



Meeting Date: 2/03/09

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other

Prepared By: Jason M. Samonte - Agenda Item No. I-11

Reviewed By: City Manager City Attorney Finance Other None

DATE: January 26, 2009
TO: City Council
FROM: Ken Ortega, Director
Public Works Department

SUBJECT: Amendment to Resolution 13,328 Adjusting Planned Traffic Circulation Facilities Fees

RECOMMENDATION

That City Council adopt a resolution adjusting planned traffic circulation facilities fees and rescinding certain provisions of Resolution No. 13,328.

DISCUSSION

On June 26, 2007, City Council adopted Resolution 13,328 (Attachment 1) setting interim planned traffic circulation facilities fees. Staff recommends modifying and increasing the number of development categories and updating factors for daily traffic, peak hour impact and pass-by trips to make the fees more equitable and clear. There will be 19 development categories reflecting the most frequent projects processed by the City. The proposed fee schedule was reviewed by the Transportation Policy Committee and the Chamber of Commerce in 2008. In no case are fees being increased.

FINANCIAL IMPACT

The interim fee of \$730 dollars per daily trip adopted June 26, 2007 by City Council remains unchanged. There is no financial impact from these adjustments. Usually the adjustments are made by staff when reviewing individual projects. Adoption of the proposed resolution will incorporate the adjustments into the Council Resolution to clearly include the types of development projects and the corresponding fee to be processed by Development Services.

Attachment #1 - Resolution No. 13,328
Attachment #2 Proposed Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 13,328

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING A
NEGATIVE DECLARATION, SETTING INTERIM PLANNED TRAFFIC CIRCULATION
FACILITIES FEES AND STATING THE URGENCY THEREOF

WHEREAS, Division 5 of Article VI of Chapter 15 of the Oxnard City Code imposes planned traffic circulation facilities fees on development projects producing additional vehicle trips and such fees are to be set by resolution; and

WHEREAS, the Public Works Director has presented to the City Council a report entitled "Adjustment of Planned Circulation Facilities Fees", dated June 18, 2007, which sets forth the basis of the fees adopted by this resolution; and

WHEREAS, the City Council desires to adopt this interim resolution in order to cause the subject fees to be effective on June 27, 2007; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City Council to adopt a negative declaration for this project, and the City Council has considered the proposed negative declaration, together with any comments received during the public review process, and finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment, and further finds that the negative declaration reflects the independent judgment of the City Council and adopts the negative declaration; and

WHEREAS, the City Council finds that the fees adopted herein satisfy the requirements of law, including the Oxnard City Code.

NOW, THEREFORE, the City Council of the City of Oxnard resolves as follows:

1. Development Projects. All development projects producing additional vehicle trips shall pay the planned traffic circulation facilities fees ("fees") established by this resolution.

2. Staff Report.

a. *The staff report dated June 18, 2007, is attached hereto as Exhibit A and is hereby approved and incorporated herein by this reference. Such report provides the basis for the City Council's determination that there is a reasonable relationship between the amount of the fees established herein and the cost of the traffic circulation facilities or portion thereof attributable to the development project on which the fees are imposed.*

b. The methodology for determining the fee is to estimate the costs associated with each new vehicle trip that is created by development. This is accomplished by first estimating the costs to acquire necessary rights-of-way and construct improvements in the traffic circulation facilities of the City of Oxnard ("City") that are consistent with the City's 2020

ATTACHMENT # 1
PAGE 1 OF 6

estimating the costs to acquire necessary rights-of-way and construct improvements in the City's traffic circulation facilities that are consistent with the City's 2020 General Plan. Such costs are then divided by the estimated number of new vehicle trips such improvements will serve. The resulting quotient is the estimated costs per each new vehicle trip added by development within the City. Such fee per vehicle trip is then multiplied by the estimated number of new vehicle trips associated with a specific development. The estimated number of new vehicle trips is based upon trip generation rates developed by the Institute of Transportation Engineers and published in its Trip Generation Report, 7th Edition for all uses except single family detached residential uses. The San Diego Association of Governments ("SANDAG") Traffic Generation Rates are used for single family detached residential uses.

c. The number of new vehicle trips served by the improvements to the City's traffic circulation facilities is 672,821 trips. This number was arrived at by a traffic study completed in 1992 that estimated the number of new vehicle trips the improvements would serve.

d. The estimated costs for the acquisition of rights-of-way and construction of the traffic circulation facilities are also a function of the traffic study that was completed in 1992. The costs were updated in the following manner:

(1.) The traffic circulation facilities improvements for the Rose Avenue/Highway 101 interchanges have been completed and the actual costs incurred were \$21.3 million. These costs were used in the calculation.

(2.) The traffic circulation facilities improvements for Highway 101 - Vineyard Avenue to Johnson Drive are nearing completion and the City's share of the costs will be \$18.0 million. These costs were used in the calculation.

(3.) The engineer's estimate for the traffic circulation facilities improvements for the Rice Avenue/Highway 101 interchange has been updated and is \$76.8 million. This updated estimate was used in the calculation.

(4.) The engineer's estimate for the traffic circulation facilities improvements for Del Norte Boulevard/Highway 101 interchange has been updated and is \$39.0 million. This updated estimate was used in the calculation.

(5.) The engineer's estimate for the City's contribution towards the traffic circulation facilities improvements for the Highway 1/ Rice Avenue Interchange/ Rice Avenue extension remains unchanged from the 1992 study. This estimate was used in the calculation.

(6.) The remaining estimates have been adjusted for inflation by using the current Construction Cost Index and dividing by the estimated Construction Cost Index used to make the estimates used in the 1992 study. This resulted in multiplying the remaining estimates by a factor of 1.31.

e. The fee per additional vehicle trip was then further reduced to reflect a conservative methodology and rounded down to a fee of \$730 per each new vehicle trip.

f. Such fee is further refined by using specific traffic generation factors associated with specific types of development.

g. The resulting fees preserve a reasonable relationship between the need for traffic circulation facilities improvements and the development projects on which the fees will be imposed because such development projects cause traffic congestion on a citywide basis that the traffic circulation facilities improvements mitigate or will mitigate.

h. There is a reasonable relationship between the fees' use and development projects on which the fees will be imposed because the fees will only fund that portion of the improvements allocable to congestion caused by those development projects.

i. The City Council further determines that there is a reasonable relationship between the use of the fees and the type of development project on which the fee is imposed, and between the need for traffic circulation facilities and the type of development project on which the fee is imposed. The master plan of traffic circulation, the Circulation Element of the 2020 General Plan, the report referred to in subsection (a) of this section, and the provisions of Division 5 of Article VI of Chapter 15 of the Oxnard City Code provide the basis for such determination.

3. Fees. The total fee per additional trip is \$730.

4. Calculation of Fees. The fees imposed on each development project will be calculated as follows:

a. The Public Works Director shall be responsible for calculating the fees imposed on each development project.

b. Development projects subject to the fees include modifications or additions to existing buildings that generate more average daily vehicle trips than can be reasonably attributed to the current size, condition or use of the property. The Public Works Director shall consider changes in use of the property and/or additions to the gross floor area.

c. For non-office commercial land uses, the total number of trips generated shall be adjusted using the peak to average trip ratio for commercial uses divided by the same statistic for all other land uses. This adjustment shall be made to account for the fact that the commercial uses generate proportionately less peak time travel than other uses and, therefore, such uses impact the circulation system to a lesser degree than would be suggested from use of unadjusted average trip date. The City Council finds that the peak to average trip ratio is found to be 6.99 percent for general commercial uses and 7.48 percent for hotels, while the peak to average trip ratio for other uses is determined to be 11.41 percent. The adjustment factor is, therefore, $6.99/11.41 = 0.613$ for general non-office commercial and $7.48/11.41 = 0.656$ for hotel/motel uses.

d. Trip generation rates have been prepared based upon statistical data collected and analyzed by the Institute of Transportation Engineers and published in its Trip Generation Report, 7th Edition and SANDAG Traffic Generation Rates.

e. Trip generation rates and the resulting fees shall be as follows for specific types of development projects:

(1) Residential.

(a) Single Family Detached

11.0 Trips/Unit x \$730/Trip = \$8,030/ Unit

(b) Condominium

8.6 Trips/Unit x \$730/Trip = \$6,278/ Unit

(c) Apartment

6.5 Trips/Unit x \$730/Trip = \$4,745/ Unit

(d) Mobile Home

5.0 Trips/Unit x \$730/Trip = \$3,650/ Unit

(2) Commercial

(a) General Retail and Service

27.1 Trips/1,000 gross square feet of floor area x \$730/Trip =
\$19,783/1,000 gross square feet of floor area.

Note: This trip estimate has been modified pursuant to section 4.c,
above.

(b) General Office

15 Trips/1,000 gross square feet of floor area x \$730/Trip =
\$10,950/1,000 gross square feet of floor area.

(c) Medical Office

36.1 Trips/1,000 gross square feet of floor area x \$730/Trip =
\$26,353/1,000 gross square feet of floor area.

(d) Motel/Hotel

6.5 Trips/room x \$730/Trip = \$4,745/room

(3) Industrial

(a) Research and Development (B-R-P Zone)

11.40 Trips/1,000 gross square feet of floor area x \$730/Trip =
\$8,322/1,000 gross square feet of floor area.

(b) Light Industrial

6.96 Trips/1,000 gross square feet of floor area x \$730/Trip =
\$5,081/1,000 gross square feet of floor area.

(c) Warehousing

4.96 Trips/1000 gross square feet of floor area x \$730/Trip=
\$3,621/1000 gross square feet of floor area

(4) Special Projects

Traffic generation rates for developments and redevelopments not adequately represented above shall be determined according to the most similar current designation for which the Institute of Transportation Engineers provides trip generation statistics, or a project specific study acceptable to the Public Works Director.

5. Pursuant to Government Code section 66017, the fees imposed by this resolution are effective on August 26, 2007.

6. Government Code section 66017(b), however, authorizes City Council upon making certain findings by a 4/5 vote to order the fees to be effective immediately for a period of thirty days. Section 66017(b) also authorizes City Council to extend the effective date of this urgency resolution for an additional thirty days after notice and a public hearing.

7. This resolution is adopted pursuant to Government Code section 66017(b) because its passage is required for the immediate preservation of the public health, welfare and safety. The facts constituting this urgency are that: (a) there is a pressing need for infrastructure that will service new developments, (b) the provision of this essential infrastructure is dependant upon the availability of revenues from the fee imposed by this resolution, and (c) in order to ensure that the developers of all new developments proposed at this time in the City be responsible for paying their fair share of infrastructure costs. These facts constitute a current and immediate threat to the public health, welfare and safety. Accordingly, the City Council determines and finds that it is necessary for this resolution to be effective immediately on June 27, 2007.

8. The City Council orders that this urgency resolution be effective and the subject fee be imposed effective June 27, 2007.

9. Resolution No. 10,673 is superseded upon the effective date of this resolution.

9. a. The City Council has implemented a process for amending the City's 2020 General Plan. Such amendments may include additions to and refinements of planned traffic circulation facilities. Upon adoption of such amendments, the Public Works Director is directed to immediately undertake a new study to determine planned traffic circulation facilities fees. The goal of the City Council is that such study shall be completed and considered by the City Council within twenty-four months of such amendment of the City's 2020 General Plan.

b. If such study results in a reduction of the planned traffic circulation facilities fee below the \$730 per additional vehicle trip, as set forth in section 3 hereof, the Public Works Director shall also submit to the City Council a procedure for reimbursement for those persons who paid the interim planned traffic circulation facilities fee. The reimbursement will be the difference between such new fee and the amount paid for the interim planned traffic circulation facilities fee. Any new planned traffic circulation facilities fee determined as a result of the study will be effective prospectively.

10. Resolution No. 10,673 is superseded upon the effective date of this resolution.

11. If any provision, section, paragraph, sentence or word of this resolution, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this resolution, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this resolution are severable.

PASSED AND ADOPTED THIS 26th day of June, 2007 by the following vote:

AYES: Councilmembers Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

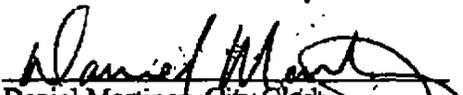
NOES: None

ABSENT: None


Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:


Daniel Martinck, City Clerk

 06-26-07
Gary L. Gillig, City Attorney

ATTACHMENT # 1
PAGE 6 OF 6

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING RESOLUTION 13.328 SETTING INTERIM PLANNED TRAFFIC CIRCULATION FACILITIES FEES

WHEREAS, Division 5 of Article VI of Chapter 15 of the Oxnard City Code imposes planned traffic circulation facilities fees on development projects producing additional vehicle trips and such fees are to be set by resolution; and

WHEREAS, the Public Works Director has presented to the City Council a report entitled "Adjustment of Planned Circulation Facilities Fees", dated June 18, 2007, which sets forth the basis of the fees adopted by Resolution No. 13.328; and

WHEREAS, the City Council desires to adopt this resolution in order to modify the categories of development projects and update the adjustments for peak hour and passer-by trips while retaining the fee per daily trip at \$730; and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), the Planning and Environmental Services Manager has determined that this resolution will have no effect on the environment, and the action contained in this resolution is categorically exempt from further review under the provisions of CEQA; and

WHEREAS, the City Council finds that the fees adopted herein satisfy the requirements of law, including the Oxnard City Code.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that Resolution 13,328 be amended as follows:

1. Part 4. of Resolution No 13,328 is superseded by the following:

Calculation of Fees. The fees imposed on each development project will be calculated as follows:

- (a) The Public Works Director shall be responsible for calculating the fees imposed on each development project.

(b) Development projects subject to the fees include modifications or additions to existing buildings that generate more average daily vehicle trips than can be reasonably attributed to the current size, condition or use of the property. The Public Works Director shall consider changes in use of the property and/or additions to the gross floor area.

(c) For non-office commercial land uses, the total number of trips shall be adjusted using the peak to average trip ratio for commercial uses divided by the same statistic for the other possible uses. This adjustment shall be made to account for the fact that the commercial uses generate proportionately less peak time travel than the other uses and, therefore, such uses impact the circulation system to a lesser degree than would be suggested from use of unadjusted average trip data. The City Council finds that adjustment factor to be 0.42 for commercial non office, 0.583 for Hotel/Motel, 0.572 for Church, 0.534 for New Car Sales. Secondly, a pass-by trip adjustment is incorporated into the fees based on the following---Commercial non-office 40%, Fast food with drive-thru 50%, gas station 56%. This adjustment accounts for the fact that a sizable percentage of trips to these land uses are already on the adjacent street and should not be double counted.

(d) Trip generation rates have been prepared based upon statistical data collected and analyzed by the Institute of Transportation Engineers and published in its Trip Generation Report, 7th Edition and SANDAG Traffic Generation Rates.

(e) The resulting fees shall be as follows for specific types of development projects:

1. Residential

- a. Single Family Detached-----\$8030/unit
- b. Condo/Townhouse-----\$6278/unit
- c. Apartments-----\$4745/unit
- d. Mobile home -----\$3650/unit
- e. Senior Housing -----\$2920/unit

2. Commercial/Industrial

- a. General Commercial or Services (including daycare), Office (including Medical/Dental), Retail-----\$7,899/1000 sq ft
- b. Light Industrial----- \$5,088/1000 sq ft
- c. Automated Car Wash-----\$177,390/site
- d. Self Service Car Wash----- -\$21,462/stall
- e. Gas Station (with or without Convenience Market or Car Wash)
\$21,958/fueling position
- f. Hotel/Motel----- \$3796/Room
- g. New Car Sales-----\$5030/1000 sq ft
- h. Church-----\$3,803/1000 sq ft
- i. Warehouse-----\$3621/1000 sq ft

3. Food Service

- a. Restaurant (Sit Down or Take Out)-----\$16,549/1000 sq ft
- b. Fast Food with drive thru-----\$76.059/1000 sq ft

4. Schools

- a. Elementary-----\$942/student
- b. Middle School-----\$1183/student
- c. High School-----\$1248/student

5. Traffic Study, case by Case-----\$730/daily trip

6. Central Business District Zone Factor---General Commercial or Services, Restaurant, Office in CBD zone---multiply by 0.56

7. Outdoor dining without protection from the elements—factor by 50%

8. Special Projects---Traffic generation rates for developments and redevelopments not adequately represented above shall be determined according to the most similar current designation for which the Institute of Transportation Engineers provides trip generation statistics or a project specific study acceptable to the Public Works Director.

2. The calculations contained in this resolution shall be effective in 60 days.

Passed and adopted this ____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

APPROVED AS TO FORM:

Alan Holmberg

Alan Holmberg, City Attorney

ATTEST:

Daniel Martinez, City Clerk