

ORDINANCE NO. 3029

ORDINANCE 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WHEREAS, Ordinance No. 2251 as amended by Ordinance Nos. 2289, 2348, 2349, 2431, 2580, 2604, and 2671 were repealed by Ordinance No. 2802 in January 1999; and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 was placed in Municipal Code Chapter 3.54; and

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

WHEREAS, the City Council of the City of Chula Vista is placing this ordinance on its first reading which will increase the development impact fee (per equivalent dwelling unit) to finance transportation facilities within the City of Chula Vista; and

WHEREAS, pursuant to Government Code Section 66017(a), the fees increased by this ordinance will not become effective until sixty (60) days after its second reading; and

WHEREAS, pursuant to the Municipal Code and California Government Code Sections 66000, et. seq., the City Council has caused a study to be conducted to reanalyze and reevaluate the impacts of development on the transportation system for the City's eastern territories and, further re-analyze and evaluate the development impact fee necessary to pay for the transportation facilities which financial and engineering study prepared by city staff, is entitled "Eastern Area Transportation Development Impact Fee" dated March 2005; 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 and 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, on May 10, 2005, 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 March 2005, 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 March, 2005, 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:

<b>Land Use Classification</b>		<b>TDIF Rate</b>	
Residential (LOW)	0-6 dwelling units per gross acre	\$ 10,050.00	per DU
Residential (MED)	6.1-18 dwelling units per gross acre	\$ 8,040.00	per DU
Residential (HIGH)	>18.1 dwelling units per gross acre	\$ 6,030.00	per DU
Senior Housing		\$ 4,020.00	per DU
Residential Mixed Use	>18 dwelling units per gross acre	\$ 4,020.00	per DU
Commercial Mixed Use		\$160,800.00	per 20,000 Sq ft
General Commercial (Acre)	< five (5) stories in height	\$160,800.00	per Acre
Regional Commercial (Acre)	> 60 acres or 800,000 sq ft	\$110,550.00	per Acre
High Rise Commercial (Acre)	> five (5) stories in height	\$281,400.00	per Acre
Office (Acre)	< five (5) stories in height	\$ 90,450.00	per Acre
Industrial RTP (Acre)		\$ 80,400 00	per Acre
18-Hole Golf Course		\$703,500 00	per Course
Medical Center		\$653,250.00	per Acre

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, 2005, 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 2004, Los Angeles Construction Cost Index of 7845.85. 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:

That the Definitions as set forth in 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.

A. "Building permit" means a permit required by and issued pursuant to the Uniform Building Code.

B. "City Engineer" means the city engineer, the city engineer's designee or the city manager's designee.

C. "Density" means dwelling units per gross acre identified for each planning area shown on the approved tentative map or approved tentative parcel map or as determined by the city manager's designee.

D. "Developer" means the owner or developer of a development.

E. "Development permit" means any discretionary permit, entitlement or approval for a development project issued under any zoning or subdivision ordinance of the city.

F. "Development project" or "development" means any activity described in Section 66000 of the State Government Code.

G. "Eastern Territories" generally means that area of the city located between Interstate 805 on the west, the city sphere of influence boundary on the east and northeast, the city boundary on the north and the city's southern boundary on the south, excepting Villages 9 and 10 of the Otay Ranch (the University Site) as shown on the map entitled "Figure I" of the update of the financial and engineering studies.

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; and the study prepared by Project Design Consultants ("Eastern Area Development Impact Fees for Streets, 1999 Update") dated October 25 1999; and the study prepared by Willdan ("Eastern Area Development Impact Fees for Streets" dated July 2002); and the study prepared by city staff ("Eastern Area Transportation Development Impact Fees" dated March 2005) which are on file in the office of the city clerk.

I. "High rise commercial" means commercial office usage five or more stories in height.

J. "Transportation facility project" means that project or portion of project, which involves the specified improvements authorized by Section 3.54.030.

K. "Regional commercial" means any large commercial shopping center, larger than 60 acres, and containing more than 800,000 square feet of commercial space.

L. "Mixed use residential" means residential units constructed above a commercial space.

M. "Mixed use commercial" means a commercial project with residential units located on second floor, or higher, above the commercial space.

SECTION 4:

That the transportation facilities to be financed by the fee as set forth in Section 3.54.030(A) shall be amended as follows:

3.54.30 Transportation facilities to be financed by the fee.

A. The transportation facilities and 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 / 1-805 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 / 1-805 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.

- 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 / 1-805 interchange modifications.**
- 25b.\*\* Olympic Parkway from Oleander to Brandywine.
- 26. East Palomar Street from Heritage Road to the Sunbow eastern boundary.**
- ~~27. East Palomar Street / 1-805 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 1-805 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 Interconnection / 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 1-805 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**
- 51b. **La Media Road from Santa Venetia to Birch Road.**
- 52. **La Media Road from Birch Road to Rock Mountain Road.**
- 53. **La Media Road from Rock Mountain Road to Otay Valley Road.**
- ~~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 1-805 Underpass widening**
- 56e. **Main Street from 1600' west of Heritage Road / Rock Mountain Road to Heritage Road / Rock Mountain Road.**
- 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. **Paseo Ranchero bridge 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 Rolling Hills Ranch Neighborhood 9 east entrance to easterly city boundary.**
- 60a. **Rock Mountain Road from Main Street / Heritage Road to La Media Road.**
- 60b. **Rock Mountain Road from La Media Road to SR 125.**
- 61. **Willow Street from Bonita Road to Sweetwater Road (including bridge over Sweetwater River).**
- 62. **East H Street from Buena Vista Way to Otay Lakes Road.**
- 63. **Intersection signalization area wide within the Eastern Territories.**
- 64. Hunte Parkway from SR 125 to Eastlake Parkway
- 65. Traffic Management Center
- 66. Transportation Demand Management
- 67. Rock Mountain Road / SR 125 overpass bridge
- 68. Otay Valley Road / SR 125 overpass bridge

*\*\* Project has been completed.*

***Current projects are listed in bold***

*~~Deleted projects are in strikethrough text~~*

SECTION 5: 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 6: Time limit for protest and judicial action

Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance shall be brought within the time period as established by Government Code Section 66020 after the effective date of this ordinance.

In accordance with Government Code Section 66020(d)(1), the ninety-day approval period in which parties may protest begins upon the effective date of this ordinance.

SECTION 7: 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 December 31, 2005 the first reading of this ordinance shall no longer be effective.

Presented by

Approved as to form by



Sohaib Al-Agha  
City Engineer




Ann Moore  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of December, 2005, by the following vote:

AYES: Councilmembers: Castaneda, McCann, Rindone and Padilla

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

  
Stephen C. Padilla, Mayor

ATTEST:



Susan Bigelow, MMC, City Clerk



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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3029 had its first reading at a regular meeting held on the 10th day of May, 2005 and its second reading and adoption at a regular meeting of said City Council held on the 13th day of December 2005.

Executed this 13th day of December 2005.

  
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Susan Bigelow, MMC, City Clerk