



City of Rialto

Legislation Text

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For City Council Meeting [January 9, 2018]

TO: Honorable Mayor and City Council

FROM: Robb R. Steel, Interim City Administrator

Request City Council to Set a Public Hearing for **February 13, 2018**, to Adopt a Resolution Establishing a Fair Share Fee to Recover Specific Plan/EIR and Infrastructure Improvement Costs for Projects Developed in the Pepper Avenue Specific Plan Area.

BACKGROUND:

On December 12, 2017, the City Council adopted Resolution No. 7258 approving the Environmental Impact Report (EIR) and Resolution No. 7259 approving the Pepper Avenue Specific Plan (PSP). The Traffic Impact Analysis (TIA) prepared by Urban Crossroads in January 2016 identified various roadway and intersection improvements impacted by development within the PSP, and apportioned the "fair-share" costs to new development based upon the forecasted vehicle trips by land use category within the PSP at build out. The Conceptual Infrastructure Assessment (CIA) identified direct site improvement costs related to the Pepper Avenue extension project and apportioned the costs based upon a front footage factor.

To comply with the California Environmental Quality Act (CEQA) mitigation measures and to ensure that development pays its fair share of improvement costs, the City should establish and collect a fee from all new developments within the PSP to mitigate the impacts attributable to new development within the PSP. The PSP Fair Share Mitigation Fee Program (the "PSP Fair Share Fee" for the purposes of this report) will defray the costs of infrastructure improvements and recover costs the City incurred to prepare the PSP and EIR.

California Government Code § 66000-66025 (the "Mitigation Fee Act") establishes a process by which local agencies may impose development impact fees in order to finance various public improvements to mitigate the impacts of new development on the community. The Mitigation Fee Act requires local jurisdictions to complete a nexus fee study to comply with Government Code Section 66001. A Nexus Fee Study must:

- (1) Identify the purpose of the fee.
- (2) Identify the use to which the fee is to be put.
- (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

ANALYSIS/DISCUSSION:

Staff requests that the City Council conduct a public hearing on February 13, 2018 to consider adoption of the PSP Fair Share Fee based on a Nexus Fee Study prepared by KTG Group Inc.

Section 66016 of the Government Code requires the City to hold at least one public meeting before adopting an ordinance, resolution, or other legislative enactment adopting a new fee. Publication of the notice must comply with Government Code Section 6062(a), which requires the notice to be published twice during a 10-day period before the meeting in a newspaper regularly published once a week or more often. At least five days must intervene between the first publication and the second publication. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day.

Staff will publish the public hearing notice prior to the February 13, 2018, meeting in compliance with the noticing requirements.

ENVIRONMENTAL IMPACT:

The adoption of a fee to recover the fair share costs of the traffic related mitigation measures contained in the Pepper Avenue Specific Plan EIR is an administrative or fiscal action, which is exempt from CEQA. CEQA does not apply to projects for which "it can be seen with certainty that there is no possibility that the activity in question may have a significant impact upon the environment" (Section 15061 (b) (3) of the CEQA Guidelines). The adoption of a fair share fee to collect revenue for the costs of improvements identified within the TIA for the EIR is consistent with the mitigation measures contained within the PSP EIR certified by the City Council on December 12, 2017. No further CEQA review is required.

GENERAL PLAN CONSISTENCY:

The City of Rialto General Plan establishes various guiding principles, goals and objectives through which the City looks to improve the community and protect the quality of life for our residents. The creation of the proposed fee is consistent with the following guiding principle, goals, and objectives of the City's General Plan:

Guiding Principals

- Essential community services and amenities must meet the needs and desires of our families.
- Infrastructure keeps pace with our growth.

Goals and Objectives

Goal 3-6: Require that all developed areas within Rialto are adequately served with essential public services and infrastructure.

LEGAL REVIEW:

The City Attorney has reviewed and approved the staff report.

FINANCIAL IMPACT:

Establishing the PSP Fair Share Fee will (1) allow the City to collect funds toward the cost of constructing the identified traffic improvements mitigating the impacts of new development within the PSP area, (2) reimburse the City for incurred or prospective infrastructure improvements, and (3)

reimburse the City for the costs of EIR/SP preparation. The City will incur less than \$100 cost to publish the notice in the local newspaper.

RECOMMENDATION:

Staff recommends the City Council set the Public Hearing for February 13, 2018, to receive public comment to consider Adoption of a Resolution establishing the Pepper Avenue Fair Share Fee.