RESOLUTION NUMBER R-303554

DATE OF FINAL PASSAGE APR 15 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND ADOPTING THE REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM, ASSOCIATED NEXUS STUDY AND DEVELOPMENT IMPACT FEES.

WHEREAS, in November 2004, voters approved Proposition A to extend the TransNet half-cent sales tax for transportation projects through 2048; and

WHEREAS, the passage of Proposition A resulted in the establishment of the Regional Transportation Congestion Improvement Program [RTCIP]; and

WHEREAS, the purpose of the RTCIP and the associated development impact fee [RTCIP Impact Fee] is to ensure new development directly invests in the region's transportation system to offset the negative impact of growth on congestion and mobility; and

WHEREAS, the RTCIP provides for the collection of an RTCIP Impact Fee per new dwelling unit to ensure future development contributes its proportional share of the funding needed to pay for the Regional Arterial Systems [RAS] and related transportation facility improvements, as identified and defined in SANDAG's most recently adopted Regional Transportation Plan [RTP]; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. Finding the above recitals are true, correct, and incorporated by reference herein.

2. Approving and adopting the Regional Transportation Congestion Improvement Impact Fee Nexus Study [Nexus Study] attached hereto as **Exhibit A**.

3. Identifying the purpose of the RTCIP Impact Fee as follows: SANDAG policy as expressed through the TransNet Extension Ordinance and Expenditure Plan (Commission Ordinance 04-01) is that new development shall contribute towards the RAS through the RTCIP. Finding the purpose of the RTCIP Impact Fee is to implement this policy.

4. Finding the Nexus Study establishes a reasonable relationship between the RTCIP Impact Fee's use and the type of development project on which the RTCIP Impact Fee is imposed.

5. Finding the RTCIP Impact Fee will fund expanded facilities on the RAS to serve new development; these facilities include: roadway widening; roadway extension; traffic signal coordination and other traffic improvements; freeway interchanges and related freeway improvements; railroad grade separations; and improvements required for regional express bus and rail transit.

6. Finding the City of San Diego will restrict the RTCIP Impact Fee revenues to capital projects that expand capacity on the RAS to serve new development; that improvements funded by the RTCIP Impact Fee will expand a region-wide arterial system accessible to the additional residents associated with new developments; and that SANDAG determined the planned projects identified in the Nexus Study will expand the capacity of the RAS to accommodate the increased trips generated by new development; thus there is a reasonable relationship between the use of the fee revenues and the residential types of new development that will pay the fee.

7. Finding the Nexus Study establishes a reasonable relationship between the need for the RAS and related transportation facility improvements (as defined in the RTP) and the type of development project on which the RTCIP Impact Fee is imposed.

8. Finding new dwelling units are indicators of the demand for transportation improvements needed to accommodate growth; that as additional dwelling units are created, the occupants of these structures generate additional vehicle trips and place additional burdens on the transportation system; that the need for the RTCIP Impact Fee is based on SANDAG transportation model projections of growth that show an increase in vehicle hours of delay on the RAS primarily as a result of new development even with planned improvements to that system; thus providing a reasonable relationship between the residential development and the need for improvements.

9. Finding the Nexus Study establishes a reasonable relationship between the amount of the RTCIP Impact Fee and the cost of the RAS and related transportation facility improvements (as defined in the RTP) attributable to the development on which the RTCIP Impact Fee is imposed.

10. Finding the reasonable relationship between the RTCIP Impact Fee for residential development and the cost of the facilities attributable to that development is based on the estimated vehicle trips the development will add to the RAS; and that the fee for a residential development is based on the number and type of new dwelling units; thus, the RTCIP Impact Fee schedule ensures a reasonable relationship between the RTCIP Impact Fee for residential development and the cost of the RAS improvements facilities attributable to that development.

11. Approves and adopts the RTCIP and associated RTCIP Impact Fee.

12. Approves and directs the RTCIP Impact Fees be imposed and collected in accordance Report to the City Council, No. 08-044, including Attachments 2 & 3 thereto setting forth the communities in which RTCIP Impact Fees will and will not be imposed upon non-exempt residential units.

13. Approves and authorizes the establishment of a separate interest bearing fund 30319 for the deposit of the RTCIP Impact Fees.

14. Authorizes and directs the Auditor and Comptroller to receive RTCIP Impact Fees and deposit them into fund 30319.

15. Declares the RTCIP Impact Fee shall become effective sixty days after the final adoption of this Resolution.

BE IT FURTHER RESOLVED, that this activity is not subject to CEQA pursuant to State Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Jana L. Garmo
Deputy City Attorney

JLG:als
04/02/08
Or.Dept:Facilities Financing
R-2008-808
MMS#6074

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of April 14, 2008

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 4·15·08
(date)

_____
JERRY SANDERS, Mayor

Vetoed: _____
(date)

_____
JERRY SANDERS, Mayor