

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING AN ACTIVE TRANSPORTATION IN
LIEU FEE.

WHEREAS, the Council has reviewed and considered the methodology set forth in the
Mobility Choices: Active Transportation Fee Nexus Study, on file in the Office of the City Clerk
as Document No. RR- _____ (Nexus Study); and

WHEREAS, the Council has reviewed and considered the methodology included in
Appendix of the Land Development Manual, on file in the Office of the City Clerk as Document
No. RR- _____; and

WHEREAS, Ordinance No. _____, related to Mobility Choices
Regulations, which requires the payment of an Active Transportation In Lieu Fee prior to
issuance of a building permit for specific new development, was considered by the City Council
together with this Resolution; and

WHEREAS, the Active Transportation In Lieu Fee is being imposed solely for the
purpose of addressing burdens posed by new development that increases vehicle miles traveled,
and therefore, may only be used to fund active transportation and transit infrastructure projects
within Mobility Zones 1, 2, and 3, as defined in San Diego Municipal Code Chapter 14, Article
3, Division 11, that reduce vehicle miles traveled; and

WHEREAS, at least 50 percent of funds from an Active Transportation In Lieu Fee is
desired to be used within Communities of Concern; and

WHEREAS, the City desires to continue to engage the community through continued public involvement and feedback to determine how funds received through the imposition of this fee should be expended; NOW, THEREFORE,

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

1. An Active Transportation In Lieu Fee in an amount of \$1,400 per vehicle mile traveled, which includes a 5 percent administrative fee, to be imposed in accordance with San Diego Municipal Code Chapter 14, Article 3, Division 3, is approved. At least 50 percent of the funds received shall be expended within Communities of Concern, as determined by the City Manager.
2. That the Chief Financial Officer is authorized to establish an interest bearing fund for funds received from payment of the Active Transportation In Lieu Fee, to be used solely to fund active transportation and transit infrastructure projects that reduce Citywide vehicle miles traveled in accordance with San Diego Municipal Code Chapter 14, Article 3, Division 3. At least 50 percent of the funds received shall be expended within Communities of Concern, as determined by the City Manager.
3. This Resolution shall be effective on the effective date of Ordinance No. _____, adopting the Complete Communities: Mobility Choices Regulations, or 60 days from the date of final passage of this Resolution, whichever occurs later. Active Transportation In Lieu Fees shall be in effect at the time building permits are issued, plus automatic annual increases in accordance with San Diego Municipal Code section 142.0640(b).
4. That the Mobility Choices: Active Transportation Fee Nexus Study is incorporated by reference into this Resolution as support and justification for the satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code

section 66000 et seq., for the imposition of development impact fees. Specifically, it is determined and found that the Nexus Study:

a. Identifies the purpose of the development impact fee, which is consistent with the goals and objectives of the City's *Climate Action Plan*, and the guiding principles embodied in SB 743, to reduce Citywide Vehicle Miles Traveled (VMT) and thereby reduce Citywide greenhouse gas (GHG) emissions, and is to ensure that new development pays a fair share to offset increased VMT through the implementation of VMT reducing infrastructure within the City's most VMT efficient areas;

b. Identifies the use to which the development impact fee is to be put. The Active Transportation In Lieu Fee will be used to fund a variety of walking, bicycling, and transit improvements, as set forth in the Nexus Study. These improvements will be implemented in the areas of the City that have the greatest VMT reduction potential;

c. Demonstrates how there is a reasonable relationship between the development impact fee use and the type of development on which the development impact fee is imposed. The Active Transportation In Lieu fee will be used to provide for improvements that will reduce the cumulative effects of future development on the City's mobility network and regional GHG emission levels. Such impacts are difficult to mitigate on a project-by-project basis. This fee will reduce and/or mitigate project related VMT impacts, in the most efficient manner and in alignment with the City's policies;

d. Demonstrates how there is a reasonable relationship between the development impact fee use and the type of development on which the development impact fee is imposed. The cumulative effects of future development will impact the City's mobility network and regional GHG emission levels. The burden created by future development

necessitates additional mobility improvements to reduce and/or mitigate each development's VMT impacts; the fee will be calculated in accordance with the type of development proposed in accordance with San Diego Municipal Code Chapter 14, Article 3, Division 11; and

e. Demonstrates how there is a reasonable relationship between the need for the public facility type and the type of development for which the development impact fee is imposed. The reasonable relationship between the fee for a specific development and the cost of improvements attributable to the development to reduce overall Citywide generated by the specific development is set forth in the Nexus Study.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Corrine L. Neuffer
Deputy City Attorney

CLN:als
06/05/2020
Or.Dept:Planning
Doc. No.: 2371388

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

DRAFT