DA
- Marin County CA SO
- Mill Valley CA PD
- Milpitas CA PD
- Moraga CA PD
- Mountain View CA PD (Santa Clara County)
- Napa CA PD
- Napa County CA SO
- Newark CA PD
- Novato CA PD
- Oakland CA PD
- Oakley CA PD
- Pacifica CA PD
- Palo Alto CA PD
- Petaluma CA PD
- Pleasant Hill CA PD
- Pleasanton CA PD
- Redwood City CA PD
- Richmond CA PD
- Riverside County CA SO
- Rohnert Park Department of Public Safety (CA)
- Roseville CA PD
- Sacramento CA DA
- San Bruno CA PD
- San Francisco CA PD
- San Francisco District Attorney CA
- San Jose CA PD
- San Leandro CA PD
- San Mateo CA PD
- San Mateo County CA SO
- San Rafael CA PD
- San Ramon CA PD
- Santa Clara CA PD
- Santa Clara DA CA
- Santa Rosa CA PD
- Sausalito CA PD
- Seaside CA PD
- Solano County CA SO
- Sonoma County CA SO
- South San Francisco CA PD
- Stanford University CA PD
- Suisun City CA PD
- Tehachapi CA PD
- Tiburon CA PD
- Town of Los Gatos CA
- Tustin CA PD
- Union City CA PD
- University of California, Berkeley
- Vacaville CA PD

- Vallejo CA PD
- West Valley Mission College Dist Campus (CA)

City Council Staff Report

Meeting Date: March 5, 2026

From: Jeremy Dennis, City Manager

Subject: Pilot Program for Use of a Camera in the Community Park

Recommendation

Staff recommends adoption of a 90-day Pilot Program for the use of a camera in the Community Park subject to its limited purpose and use of the data recorded as set forth in the Pilot Program.

Background

On December 4, 2025, City Council considered a report from the City Manager regarding thepotential installation of a camera in or near the Community Park. Council member Kern had requested Council consider this item. The installation would be on a trial basis (a Pilot Program), and its purpose would provide new community engagement and real time transparency, provide data that will help inform future park planning, help enhance the user experience at the Park and ensure compliance with State law. See attached December 4, 2025 agenda report (Attachment 1).

After discussion, Council directed staff to prepare a Pilot Program for the use of the camera at the Park for 90 days. At the conclusion of the 90 days, Council would decide whether to continue to have the camera in the Park and the terms and conditions concerning its use and the data obtained from its use.

Staff has drafted the Pilot Program, and it is attached as Attachment 2. Councilmember Kern has reviewed the document and supports its adoption.

Discussion

The purpose of the Pilot Program is limited, i.e., it authorizes the use of a camera in the Community Park for planning, operational, and analytical purposes only; the purpose of the Pilot Program is to improve the City's understanding of patterns concerning the use of the Park to support data-driven decisions related to park design, amenities, programming, maintenance, and resource allocation.

Camera footage shall be used solely to generate aggregated information, including but not limited to:

- Pedestrian and bicycle counts

• Directional movement patterns
• Time-of-day and day-of-week usage trends
• Where areas of the Park are used and for how long
• Event-based and seasonal usage comparisons
• Overall occupancy and congestion trends

Accordingly, the data collected under this Pilot Program is intended to inform the City of how the park is used daily and during events. More particularly, however, the data will be used to:

• Generate statistics as to park use and trend data
• Analyze where the Park is used
• Provide metrics concerning occupancy and use of the Park
• Provide historical comparisons (within the 90 days of the Pilot Program) of park usage

Significantly, the data will not be used for:

• Continuous or real-time monitoring
• Security or law enforcement surveillance
• Facial recognition or biometric identification
• Audio recording

The City Manager, in consultation with the Director of Public Works and the Director of Parks and Recreation, will determine where the camera will be placed. The location of the camera will be determined to best support the goal of this Pilot Program. The camera although designed with mobility mounting will remain in the same location during this Pilot Program period.

Only City employees expressly authorized by the City Manager shall access recorded video. Access shall be limited to employees whose duties relate to planning, parks operations, or program evaluation.

Review of recorded video footage, as distinct from reviewing video for as provided in the previous paragraph, shall be limited on a need-to-know basis and authorized by the City Manager, such as when a documented incident has occurred and no other reasonable means exist to determine basic facts.

All data and any associated video footage shall be protected by administrative, procedural, and technological safeguards. The system requires authenticated access and will maintain audit logs identifying user access by name, date, and time. Access shall be limited to purposes consistent with this Pilot Program.

Any video footage collected under this Pilot Program shall be retained for no more than 30 days, after which it shall be automatically purged, unless the footage:

• Has become evidence in a criminal or civil proceeding, or
• Is subject to a lawful discovery request, subpoena, or other legal obligation

Although this Pilot Program is not subject to the requirements of State law concerning automatic licensed plate readers, the City has used the principles embodied in State law as guidance for this Pilot Program. State law provides a framework for transparency, defined purpose, limited use, and City Council oversight of public-sector technology and emphasizes data minimization and retention limited to the period necessary to accomplish a legitimate governmental purpose. Consistent with those principles, the City has determined that a 30-day retention period is reasonable, privacy-protective, and sufficient to support the objectives of this Pilot Program.

To the extent that retained video footage is subject to disclosure, the City shall take reasonable steps to protect individual privacy. Images of individuals whose presence is incidental to the reason for retention shall be blurred prior to disclosure, consistent with applicable law.

Information regarding this Pilot Program, including its purpose, scope, and privacy protections, shall be made publicly available. The City may post signage in the Community Park informing the public that recorded footage is being collected for planning purposes.

The Pilot Program shall remain in effect for 90 days. Upon conclusion of the Pilot Program, staff shall evaluate the effectiveness and usefulness of the information collected and analyzed and report to the City Council with recommendations regarding continuation, modification, or termination of the Program.

As was pointed out in the prior agenda reports, there are other cameras in the City that capture activities in the City. These include cameras at City Hall and City Hall Annex, the Corporation Yard, the Community pool, the Marina, and at three locations along Main Street. In addition, the Flock license plate reader cameras are used by the Police Department and the City will be placing cameras on locations on Bayshore Boulevard to monitor traffic.

Fiscal Impact

Verkada, the maker of the camera in question, has agreed to provide the camera at no cost to the City for this 90-day Pilot Program. Should the City Council decide to continue wanting a camera in the Community Park for the purposes described in this report, the Verkada camera and related costs are approximately $6200, with annual costs of about $2100.

Attachments

1. December 4 2025 Staff Report Attachment 1
2. Community Park Camera Policy Attachment 2

City Manager Approval

Jeremy Dennis, City Manager 02/27/2026

CITY COUNCIL AGENDA REPORT

Meeting Date: December 4, 2025

From: Jeremy Dennis, City Manager

Subject: Camera at Community Park Follow-Up

Recommendation

Staff recommend that the City Council receive this staff report regarding the potential installation of a camera near the Community Park, as proposed by Councilmember Kern.

Background

On September 18, 2025, the City Council discussed a proposal by Councilmember Kern regarding the installation of a camera at the Community Park (Attachments 1 and 2).

As described previously, Councilmember Kern introduced this topic after recent incidents at the Community Park, including two cases of vandalism in the bathrooms, and a serious dog attack on another dog.

Per the direction of the Council, staff has met internally and with Councilmember Kern to further discuss. The City Council also directed that the City Attorney review any action before it comes to the City Council to ensure compliance with state laws.

Discussion

Project Goals/Opportunities

Councilmember Kern proposes a one-year pilot program, to be managed by the City Manager's Office (CMO) that will:

- Provide New Community Engagement and Real-Time Transparency
- Provide Data That Can Inform Future Park Planning
- Increase the user experience at the Community Park
- Ensure compliance with State Law

Key Benefits include:

- Usage Analytics: Accurately capture data on visitor flow, peak times, popular areas, and user demographics.

- Informed Decisions: Utilize data to inform future park planning, justify resource allocation, and target amenity/program enhancements where demand is highest.
- User Confidence: Directly increase the public perception of safety, encouraging greater park utilization.
- Deterrence & Asset Protection: A visible camera, along with associated signage, deter undesirable behavior and vandalism (critical given recent bathroom defacing incidents, feeding of wild animals, off-leash dogs). High-quality, date-stamped footage provides essential evidence for incident resolution.
- Rapid Emergency Response: Provide real-time situational awareness to authorities (Fire, Police, and Rescue) for expedited, targeted response times in emergency/life threatening
- Proactive Maintenance: Real-time monitoring allows staff to rapidly identify and resolve physical issues (e.g., severe litter, graffiti, sprinkler heads) before they escalate.
- Compliance Verification: Facilitate remote monitoring of amenity rental agreements and adherence to park rules, especially during high-traffic Summer weekends/holidays.
- Behavioral Impact: Encourage responsible pet ownership regarding waste disposal and compliance with the city's pet leash ordinance.

Existing Camera Systems

As outlined in the September 18th staff report, the City currently utilizes cameras at the following locations:

- City Hall and Annex
- Corpyard
- Community Pool
- Marina
- Right of way location at Main Street and Bayshore Blvd to deter/investigate illegal dumping

Additionally, Flock license plate reader cameras are utilized by the Police Department in fixed locations and in vehicles, and the City will be participating in a new program initiated by the City/County Association of Governments (C/CAG) called the Smart Corridor Project. The project's intent is to provide CalTrans and other government agencies real time traffic information. City Hall will place cameras that will monitor locations on Bayshore Boulevard.

Example Camera System – Verkada

Staff reached out Verkada, the organization that provided and supports most of our existing fixed camera locations, to learn more about systems that may be appropriate for the use/goals defined by Councilmember Kern.

The Verkada CR63-E Remote Camera (Attachment 3) is a new solar-powered system, utilizing broadband communications tools, that may be the type of system for this pilot. Advantages of the cameras include:

1. Robust privacy settings, with all captured/stored videos will have faces blurred for privacy and to ensure we are not violating state privacy protections
2. Tools that can summarize crowd make-up, presence of animals, and other useful data in an anonymized manner
3. It is a portable and provides opportunities for deployment across the City, as needed.

The camera has an MSRP of $3,499.00. Below is a breakdown of the associated costs:

One-Time Costs:

- Verkada CR63-E Remote Camera – $3,499.00
- Battery Backup System – $1,399.00
- Solar Pole Mount – $999.00
- 100-Watt Solar Panel (charging) – $269.00
  Total One-Time Cost: $6,166.00

Annual Costs:

- Cloud License (one-year) – $199.00
- Data Plan (SIM connection) – $999.00
- Cloud Storage License (one-year) – $900.00
  Total Annual Cost: $2,098.00

Please note, the initial setup cost will include both the one-time costs and the first year's annual costs, for a total of **$8,264.00**. After the first year, the ongoing annual renewal cost will be **$2,098.00** per year.

Proposal

Councilmember Kern proposes a one-year pilot program, with the camera's primary installation at an appropriate location at the Community Park to provide for the above goals. The pilot is to be managed by the City Manager's Office, who will coordinate with departments on a as-needed basis, for access/use (limited to day-to-day parks and recreation activities, non-individual data collection for future planning purposes (such as visitor flow, peak time usage, and user demographics), and criminal investigations that have an assigned case number. Data retention is proposed to be preserved on a rolling 30-day window.

Camera location is recommended, by staff, to be in the southwest corner of the park, as seen in this visual:

Such a location offers one of the widest visual ranges while also recognizing privacy issues related to the playground and bathroom facilities.

If the Council wishes to pursue this pilot, staff will return with a data retention policy, any additional costs, and other items at a council meeting later this winter.

Attachments:

1. Sept 18 2025 Staff Report
2. Sept 18, 2025 Minutes (relevant excerpt)
3. Verkada Proposal

Jeremy Dennis, City Manager

CITY COUNCIL AGENDA REPORT

Meeting Date: September 18, 2025
From: Jeremy Dennis, City Manager
Subject: Discussion – Installation of a Camera at the Community Park

Recommendation
Per the request of Councilmember Kern, Staff recommends discussion on the potential installation of cameras at Community Park.

Background
At the September 4, 2025 City Council meeting, Councilmember Kern requested the City Council agendize a discussion regarding the potential installation of cameras at Community Park. Below is a summary of the potential uses of a camera, how other local communities have utilized cameras in their public spaces. And costs associated with such installations.

Examples of Use
Municipalities install cameras for a variety of reasons:

- Increasing the visibility of a public area (such as a webcam that overlooks a park, building or street
- Enhancing public safety/increasing the number of investigative tools in the event of a crime or incident
    - Providing deterrence from future criminal activity or incidents
- Increasing the visibility of a public infrastructure project's construction progress
- Providing real-time traffic/outdoor facility use updates
- Coordinating emergency response coordination/increasing visibility in high-fire areas

The City of Brisbane has installed cameras at the following locations:

- City Hall and Annex
- Corpyard
- Community Pool
- Marina
- Right of way location at Main Street and Bayshore Blvd to deter/monitor/investigate illegal dumping

Case Uses from Local Municipalities

To learn more about the usage of cameras in public spaces, staff surveyed neighboring cities to learn more about their experiences with cameras in community parks. The following information was received:

- *Burlingame:* Installed four cameras at Washington Park four years ago in response to ongoing concerns regarding graffiti. Staff selected Arlo Pro cameras, as it was a cost effective and simple solution. The camera footage is not accessed publicly, and the Parks Department and Police Department have access to the footage. Burlingame has been able to apprehend individuals who have vandalized the park. The biggest issue was difficulty with Wi-Fi connectivity.
- *Millbrae:* Installed the Verkada camera system both inside and outside of recreation center along with visibility into Central Park. The cameras are smart cameras that track movement. The Parks and Recreation Department have access to the footage and review footage on an as-needed basis. If needed, clips may be sent to the police department.
- *Redwood City:* Installed different types of cameras throughout the city. Some high end Verkada cameras, and a few simple webcams based on the location. The footage is not publicly accessible.
- *South San Francisco:* Installed the Verkada camera system along with an Avigilion system. While the system is not actively monitored, footage is pulled on an as-needed basis. The city does have a Verkada livecam for the aquatic center construction project. You can view it at www.ssf.net/newpool.
- *San Carlos:* Installed cameras at their parks and public facilities. The city upgraded their cameras to 360 cameras in 2017 for select facilities. The Sherriff's office is able to review camera footage as necessary and IT staff have permission to review only to determine if the cameras are functioning property. The footage is not publicly accessible. The total project cost was $450,000.

Costs of Various Camera Systems

The use of a public-facing camera system has a direct relationship to the cost of purchase, installation, and subscriptions. In the case of a system intended to bring visibility to an amenity, construction project, or other similar use, a standard webcam system, Webcams are typically consumer grade and used for personal video communication. Many webcams are plug-and-play by utilizing a USB, they have a fixed lens without the ability to zoom or pan. Webcams also are lower resolution (720p to 1080p) with a limited field of view and no built-in streaming protocols. Common webcams include Arlo Pro, Logitech C920, Razer Kiyo, and Microsoft LifeCam. Data may be stored in the cloud and remote access is available. The cost of webcams may range from $50 to over $250 per camera. The City's webcam purchased to curb illegal

dumping cost $250 per camera plus a $25 per month subscription fee.

As noted above, some cities utilizing camera systems which have the capability to provide real-time camera feeds. Designated staff may monitor the camera with remote access and view from their smartphones, tablets, or desktops. These systems also allow for centralized control of multiple locations including city halls, police stations, and public parks. The automation feature triggers alerts based on motion, door access, or license plate recognition. While Verkada is widely used, other systems include PTZOptics, Sony SRG series, and Panasonic AW series to name a few.

In gathering cost information, Staff received quotes for two types of cameras provided by Qovo Solutions, Inc. The Artificial Intelligence (AI) Camera has the ability to analyze audio and dispatch law enforcement. Audio triggers may include screaming or a car crash. The camera pans and has the ability to zoom. It is cloud based and costs approximately $9,000 per camera plus $10,000 for installation and an annual licensing fee of $400. The second camera is a traditional dome, fixed camera. While also cloud based, it does not have the ability to zoom or pan and does not have audio. The cost per camera is approximately $16,000 plus $10,000 for installation and a $500 licensing fee.

Best Practice

Best practices when implementing public facing cameras include creation of transparent policies, limiting data retention, restricting access to footage, and complying with any privacy laws.

Should Council wish to proceed, Staff anticipates creating a camera policy based on best practices that also incorporate an auditing component, similar to the audit requirements provided by the Automated License Plate Reader (ALPR) policies. The audit allows the Police Commander or the Chief of Police to conduct an audit of ALPR browsing inquiries at least monthly each calendar year. The audit is documented and reviewed by the Chief of Police and retained in a secure location.

Discussion

Staff recommends the City Council weigh the costs and benefits of the various types of camera systems and provide staff direction on whether to continue to explore installation of a camera at Community Park.

Fiscal Impact

The fiscal impact to the City is dependent on the camera system selected.

Attachments

Jeremy Dennis

Jeremy Dennis, City Manager

NEW BUSINESS

H. Discuss the Potential Installation of a Camera at the Community Park

City Manager Dennis reported that at the September 4, 2025, City Council meeting, Councilmember Kern requested the City Council agendize a discussion regarding the potential installation of cameras at Community Park. Staff recommend the City Council weigh the costs and benefits of the various types of camera systems and provide staff direction on whether to continue to explore installation of a camera at Community Park. Councilmember Kern shared the four incidents that inspired his request to agendize this item for discussion for a pilot program to install a camera at the Community Park.

After council questions, Al Cordoza commented that cameras in the park can also be used to monitor traffic laws, road congestion, weather problems, and drain issues in the park.

After Council discussion, staff was directed to bring back more information at a future council meeting on the need for a camera in the community park, specifically coming from the Police Chief or Police Commander, and the cost for the camera system needed. Additionally, Staff were directed to publicize this future meeting so the public can weigh in.

CR63-E Remote Camera with LTE

Easily Monitor Areas Without Power or Internet

Overview

The CR63-E remote camera is quick to deploy and easy to move, providing coverage even in areas that lack power or internet. It has a built-in battery and LTE modem and supports various power supplies, including solar.

If continuous power is available, the CR63-E can be hardwired via included AC and passive PoE adapters.[1] For deployments in areas without existing power infrastructure, a solar panel and one or more backup batteries can be used. A built-in LTE modem simplifies install without the need for a standalone cellular gateway.

The CR63-E provides 24/7 streaming and impeccable image quality with 4K resolution and optical zoom. An onboard CV75S Ambarella processor supports advanced analytics like AI-powered search, AI-powered unified timeline, line crossing, loitering, person of interest (POI) alerts, and license plate recognition (LPR).

With sealed interior components and IP66/IP67 weather and IK10 impact ratings, the CR63-E withstands extreme temperatures and excessive precipitation, allowing it to be deployed in a variety of indoor or outdoor environments.

Key features

Various power supply options

- Passive PoE,[1] DC, and power tap adapters
- External backup battery
- 65W or 100W solar panel

Excellent image quality

- 4K resolution
- 1 / 1.2" progressive CMOS image sensor
- Varifocal lens with 2.25x optical zoom
- 30m / 98ft of IR range for nighttime viewing

Built-in LTE connectivity

- Built-in LTE modem to provide connectivity in areas without internet
- Choose between Verkada's data plan or bring your own

Advanced analytics

- Onboard CV75S Ambarella processor enables people and vehicle analytics
- License plate recognition capabilities capture license plates at speeds up to 80 mph / 128 kph
- AI-powered search and AI-powered alerts
- Occupancy trends for operational insights

Hybrid cloud architecture

- Onboard storage and processing for reduced bandwidth consumption and coverage at scale
- 30 - 120 days (512GB - 3TB) of onboard storage
- Redundant cloud backup and unlimited cloud-based archiving of footage

1. PoE pigtail must be used with 48-57V passive PoE

Verkada Data Plan

Verkada takes away the challenge of working with cell carriers with our hassle-free data plan, which works out of the box in many countries across the world.

Key benefits

Instant connectivity out of the box

As soon as it receives power, the CR63-E's built-in modem will automatically connect to a carrier using the pre-inserted Verkada SIM card – it just works.

Multi-carrier redundancy

The Verkada SIM card works across major carriers, allowing the CR63-E to automatically switch carriers if the current network is down.

Unlimited data

Unlike most carriers, which throttle your speed after a certain threshold, Verkada offers truly unlimited data.

24/7 support

Enjoy the quick and easy 24/7 customer support that you've come to expect from Verkada.

Country/region

US

Carriers used

Verizon, AT&T, T-Mobile

Bring Your Own Data Plan

Customers also have the option to bring their own data plan. For a list of carriers that have been tested and verified by Verkada, please refer to the knowledge base article.

Always connected

Customers can insert their own SIM card in one slot while keeping the Verkada SIM in the other slot for automatic failover. If the customer-provided SIM fails, the Verkada SIM helps ensure that the camera is always reachable.

Flexible configuration

Customers may also use their own SIM cards in both slots. In this case, customers can configure one slot as the primary SIM and use the other for automatic failover if needed.

CR63-E
Tech Specs

Camera features

Image Sensor	1 / 1.2" Progressive CMOS	**Shutter Speed**	1 / 30 sec. to 1 / 10,000 sec.
Sensor Resolution[1]	4K (3840 x 2160)	**Day/Night**	IR-cut filter for day and night function
Lens Type	Varifocal; motorized zoom (2.25x)	**IR Cut Filter**	Yes
Focal Length	5.9 - 13.3mm	**IR Range**	30m / 98ft; non-adjustable
Aperture	F1.5 - F2.9	**Minimum Illumination**	0.009 lux @ F1.9 (Color) 0 lux with IR Illuminators on
Iris	P-Iris	**Onboard Storage**	Capacity: From 512GB to 3TB Card: MicroSD, SDXC
Field of View (after LDC[2]**)**	Horizontal: 109° - 49° (102° - 47°) Vertical: 58° - 28° (58° - 27°) Diagonal: 113° - 55° (107° - 53°)	**CPU**	Ambarella CV75S88
Sensor Movement	Tilt: 0° to 90° Pan: 360° Rotation: 360°		

Standard video settings

Compression	H.265, H.264	**Historical Video Settings**	Adaptive quality[1]
Frame Rate[3]	24fps	**Live Streaming Settings**	High quality (HQ): Up to 4,500 Kbps (default) Standard quality (SQ): Up to 600 Kbps

Standard audio settings

Audio	Supported	**Interface**	Built-in microphone
Audio Capacity	One-way audio	**Effective Range**	5m / 16ft

1. All our cameras record in "adaptive quality," capturing both standard (SQ) and high quality (HQ) streams. SQ video is stored up to the amount of retention specified by the customer. The amount of HQ video stored on the camera will depend on the amount of motion detected by the camera over time. To learn more, visit our website: https://docs.verkada.com/docs/adaptive-quality-recording-whitepaper.pdf
2. Lens Distortion Correction (LDC) crops the sensor field of view to deliver a rectified, undistorted output image.
3. Frame rate can be adjusted by support.

CR63-E
Tech Specs

Power and network

Power Input	MC4 Pigtail for Solar Panel RJ45 for Passive POE DC Power Adapter	**Connectivity**	RJ-45 cable connector for passive PoE connection
Power Consumption	54VDC, 1.2A, 65W Barrel Jack (6.5/3mm OD/ID) 48-57V, 1.35-1.14A, 65W Passive POE 16-40V 6-2.4A, 96W, DC Solar input	**RTSP**	RTSP 1.0 RFC 2326 Max concurrent streams: 2 Audio support: Yes

Cellular

Connectivity	LTE cellular CAT 6	**MIMO**	2x2 DL MIMO
SIM	2 SIM slots (Nano 4FF) Dual SIM/auto SIM failover	**Bands**	B1, B2, B3, B4, B5, B7, B8, B12, B13, B14, B17, B18, B19, B20, B25, B26, B28. B29, B30, B38, B39, B40, B41, B42, B43, B48 (CBRS), B66, B71
Carriers	Verizon, AT&T, T-Mobile		

General

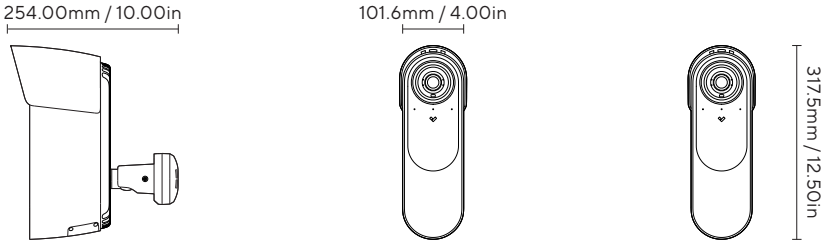
Operating Temperature	-40°C to 50°C / -40°F to 122°F	**LED Indicator**	1 status LED, 2 SIM indicator LEDs, 4 signal strength LEDs
Humidity	0 to 90%	**Warranty**	5 Years
Certifications	IK10 impact rating, IP66/IP67 weather rating, FY2019 NDAA compliant	**Included Accessories**	Mount plate, pole mount, T10 Torx security screwdriver, T25 Torx security allen key, 4x M4 x 25mm PH2, 4x wall anchors, MC4 pigtail, PoE pigtail, barrel jack pigtail, 2x small pole straps, 2x large pole straps, 1x Verkada SIM card

CR63-E
Tech Specs

Mechanical

Weight	3700g / 130.51oz	**Body**	Plastic casing with aluminum base and ball joint
Dimensions	L: 254.0mm / 10.00in W: 101.6mm / 4.00in H: 317.5mm / 12.50in		

Dimensions



Software capabilities

Alerts	Camera status, motion detection, people detection, vehicle detection, person of interest detection, crowd detection, line-crossing detection, loitering detection, AI-powered alerts	**Streaming and Storage**	Cloud backup, configurable retention days, selectable storage location, low bandwidth mode, timelapse, RTSP
People Analytics	People search, attribute search, face search, occupancy trends, motion search, trajectory analysis, selective face blurring, AI-powered search	**Sharing and Privacy**	Live links, live face blur, privacy regions, audit log
Vehicle Analytics	Vehicle search, attribute search, motion search, trajectory analysis, occupancy trends, AI-powered search	**License Plate Recognition**	License Plate of Interest alerts, license plate indexing

Ordering Information

CR63-E pricing

Model Number	MP[1]	WDR	Lens	IR Range	Onboard Storage	Maximum SQ Onboard Retention[1]	People/ Vehicle Analytics	Cost (MSRP) USD
CR63-512E-HW	4K	✓	Zoom	30m / 98ft	512GB	30 Days	✓	$3,499
CR63-1TBE-HW	4K	✓	Zoom	30m / 98ft	1TB	60 Days	✓	$4,299
CR63-2TBE-HW	4K	✓	Zoom	30m / 98ft	2TB	90 Days	✓	$5,399
CR63-3TBE-HW	4K	✓	Zoom	30m / 98ft	3TB	120 Days	✓	$6,699

1. All our cameras record in "adaptive quality," capturing both standard and high quality streams. Standard quality (SQ) video is stored up to the amount of retention specified by the customer. The amount of high quality video stored on the camera will depend on the amount of motion detected by the camera over time. To learn more, visit our website: https://docs.verkada.com/docs/adaptive-quality-recording-whitepaper.pdf

Ordering Information

Video Security Cloud License pricing (New/Capacity Increase)

Model Number	Description	Cost (MSRP) USD
LIC-CAM-1Y-CAP	1-Year Camera License, Capacity Increase	$199
LIC-CAM-3Y-CAP	3-Year Camera License, Capacity Increase	$549
LIC-CAM-5Y-CAP	5-Year Camera License, Capacity Increase	$899
LIC-CAM-10Y-CAP	10-Year Camera License, Capacity Increase	$1,799

Video Security Cloud License pricing (Renewal)

Model Number	Description	Cost (MSRP) USD
LIC-CAM-1Y-RNW	1-Year Camera License, Renewal	$199
LIC-CAM-3Y-RNW	3-Year Camera License, Renewal	$549
LIC-CAM-5Y-RNW	5-Year Camera License, Renewal	$899
LIC-CAM-10Y-RNW	10-Year Camera License, Renewal	$1,799

Ordering Information

Cellular Data Plan (New/Capacity Increase)

Each data plan license includes unlimited data for one video device.

Customers bringing their own SIM/data plan do not need to purchase data plan licenses.

Model Number	Description	Cost (MSRP) USD
LIC-GC-1VD-1Y-CAP	1-Year Cellular Gateway Data Plan, Includes Unlimited Data for 1 Verkada Video Device, Capacity Increase	$999
LIC-GC-1VD-3Y-CAP	3-Year Cellular Gateway Data Plan, Includes Unlimited Data for 1 Verkada Video Device, Capacity Increase	$2,997
LIC-GC-1VD-5Y-CAP	5-Year Cellular Gateway Data Plan, Includes Unlimited Data for 1 Verkada Video Device, Capacity Increase	$4,995

Cellular Data Plan (Renewal)

Each data plan license includes unlimited data for one video device.

Customers bringing their own SIM/data plan do not need to purchase data plan licenses.

Model Number	Description	Cost (MSRP) USD
LIC-GC-1VD-1Y-RNW	1-Year Cellular Gateway Data Plan, Includes Unlimited Data for 1 Verkada Video Device, Renewal	$999
LIC-GC-1VD-3Y-RNW	3-Year Cellular Gateway Data Plan, Includes Unlimited Data for 1 Verkada Video Device, Renewal	$2,997
LIC-GC-1VD-5Y-RNW	5-Year Cellular Gateway Data Plan, Includes Unlimited Data for 1 Verkada Video Device, Renewal	$4,995

Ordering Information

Accessories pricing

Model Number	Description	Cost (MSRP) USD
ACC-BAT-430WH-E-1	430Wh Backup Battery for CR Camera	$1,399
ACC-MNT-SOLP-1	Solar Panel Pole Mount	$499
ACC-POLE-1	12ft / 3.7m Above Grade Pole for Use with CR Camera and Accessories	$999
ACC-SOLP-65W-1	65 Watt Solar Panel	$199
ACC-SOLP-100W-1	100 Watt Solar Panel	$269

Ordering Information

Viewing Station pricing

Model Number	Description	Cost (MSRP) USD
VX52-HW	VX52 Viewing Station	$499

Viewing Station License pricing (New/Capacity Increase)

Model Number	Description	Cost (MSRP) USD
LIC-VX-1Y-CAP	1-Year Viewing Station License, Capacity Increase	$499
LIC-VX-3Y-CAP	3-Year Viewing Station License, Capacity Increase	$1,299
LIC-VX-5Y-CAP	5-Year Viewing Station License, Capacity Increase	$1,999
LIC-VX-10Y-CAP	10-Year Viewing Station License, Capacity Increase	$3,999

Viewing Station License pricing (Renewal)

Model Number	Description	Cost (MSRP) USD
LIC-VX-1Y-RNW	1-Year Viewing Station License, Renewal	$499
LIC-VX-3Y-RNW	3-Year Viewing Station License, Renewal	$1,299
LIC-VX-5Y-RNW	5-Year Viewing Station License, Renewal	$1,999
LIC-VX-10Y-RNW	10-Year Viewing Station License, Renewal	$3,999

PILOT PROGRAM FOR ANALYTIC USE OF A CAMERA IN THE COMMUNITY PARK

Purpose

The City of Brisbane adopts this Pilot Program to authorize the limited use of a camera in the Community Park for planning, operational, and analytical purposes only. The purpose of the program is to improve the City's understanding of park usage patterns to support data-driven decisions related to park design, amenities, programming, maintenance, and resource allocation.

Scope and Intended Use

The camera shall be used solely to generate aggregated, non-identifying analytics, including but not limited to:

- Pedestrian and bicycle counts
- Directional movement patterns
- Time-of-day and day-of-week usage trends
- General dwell time and area utilization
- Event-based and seasonal usage comparisons
- Overall occupancy and congestion trends

The data collected under this Pilot Program is intended to inform the city of increasing park usage during events or daily activities.

Camera Capabilities and Limitations

The camera deployed under this Pilot Program is a Verkada CR-63. Although the camera can record video, the City's authorized use is intentionally limited.

Authorized Uses

- Generation of statistical analytics and trend data
- Heat maps and movement flow analysis
- Occupancy and utilization of metrics
- Historical comparisons (month to month within 90 days) of anonymized park usage

Prohibited Uses

- Continuous or real-time monitoring
- Security or law enforcement surveillance
- Facial recognition or biometric identification
- Audio recording

Any functionality inconsistent with the analytics-only purpose of this Pilot Program shall remain disabled or unused (LPR usage)

Location of Camera
The City Manager, in consultation with the Director of Public Works, shall determine the placement of the camera. The location of the camera will be determined to best support the goal of the camera usage. The camera although is designed with mobility mounting, during this pilot period, the camera will remain in the same location.

Authority to Access Data and Video
Only City employees expressly authorized by the City Manager may access analytics data or recorded video. Access shall be limited to employees whose duties relate to planning, parks operations, or program evaluation.

Review of recorded video footage, as distinct from analytics dashboards or reports, shall be limited to a need-to-know basis and authorized by the City Manager, such as when a documented incident has occurred and no other reasonable means exist to determine basic facts.

Data Security
All data and any associated video footage shall be protected by administrative, procedural, and technological safeguards. The system requires authenticated access and will maintain audit logs identifying user access by name, date, and time. Access shall be limited to purposes consistent with this Pilot Program.

Data Retention
Any video footage collected under this Pilot Program shall be retained for no more than 30 days, after which it shall be automatically purged, unless the footage:

- Has become evidence in a criminal or civil proceeding, or
- Is subject to a lawful discovery request, subpoena, or other legal obligation

Retention Determination
Although this Pilot Program is not subject to the requirements of Assembly Bill 481 or Senate Bill 34, the city has used the principles embodied in those statutes as guidance. Assembly Bill 481 provides a framework for transparency, defined purpose, limited use, and City Council oversight of public-sector technology, while Senate Bill 34 emphasizes data minimization and retention limited to the period necessary to accomplish a legitimate governmental purpose. Consistent with those principles, the City has determined that a 30-day retention period is reasonable, privacy-protective, and sufficient to support the analytics-only objectives of this Pilot Program.

Privacy Protections
To the extent that retained video footage is subject to disclosure, the City shall take reasonable steps to protect individual privacy. Images of individuals whose presence is incidental to the reason for retention shall be blurred prior to disclosure, consistent with applicable law.

Transparency
Information regarding this Pilot Program, including its purpose, scope, and privacy protections,

shall be made publicly available. The city may post signage in the Community Park informing the public that anonymized analytics data is being collected for planning purposes.

Duration and Evaluation

This Pilot Program shall remain in effect for 90 days. Upon conclusion of the Pilot Program, staff shall evaluate the effectiveness and usefulness of the analytics collected and report to the City Council with recommendations regarding continuation, modification, or termination.

CITY *of* BRISBANE

Council Subcommittee Update

From February 14th, 2026, to February 27th, 2026

1. Report Out on Subcommittees/Committees

A. Public Art Advisory Committee **2/24** **Davis, O'Connell**

Staff gave an update on the Alvarado to San Benito Stairway Project to the committee. Staff will do a site walk in the next week as the project wraps up in mid-March.

Next Steps #1: Discuss a Ribbon Cutting at the next meeting.

The Committee reviewed opportunities to incorporate public art into Parcel R, a 1.5 acre City owned site proposed for development along Sierra Point Parkway. They discussed a range of potential design elements that could be integrated into the project, including artist designed seating, gateway signage to welcome visitors, educational or interpretive features, integrated play elements, kinetic sculptures, and other similar installations.

The Committee expressed unanimous support for including public art as part of the site's development.

Next Steps #1: At a future meeting, the Committee will discuss the specific types of artwork they would support, as well as potential budget allocations.

The committee received more than 50 submissions for the pilot Artful Bench Program and reviewed, discussed, and ranked their top choices. Then they considered which artists should be matched with each project site:

- One new bench at the Mission Blue Center (up to $25K)
- One new bench at the Dog Park (up to $25K)
- One new bench at the Community Center (up to $25K)
- Three sets of two benches to be refurbished at the Brisbane Marina ($10K–$50K, depending on how many benches are selected)

For each site, the committee identified two to three artists whose work will be presented to the public for their preference:

- Mission Blue Center: Heilwell & Spitler, Valerie Theiberg
- Dog Park: Alexis Gregg, Colin Selig, Eric Lynn
- Brisbane Marina: Angelina Duckett, Chris Granillo, Rebecca Bird

For the Community Center, the committee chose to wait, noting that none of the proposals felt like a strong fit for that location at this time.

Next Steps #1: Staff will prepare the language for public outreach and marketing and bring back to the committee for review.

To view the meeting page, please visit:
https://brisbaneca.portal.civicclerk.com/event/5695/files/agenda/7070

2. Upcoming Subcommittees:

Fiscal Policy Subcommittee *Review the Master Fee Study*	3/2	4:30pm	Mackin, O'Connell
Liaison to Open Space & Ecology Committee Subcommittee *Discuss Annual Workplan*	3/10	3:30pm	Mackin, O'Connell
Sierra Point Parkway Parks & Open Space Subcommittee *Discuss Parcel R*	3/12	2:00pm	Kern, Lentz
Planning Issues Subcommittee *Discuss Housing on Visitacion*	3/16	3:00pm	Kern, Mackin
Public Art Advisory Committee *Discuss ribbon cutting & public outreach*	3/16	5:15pm	Davis, O'Connell
Housing Subcommittee *Discuss Visitacion Gardens' Acquisition*	3/17	3:15pm	Davis, Kern
Housing Subcommittee *Discuss Visitacion Gardens' Policy*	3/17	4:15pm	Davis, Lentz

3. Proposed Subcommittees:

Does any councilmember wish to propose any items for a subcommittee to discuss?