

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 3.54, RELATING TO DEVELOPMENT IMPACT FEE TO PAY FOR THE TRANSPORTATION FACILITIES IN THE CITY'S EASTERN TERRITORIES

WHEREAS, in January 1988, the City Council of the City of Chula Vista adopted Ordinance No. 2251 establishing a development impact fee for transportation facilities in the City's eastern territories; and

WHEREAS, pursuant to Ordinance No. 2251, the City has commenced the collection of development impact fees to be used to construct transportation facilities to accommodate increased traffic generated by new development within the City's eastern territories; and

WHEREAS, Ordinance No. 2251 as amended by Ordinance Nos. 2289, 2348, 2349, 2431, 2580, 2604, and 2671 were repealed by Ordinance No. 2802 in January 1999; and

WHEREAS, by Ordinance 2802, the Transportation Development Impact Fee (TDIF) was placed in Municipal Code Chapter 3.54; and

WHEREAS, Municipal Code Chapter 3.54 was amended by Ordinance 2866; and

WHEREAS, by Ordinance 3029, on May 10, 2005, the Transportation Development Impact Fee Program was updated to include new costs and facilities; and

WHEREAS, pursuant to the Municipal Code, California Government Code Sections 66000, et. seq., and in accordance with City Council direction, City staff, has prepared a report entitled "Eastern Area Transportation Development Impact Fee" dated September 2014, in which the impacts of development on the transportation system for the City's eastern territories, previously analyzed in the respective eastern territory traffic studies for each of the master planned communities have been reanalyzed and reevaluated to identify capital improvements necessary to mitigate the impacts on the transportation system caused by new development in the eastern territories of Chula Vista and establish the costs associated therefor; and

WHEREAS, the financial and engineering studies and the City's General Plan show the transportation network will be adversely impacted by new development within the eastern territories unless new transportation facilities are added to accommodate the new development; and

WHEREAS, the financial and engineering studies and the City's General Plan establish that the transportation facilities necessitated by development in the eastern territories comprise an integrated network; and

WHEREAS, the City's Municipal Code authorizes the City Council to amend or modify the list of projects to be financed by the fee; and

WHEREAS, the City's Municipal Code 3.54.060 Development Impact Fee program support will be at a rate equal to three percent (3%) of the program's hard project costs consistent with the nexus study; and

WHEREAS, on October 28, 2014, the City Council of the City of Chula Vista held a duly noticed hearing at which oral or written presentations regarding the development impact fee for the City's eastern territories could be made; and

WHEREAS, the City's Environmental Review Coordinator has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA, and

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

SECTION 1: Findings

The City Council finds that developers of land within the Eastern Territory should be required to mitigate the burden created by development through the construction of transportation facilities within the boundaries of the development, the construction of those transportation facilities outside the boundaries of the development which are needed to provide service to the development in accordance with City standards and the payment of a development impact fee to finance the development's portion of costs of the transportation network; and

The City Council finds that the legislative findings and determinations set forth in Ordinance No.2802 continue to be true and correct; and

The City Council finds, after consideration of the evidence presented to it including the "Eastern Area Transportation Development Impact Fee" dated September 2014, that certain amendments to Chapter 3.54 of the Chula Vista Municipal Code are necessary in order to assure that there are sufficient funds available to finance the transportation facilities necessary to serve the eastern territories by the development impact fee; and

The City Council finds, based on the evidence presented at the meeting, the City's General Plan, and the various reports and information received by the City Council in the ordinary course of its business, that the imposition of traffic impact fees on all development in the eastern territories for which building permits have not been issued is necessary in order to protect the public health, safety and welfare and in order to assure effective implementation of the City's General Plan; and

The City Council finds that the amount of the amended fees levied by this ordinance does not exceed the estimated cost of providing the transportation facilities; and

The City Council finds that it is appropriate to refine the fees for office and commercial land uses, including high rise commercial, to reflect the findings of the analyses of the commercial trip

origination and destination whereby only estimated trips generated from outside the Transportation Development Impact Fee boundary shall be used in determining the fee for commercial land uses; and

The City Council finds it is necessary to ensure the timely payment of the "DIF program monitoring" cost item, included in Table H "Program Funding Requirements" of the financial and engineering study, "Eastern Area Development Impact Fees for Streets" dated September 2014, to adequately fund ongoing and future administration activities and studies.

SECTION 2:

That the Development Impact Fee Schedule set forth in Section 3.54.010(C) of the Municipal Code, and as adjusted annually by the Los Angeles Construction Cost Index as published monthly in the Engineering News Record, shall be amended to read as follows:

C. The amount of the fee for each development shall be calculated at the time of building permit issuance based upon the following schedule:

**TABLE J
PROPOSED TDIF FEE PER LAND USE CLASSIFICATION**

Proposed TDIF Fee per EDU:

\$13,035.00

Land Use Classification		EDU's	TDIF Rate
Residential (LOW)	0-6 dwelling units per acre*	1.0 EDU/DU	\$ 13,035.00 per DU
Residential (MED)	6.1-18 dwelling units per acre*	0.8 EDU/DU	\$ 10,428.00 per DU
Residential (HIGH)	>18.1 dwelling units per acre*	0.6 EDU/DU	\$ 7,821.00 per DU
Senior Housing		0.4 EDU/DU	\$ 5,214.00 per DU
Residential Mixed Use**	>18 dwelling units per acre*	0.4 EDU/DU	\$ 5,214.00 per DU
Commercial Mixed Use**		16.0 EDU/20,000 Sq ft	\$ 208,560.00 per 20,000 Sq ft
General Commercial (Acre)	< five (5) stories in height	16.0 EDU/Acre	\$ 208,560.00 per Acre
Regional Commercial (Acre)	> 800,000 sq ft	11.0 EDU/Acre	\$ 143,385.00 per Acre
High Rise Commercial (Acre)	> five (5) stories in height	28.0 EDU/Acre	\$ 364,980.00 per Acre
Office (Acre)	< five (5) stories in height	9.0 EDU/Acre	\$ 117,315.00 per Acre
Industrial (Acre)		9.0 EDU/Acre	\$ 117,315.00 per Acre
Regional Technology Park (Acre)		8.0 EDU/Acre	\$ 104,280.00 per Acre
18-Hole Golf Course		70.0 EDU/Course	\$ 912,450.00 per Course
Medical Center		65.0 EDU/Acre	\$ 847,275.00 per Acre

*Based on gross acreage

**Project is considered commercial mixed use only if qualifying residential mixed use is located on second floor, or higher, above commercial project.

The density of the development type shall be based on the number of dwelling units per gross acre for single-family or multi-family residential and shall be based upon the densities identified on the approved tentative map or approved tentative parcel map entitling the development unless otherwise approved in writing by the city manager's designee. Gross acreage as it applies to the commercial, high rise commercial, industrial and office development types, means all land area that the city manager's designee deems necessary within the boundary of the parcel or parcels of the development project for which building permits are being requested.

The amount of the fee shall be adjusted, starting on October 1, 2015, and on each October 1st thereafter, based on the one-year change (from July to July) in the Los Angeles Construction Cost Index as published monthly in the Engineering News Record. For reference purposes, this update is based on the July 2014, Los Angeles Construction Cost Index of 10,737.43. Adjustments to the above fees based upon the Construction Cost Index shall be automatic and shall not require further action of the city council.

The city council may adjust the amount of the fee as necessary to reflect changes in the type, size, location or cost of the transportation facilities to be financed by the fee, changes in land use designations in the city's general plan, and upon other sound engineering, financing and planning information. Adjustments to the above fees resulting from the above reviews may be made by resolution amending the master fee schedule.

SECTION 3:

A. That Section 3.54.020 of the Municipal Code, shall be amended to read as follows:

3.54.020 Definitions.

For the purposes of this chapter, the following words or phrases shall be construed as defined herein, unless from the context it appears that a different meaning is intended.

H. "Financial and engineering studies" means the "Interim Eastern Area Development Impact Fee for Streets" study prepared by George T. Simpson and Willdan Associates dated November 1987; the "Eastern Area Development Fee for Streets" study prepared by Willdan Associates dated November 19, 1990; the Eastern Development Impact Fee for Streets - 1993 Revision" study prepared by city staff dated July 13, 1993; the study prepared by Project Design Consultants ("Eastern Area Development Impact Fees for Streets, 1999 Update") dated October 25 1999; the study prepared by Willdan ("Eastern Area Development Impact Fees for Streets" dated July 2002); the study prepared by city staff ("Eastern Area Transportation Development Impact Fees" dated March 2005) and; the study prepared by city staff ("Eastern Area Development Impact Fees" dated September 2014, which are on file in the office of the city clerk.

B. That Section 3.54.030(A) of the Chula Vista Municipal Code shall be amended as follows:

3.54.30 Transportation facilities to be financed by the fee.

A. The transportation facilities & programs to be financed by the fee established by this chapter are:

1. ~~SR 125 from San Miguel Road to Telegraph Canyon Road.~~
2. ~~SR 125 from Telegraph Canyon Road to Olympic Parkway.~~
- 3.** Telegraph Canyon Road from Paseo Del Rey to east of Paseo Ladera north side
- 3a.** Telegraph Canyon Road / I-805 interchange, Phase II.
- 3b.** Telegraph Canyon Road from I-805 interchange to 200' east of Telegraph Canyon Shopping Center
- 4.** Telegraph Canyon Road, Phase I: Rutgers Avenue to Eastlake Boundary.
- 5.** Telegraph Canyon Road, Phase II: Paseo Ladera to Apache Drive.
- 6.** Telegraph Canyon Road, Phase III: Apache Drive to Rutgers Avenue.
- 7a.** East H Street through Rancho Del Rey
- 7b.** East H Street / I-805 interchange modifications, Phase I
- 7c.** East H Street / I-805 interchange modifications, Phase II
- 8.** East H Street from Eastlake Drive to SR-125.
- 9a.** Otay Lakes Rd intersection with East H Street
- 9b.** Otay Lakes Road from Camino del Cerro Grande to Ridgeback Road.
- 10.** Central Avenue from Bonita Road to Corral Canyon Road
- 10a.** La Media Road from Telegraph Canyon Road to East Palomar Street.
- 10b.** La Media Road from East Palomar Street to Olympic Parkway.
- 11.** Bonita Road from Otay Lakes Road to Willow Street.
12. ~~Bonita Road from Central Avenue to San Miguel Road.~~
13. ~~San Miguel Road from Bonita Road to SR 125.~~
- 14.** East H Street from SR-125 to San Miguel Road (Mt. Miguel Road).
- 15.** Proctor Valley Road (East H Street) from San Miguel Road (Mt. Miguel Road) to Hunte Parkway.
- 16.** Olympic Parkway from Brandywine Avenue to Paseo Ranchero.
- 17.** East Palomar Street from Oleander Avenue to Medical Center Drive.
- 17a.** East Palomar Street from Medical Center Drive to Paseo Ladera.
- 17b.** East Palomar Street from Paseo Ladera to Sunbow eastern boundary.
- 18.** Telegraph Canyon Road, Phase IV: from eastern boundary of Eastlake to Hunte Parkway.
- 19.** Eastlake Parkway from Otay Lakes Road to Eastlake High School southern boundary.
- 20.** Hunte Parkway from Proctor Valley Road to Telegraph Canyon Road.
- 21.** Hunte Parkway from Telegraph Canyon Road to Club House Drive.
- 21a.** Hunte Parkway from Club House Drive to Olympic Parkway.
- 22a.** Olympic Parkway, Phase IV: from SDG&E easement to Hunte Parkway.
- 22b.** Olympic Parkway, Phase V: from SR-125 to SDG&E easement.

- 23a.** Paseo Ranchero from Telegraph Canyon Road to East Palomar Street.
- 23b.** Paseo Ranchero from East Palomar Street to Olympic Parkway.
- 24a.** Olympic Parkway, Phase I: from Paseo Ranchero to La Media Road.
- 24b.** Olympic Parkway, Phase II: from La Media Drive to East Palomar Street.
- 24c.** Olympic Parkway, Phase III: from East Palomar Street to SR-125.
- 24d. ~~Olympic Parkway from SR-125 to Eastlake Parkway.~~
- 24e.** Olympic Parkway, Phase VI: from Heritage Road to SR-125
- 25a.** Olympic Parkway / I-805 interchange modifications.
- 25b.** Olympic Parkway from Oleander Avenue to Brandywine Avenue.
- 26.** East Palomar Street from Heritage Road to the Sunbow eastern boundary.
- 27. ~~East Palomar Street / I-805 interchange.~~
- 28a.** Otay Lakes Road from Hunte Parkway to Lake Crest Drive.
- 28b. Otay Lakes Road from Lake Crest Drive to Wueste Road**
- 29.** Olympic Parkway from Hunte Parkway to Wueste Road.
- 30.** Otay Lakes Road from SR-125 to Eastlake Parkway.
- 31.** Eastlake Parkway from Fenton Street to Otay Lakes Road.
- 32a.** East "H" Street (westbound) from I-805 to Hidden Vista Drive.
- 32b.** East "H" Street (eastbound) from I-805 to Terra Nova Shopping Center.
- 33a.** Bonita Road at Otay Lakes Road intersection.
- 33b.** Telegraph Canyon Road / I-805 interchange modifications, Phase I
- 34. ~~Otay Lakes Road at Elmhurst Drive intersection.~~
- 35.** East "H" Street at Otay Lakes Road intersection.
- 36. ~~Traffic Signal Intereconnection / Eastern Territories.~~
- 37.** Eastlake Parkway from CWA Easement to Olympic Parkway.
- 38.** East "H" Street from Paseo Del Rey to Tierra del Rey.
- 39.** Bonita Road from I-805 to Plaza Bonita Road.
- 40. ~~Alta Road from SR-125 to Eastlake Parkway.~~
- 41.** Brandywine/Medical Center Drive from Medical Center Court to Olympic Parkway.
- 42.** Birch Road from La Media Road to SR-125.
- 43. Birch Road from SR-125 to Eastlake Parkway.**
- 44. ~~Birch Road from Eastlake Parkway to Hunte Parkway~~
- 45.** Eastlake Parkway from Olympic Parkway to Birch Road.
- 46. Eastlake Parkway from Birch Road to Hunte Parkway / Rock Mountain Road.**
- 47a. San Miguel Ranch Road (formerly Mt. Miguel Road) from Proctor Valley Road North to SR-125.**
- 47b.** Mt. Miguel Road from SR-125 to Proctor Valley Road (South), previously named East "H" Street.
- 48.** Hunte Parkway from Olympic Parkway to Eastlake Parkway.
- 50. ~~La Media Road bridge crossing the Otay River (one half the cost)~~
- 51a.** La Media Road from Olympic Parkway to Santa Venetia Street.
- 51b.** La Media Road from Santa Venetia Street to Birch Road.
- 52. ~~La Media Road from Birch Road to Rock Mountain Road.~~
- 52a.** La Media Road from Birch Road to Santa Luna Street
- 52b. La Media Road from Santa Luna Street to Main Street Couplet intersection.**
- 53. ~~La Media Road Couplet from Rock Mountain Road to Otay Valley Road.~~
- 53a. La Media Road Couplet within Village 8 to Otay Valley Road.**

- 53b. Main Street Couplet Road within Village 8W.**
- 53c. Otay Valley Road from La Media Road to SR-125 R/W.**
- ~~54. La Media Road from Main Street to southern city boundary.~~
- 55a. Otay Lakes Road from East H Street to Telegraph Canyon Road.**
- 55b.** Otay Lakes Road from Canyon Drive to East H Street
- 56a.** Main Street from Nirvana Avenue to 1600' West of Heritage Road / Rock Mountain Road.
- ~~56b. Main Street from Rock Mountain Road to La Media Road.~~
- 56c. Otay Valley Road (formerly Main Street) from La Media Road to SR 125.**
- 56d.** Main Street at I-805 Underpass widening
- 56e. Main Street from 1600' west of Heritage Road / Rock Mountain Road to Heritage Road / Rock Mountain Road (Main Street extension).**
- 57. Heritage Road (formerly Paseo Ranchero) from Olympic Parkway to Main Street.**
- 58a. Heritage Road (formerly Paseo Ranchero) from Main Street to southern City boundary (excludes bridge crossing the Otay River).**
- 58b. Heritage Road Bridge (formerly Paseo Ranchero) crossing the Otay River.**
- 59a.** Proctor Valley Road from Hunte Parkway to Rolling Hills Ranch Neighborhood 9 west entrance.
- 59b.** Proctor Valley Road from Rolling Hills Ranch Neighborhood 9 west entrance to Rolling Hills Ranch Neighborhood 9 east entrance.
- 59c. Proctor Valley Road from Agua Vista Drive/Northwoods Drive (Rolling Hills Ranch Neighborhood 9 east entrance) to easterly city boundary.**
- 60a. Main Street (formerly Rock Mountain Rd) from Heritage Rd to La Media Rd.**
- 60b. Main Street (formerly Rock Mountain Road) from Wolf Canyon Bridge to La Media Road.**
- 60c. Main Street (formerly Rock Mountain Road) Bridge across Wolf Canyon.**
- 60d. Main Street (formerly Rock Mountain Road) from La Media Road to SR-125.**
- 61. Willow Street Bridge from Bonita Road to Sweetwater Road.**
- 62. East H Street from 500 LF west of Buena Vista Way to Otay Lakes Road.**
- 63. System Wide Intersection signalization area within the Eastern Territories.**
- 64. Hunte Parkway (Main Street) from SR-125 to Eastlake Parkway.**
- 65. Transportation Demand Management/Transportation System Management (formerly Traffic Management Center).**
- 66.** Transportation Demand Management (TDM)
- 67. Main Street (formerly Rock Mountain Road) Bridge Overcrossing and interchange ramps at SR-125.**
- 68. Otay Valley Road Bridge Overcrossing and interchange ramps at SR-125.**
- 69. Millenia Avenue from Birch Road to Hunte Parkway (Main Street).**
- 70. Discovery Falls Drive from Hunte Parkway to Village 9/ Street "B".**
- 71. Street "B" from Hunte Parkway (Main Street) to Otay Valley Road.**
- 72. Otay Valley Road from east of SR-125 R/W to easterly subdivision boundary.**

*** Project has been completed.*

Current projects are listed in bold

Deleted projects are in strikethrough text

C. That Section 3.54.060 of the Chula Vista Municipal Code shall be amended to read as follows:

The “DIF program support” shall, with no exceptions, be paid in cash concurrently with the development impact fee at a rate equal to three percent (3%) of the DIF program’s hard project costs, as identified in the most recent financial and engineering study, subject to the adjustment authorized by CVMC 3.54.010(C).

D. That Code Section 3.54.090 of the Chula Vista Municipal shall be amended to read as follows:

The City may receive economic incentive credit only for those eligible projects (i) identified in CVMC 3.54.030 and (ii) for amounts of funding not identified in the most recent financial and engineering study.

SECTION 4: Expiration of this ordinance

This ordinance shall be of no further force when the City Council determines that the amount of fees which have been collected reaches an amount equal to the cost of the transportation facilities or reimbursements.

SECTION 5: Effective Date

This ordinance shall become effective 60 days after its adoption. In the event that the City Council does not approve the second reading of this ordinance by **MMDD, 2014** the first reading of this ordinance shall no longer be effective.

Presented by:

Approved as to form by:

Richard A. Hopkins
Director of Public Works

Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 18th day of November, 2014, by the following vote:

YAYES: Councilmembers: XX, YY, ZZ

NAYS: Councilmembers: None

ABSENT: Councilmembers: XX, YY

XXXXXX , Mayor

ATTEST:

Donna Norris, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. ##### had its first reading at a regular meeting held on the 4th day of November, 2014 and its second reading and adoption at a regular meeting of said City Council held on the 18th day of November, 2014.

Executed this 18th day of November 2014.

Donna Norris, City Clerk