

**RESOLUTION NO. 07-2023  
BEFORE THE GOVERNING BOARD  
OF THE CABRILLO UNIFIED SCHOOL DISTRICT  
SAN MATEO COUNTY, CALIFORNIA**

**ADOPTING LEVEL 1 DEVELOPER FEES**

**WHEREAS**, under the provisions of Education Code Section 17620 et. seq. and Government Code Section 65995 et seq., a school district's governing board may establish fees to offset the cost of school facilities made necessary by construction following the making of certain findings by the governing board;

**WHEREAS**, Government Code Section 65995 limits the fee authorized to \$4.79 per square foot of residential construction described in Government Code Section 65995(b)(1) and \$0.78 per square foot against commercial and industrial construction described in Government Code Section 65995(b)(2) subject to adjustments for inflation determined by the State Allocation Board pursuant to Government Code Section 65995(b)(3);

**WHEREAS**, the purpose of this Resolution is to approve and adopt fees pursuant to Government Code Section 65995, et seq. in the amount of \$4.79 per square foot of residential construction; and;

**WHEREAS**, the purpose of this Resolution is to approve and adopt fees pursuant to Government Code Section 65995 et seq. on new commercial and industrial construction in the amount of \$0.78 per square foot other than new retail self-storage construction and \$0.02 per square foot for new retail self-storage construction.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Governing Board of the Cabrillo Unified School District as follows:

1. **Procedure.** The Board hereby finds that prior to the adoption of this Resolution, the Board conducted a public hearing at which oral and written presentations were made, as part of the Board's regularly scheduled May 9, 2023 meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code Sections 66004, 66018, and 6062, (a) and in a notice including a statement that the data required by Government Code sections 66004 and 66018 was available, was mailed at least 14 days prior to the meeting to any interested party who had filed a written request with the District for mailed notice of the meeting on new fees or service charges within the period specified by law. Additionally, at least ten days prior to the meeting, the District made available to the public data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to the Resolution and the revenue sources anticipated to provide this service. By way of such a public meeting, the Board received the *Level 1 Developer Fees Justification Report (April 2023)*, attached as Exhibit A, which formed the basis for the action taken pursuant to this Resolution.
2. **Findings.** The Board has reviewed Exhibit A as it relates to proposed and potential development of the resulting school facilities needs, the cost thereof, and the available source of revenue, including the fees provided by this Resolution and based thereon and upon all other information, and written and oral presentation to the Board, hereby makes the following findings;
  - a. The present enrollment of students in all the District's existing facilities, when combined with enrollment from projected development in the District, will exceed the current capacity of the District's facilities;
  - b. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet or new commercial or industrial construction, will increase the need for school facilities and the need for reconstruction of school facilities;
  - c. Without the addition of new school facilities and reconstruction of present school facilities, any further residential development projects or commercial or industrial development projects within the District will result in a significant decrease in the quality of education presently offered by the District;

- d. Residential development and commercial or industrial development is projected within the District's boundaries, and the enrollment produced thereby will exceed the capacity of the schools of the District. As a result, conditions or overcrowding exist or will exist within the District, which will impair the normal functioning of the District's educational programs;
- e. The fees proposed in the Report and implemented pursuant to this Resolution are for the purposes of providing adequate school facilities to maintain the quality of education offered by the District;
- f. The fees proposed in the Report and implemented pursuant to this Resolution will be used for the construction and reconstruction of school facilities as identified in the Report;
- g. The uses of the fees proposed in the Report and implemented pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed in that the students who are generated by residential and commercial development will be accommodated by the additional facilities;
- h. The fees proposed in the Report and implemented pursuant to this Resolution bear a reasonable relationship to the need for school facilities created by the types of development projects on which the fees are imposed in that residential and commercial development growth generate additional students who rely on education in the District;
- i. The fees proposed in the Report and implemented pursuant to this Resolution do not exceed the estimated amount required to provide funding for the construction or reconstruction of school facilities for which the fees are levied; and in making this finding, the Board declares that it has considered the availability of revenue sources anticipated to provide such facilities, including general fund revenues;
- j. The fees imposed on commercial or industrial development bear a reasonable relationship and are limited to the needs of the community for schools and are reasonably related and limited to the need for school facilities caused by development;
- k. The fees will be collected for school facilities for which an account has been established and funds appropriated and for which the District has adopted a construction schedule and/or to reimburse the District for expenditures previously made.

**3. Fee.** Based upon the foregoing findings, the Board hereby implements fees in the amount of \$4.79 per square foot for assessable space for new residential construction and for residential reconstruction to the extent of the resulting increase in assessable areas and the amount of \$0.78 per square foot for new commercial or industrial construction other than new retail self-storage construction and \$0.02 per square foot for new retail self-storage construction. No building permit shall be issued absent payment of said fee.

**4. Fee Adjustments and Limitations.** The fees shall be subject to the following:

- a. The amount of the District's fee shall be reviewed biennially to determine if a fee increase according to the inflation set forth in the statewide cost index for Class B construction as determined by the State Allocation Board is justified.
- b. The fees adjusted pursuant to this Resolution do not apply during the term of any contract entered into between a subdivider or builder and the District, or any applicable city or county on or before January 1, 1987, that requires the payment of a fee, charge or dedication for the construction of school facilities as a condition to the approval of residential or commercial/industrial development.
- c. Any development project for which a final map was approved and construction has commenced on or before September 1, 1986, is subject only to the fee, charge dedication, or other form requirement in existence on that date and applicable to the project.
- d. To the extent that the District collects fees pursuant to Chapter 407, statutes of 1998, commonly known as Level 2 fees, on any new residential construction, this fee would not apply.
- e. The term "development project," as used herein is defined by Government Code Section 65928.

5. **Additional Mitigation Methods.** The policies set forth in this Resolution are not exclusive and the Board reserves the authority to undertake other or additional methods to finance school facilities, including but not limited to Level 2 fees (Government Code Sections 65995, 65995.5 and 65995.7 et. seq.), the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et. seq.), mitigation agreements, and other available funding mechanisms as authorized by Government Code Section 65995.
6. **Implementation.** For residential, commercial, or industrial projects within the District, the Superintendent, or the Superintendent's designee, is authorized to issue Certificates of Compliance upon the payment of any fee levied under the authority of this Resolution.
7. **California Environmental Quality Act.** The Board hereby finds the implementation of fees provided by this Resolution is exempt from the California Environmental Quality Act (CEQA), pursuant to Education Code section 17621(a).
8. **Commencement Date.** The effective date of this Resolution shall be July 10, 2023, which is at least 60 days after the Board's adoption.
9. **Notification of Local Agencies.** The Secretary of the Board is hereby directed to forward copies of this Resolution and a copy of the Level 1 Developer Fees Justification Report to the County of San Mateo, the City of Half Moon Bay, with instructions not to issue any building permit absent a Certificate of Compliance.
10. **Severability.** If any portion of this Resolution is found by a Court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution.

**PASSED AND ADOPTED** by the Governing Board of the Cabrillo Unified School District on the 11th day of May, 2023, by the following vote:

Mary Beth Alexander:	_____ Aye	_____ No	_____ Abstain	_____ Absent
Lizet Cortes:	_____ Aye	_____ No	_____ Abstain	_____ Absent
Carmen Daniel:	_____ Aye	_____ No	_____ Abstain	_____ Absent
Kimberly Hines:	_____ Aye	_____ No	_____ Abstain	_____ Absent
Sophia Layne:	_____ Aye	_____ No	_____ Abstain	_____ Absent

Certified by:

\_\_\_\_\_  
 Carmen Daniel  
 Clerk to the Governing Board  
 Cabrillo Unified School District

Attest by:

\_\_\_\_\_  
 Sean McPhetridge, Ed.D.  
 Secretary to the Governing Board  
 Cabrillo Unified School District

