

RESOLUTION NUMBER R- 313281

DATE OF FINAL PASSAGE NOV 17 2020

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- 313281-1 (Nexus Study); and

WHEREAS, the Council has reviewed and considered the methodology included in Appendix T of the Land Development Manual, on file in the Office of the City Clerk as Document No. RR- 313281-2; and

WHEREAS, Ordinance No. 0- 21274, 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 Citywide vehicle miles traveled, and therefore, may only be used to fund walking, bicycling, or 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 solely within Communities of Concern, which will result in greater returns on investment in reducing Citywide vehicle miles traveled; 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 up to 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 walking, bicycling, or 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. 0-21274, 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 66001 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 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, consistent with the goals and objectives of the City's Climate Action Plan and the guiding principles embodied in SB 743;

b. Identifies the use to which the development impact fee is to be put. The Active Transportation In Lieu Fee will be used solely to fund a variety of walking, bicycling, and transit improvements, that reduce Citywide VMT, 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 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 Citywide VMT impacts. Such impacts are difficult to mitigate on a project-by-project basis because VMT is regional impact that is best addressed with a Citywide or regional solution. 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. 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. This fee will reduce Citywide VMT related to a project's impacts; and

d. 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.

5. That, beginning January 31, 2024, the Active Transportation In Lieu Fee shall be monitored annually to ensure the continued validity of the Nexus Study, and shall be updated by September 30th of that same year if the Nexus Study is determined to no longer be valid. The annual monitoring shall include, at a minimum, review of the types of active transportation projects, the project cost estimates, and the sampling mix of project types contained in the Nexus Study.

6. The implementation of the Active Transportation In Lieu Fee shall be monitored annually to ensure the City's economic prosperity and VMT reduction goals are achieved throughout Mobility Zones 1, 2, 3, and 4, and an annual report shall be prepared and made available to the public.

APPROVED: MARA W. ELLIOTT, City Attorney

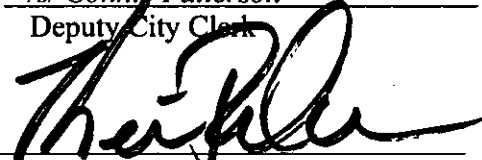
By /s/ Corrine L. Neuffer  
Corrine L. Neuffer  
Deputy City Attorney

CLN:als  
10/19/2020  
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 11/09/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Connie Patterson  
Deputy City Clerk

  
KEVIN L. FAULCONER, Mayor

Approved: 11/16/20  
(date)

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 09 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 17 2020.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By Connie Patuzzo Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 313281