

ORDINANCE NO. 3246

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
CHULA VISTA MUNICIPAL CODE SECTION 3.55.090 FOR  
THE WESTERN TRANSPORTATION DEVELOPMENT  
IMPACT FEE ORDINANCE'S ANNUAL INFLATION  
ADJUSTMENT INDEX METHODOLOGY

WHEREAS, the adoption of the City's General plan indicated that future growth was going to occur in the City west of Interstate 805; and

WHEREAS, the traffic studies for the City's General Plan and the Urban Core Specific Plan show the City's transportation network will be impacted by new development within the western portion of the City unless new transportation facilities are added to accommodate the new development; and

WHEREAS, since January 1988, the City has had a program in place for the collection of transportation development impact fees for the financing of street improvements in the area east of Interstate 805; and

WHEREAS, the "Engineer's Report for the Western Transportation Development Impact Fee" (Engineer's Report) Program adopted on March 4, 2008, by Ordinances No. 3106 through 3110 establishes that the transportation facilities necessitated by development within the western portion of the City comprise an integrated network; and

WHEREAS, the Western Transportation Development Impact Fee (WTDIF) is solely based upon that portion of the project costs which are attributable to new development; and

WHEREAS, on March 4, 2008, the City Council of the City of Chula Vista held a duly noticed public hearing at which oral or written presentations regarding the WTDIF could be made; and

WHEREAS, pursuant to the Municipal Code and California Government Code Sections 66000 *et. seq.*, the City Council has accepted the Engineer's Report that analyzed the WTDIF necessary to fund transportation facilities needed to serve future development within the western portion of the City; and

WHEREAS, the WTDIF Program is subject to an annual inflation adjustment factor of 2% or based on the Caltrans Highway Construction Cost Index, whichever is higher, effective every July 1st; and

WHEREAS, the TransNet Extension Ordinance requires the San Diego Association of Governments (SANDAG) to annually adjust the minimum Regional Transportation Congestion Improvement Program (RTCIP) fee amount on July 1st of each year, based on an analysis of construction cost indices, but never less than 2%; and

WHEREAS, SANDAG has stated that the TransNet Extension Ordinance allows for flexibility in choosing an appropriate index; and

WHEREAS, SANDAG staff evaluation of the Engineering News Record Construction Cost Index 20-City Average has increased 1.93% while the Caltrans Highway Construction Cost Index has increased 9.38%, but on February 24, 2012, the SANDAG Board of Directors has approved a recommendation that all RTCIP, an element of the TransNet Extension Ordinance, approve an annual inflation adjustment factor of 2%, which is the minimum inflation adjustment increase allowed by the TransNet Extension Ordinance; and

WHEREAS, effective July 1, 2012 the WTDIF program was required to implement the higher annual inflation adjustment factor of 2% or the Caltrans Highway Construction Cost Index, which is at 9.38%; and

WHEREAS, Chula Vista would like to amend the WTDIF annual inflation adjustment factor to be more consistent with the flexibility allowed in the TransNet Extension Ordinance and concurs with the action taken by the SANDAG Board of Directors that the ENR 20-City Average inflation adjustment factor of 1.93% for the year better represents the costs on local agencies and Chula Vista also concurs with the 2% minimum increase as required by the TransNet Extension Ordinance; and

WHEREAS, City Council must take action to amend the Municipal Code to amend the annual construction inflation adjustment factor to be used as long as it is at least a 2% increase and as such would defer to the annual action taken by the SANDAG Board of Directors to choose the most appropriate inflation factor to use for the City of Chula Vista's WTDIF program.

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

#### **Section I.**

The City Council of the City of Chula Vista does hereby amend Section's 3.55.090 A and B of the Chula Vista Municipal Code relating to transportation development impact fees to pay for various transportation facilities located on the west side of the City as follows:

#### **3.55.090 Amount of fee.**

A. The fee shall be the amounts as set forth below in Table 1. The fee shall be adjusted on July 1st of each year beginning in 2009. The annual inflation adjustment will be two percent or based on **the Caltrans Highway Construction Cost Index, or Engineering Construction Cost Index published by the Engineering News Record (ENR) 20-City Average, or an increase of at least two percent.** The program collects two percent of the total improvement cost estimate for staff administration.

B. Adjustments of the fee based upon the annual inflation adjustment or the Caltrans Highway Construction Cost Index, **the ENR 20-City Average or an increase that is at least**

**two percent** shall be automatic in accordance with annual action taken by the San Diego Association of Governments (SANDAG) Board of Directors and shall not require further action by the City Council. The WTDIF may also be reviewed and amended by the City Council as necessary based on changes in the type, size, location or cost of the facilities to be financed by the fee; changes in land use designation in the City's General Plan; and upon other sound engineering, financing and planning information.

**Section II. Effective Date**

This Ordinance amendment shall take effect and be in force on the thirtieth day after its final passage.

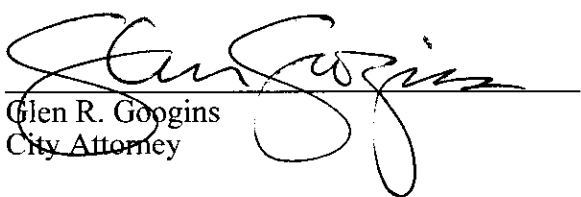
**Section III. Publication**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

  
Richard A. Hopkins  
Director of Public Works

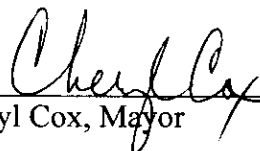
  
Glen R. Gogins  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 11th day of December 2012, by the following vote:


AYES: Councilmembers: Aguilar, Bensoussan, Ramirez, Salas and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

  
Cheryl Cox, Mayor

ATTEST:

  
Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3246 had its first reading at a regular meeting held on the 4th day of December 2012 and its second reading and adoption at a regular meeting of said City Council held on the 11th day of December 2012; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

January 4, 2013  
Dated

  
Donna R. Norris, CMC, City Clerk