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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA AMENDING THE APPLICABLE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) APPLICABLE TO ALL DEVELOPMENTS IN THE CITY OF RIVERSIDE

WHEREAS, the City of Riverside (“City”) is a member agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside and eighteen cities located in Western Riverside County; and

WHEREAS, the member agencies of WRCOG recognized that there was insufficient funding to address the impacts of new development on the regional system of highways and arterials in Western Riverside County (the “Regional System”); and

WHEREAS, in order to address this shortfall, the member agencies formulated a plan whereby a transportation mitigation fee would be assessed on new development and would be used to fund the necessary improvements for the Regional System; and

WHEREAS, WRCOG, with the assistance of TUMF Program participating jurisdictions, has prepared an updated Nexus Study entitled “Transportation Uniform Mitigation Fee Nexus Study: 2016 Update” (“2016 Nexus Study”) pursuant to California Government Code sections 66000 et seq. (the Mitigation Fee Act), for the purpose of updating the fees. On July 10, 2017, the WRCOG Executive Committee reviewed the 2016 Nexus Study and TUMF Program and recommended TUMF participating jurisdictions amend their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction in order to update the TUMF Program; and

WHEREAS, based on the 2016 Nexus Study, on October 10, 2017, the City adopted Ordinance No. 7393 (“TUMF Ordinance”) and on October 3, 2017, the City adopted Resolution No. 23231, pursuant to California Government Code sections 66000 et seq. authorizing the City to impose the TUMF upon new development; and

WHEREAS, on April 21, 2020, the City adopted Resolution No. 23561, updating and adjusting TUMF to reflect increases in the Construction Cost Index; and

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1 WHEREAS, Section 16.68.040.C of the TUMF Ordinance authorizes periodic review and
2 adjustment to the applicable TUMF in accordance with any adjustments made by the WRCOG
3 Executive Committee; and

4 WHEREAS, on July 12, 2021, the WRCOG Executive Committee recommended that
5 member agencies adjust their applicable TUMF to reflect increases in the Construction Cost Index;
6 and

7 WHEREAS, the increase of the Construction Cost Index reflects the increased cost of
8 construction of the public facilities authorized by the 2016 Nexus Study; and

9 WHEREAS, the adjusted fees collected pursuant to this Resolution shall be used to finance
10 the public facilities described or identified in the 2016 Nexus Study; and

11 WHEREAS, consistent with its previous findings made in the adoption of Ordinance No.
12 7393, the City Council has been informed and advised, and hereby finds, that if the capacity of the
13 Regional System is not enlarged and unless development contributes to the cost of improving the
14 Regional System, the result will be substantial traffic congestion in all parts of Western Riverside
15 County, with unacceptable Levels of Service. Furthermore, the failure to mitigate growing traffic
16 impacts on the Regional System will substantially impair the ability of public safety services (police
17 and fire) to respond and, thus, adversely affect the public health, safety and welfare. Therefore,
18 continuation and adjustment of a TUMF Program is essential; and

19 WHEREAS, the City Council finds and determines that there is a reasonable and rational
20 relationship between the use of the TUMF and the type of development projects on which the fees
21 are imposed because the fees will be used to construct the transportation improvements that are
22 necessary for the safety, health, and welfare of the residential and non-residential users of the
23 development in which the TUMF will be levied; and

24 WHEREAS, the City Council finds and determines that there is a reasonable and rational
25 relationship between the need for the improvements to the Regional System and the type of
26 development projects on which the TUMF is imposed because it will be necessary for the residential
27 and non-residential users of such projects to have access to the Regional system. Such development
28

1 will benefit from the Regional System improvements and the burden of such developments will be
2 mitigated in part by payment of the TUMF; and

3 WHEREAS, the City Council finds and determines that the cost estimates set forth in the
4 2016 Nexus Study, as adjusted by the Construction Cost Index, are reasonable cost estimates for
5 constructing the Regional System improvements and the facilities that compromise the Regional
6 System, and that the amount of the TUMF expected to be generated by new development will not
7 exceed the total fair share cost to such development; and

8 WHEREAS, the fees collected pursuant to the TUMF Ordinance shall be used to help pay for
9 the design, planning, construction of and real property acquisition for the Regional System
10 improvements and its facilities as identified in the 2016 Nexus Study. The need for the
11 improvements and facilities is related to new development because such development results in
12 additional traffic and creates the demand for the improvements;

13 WHEREAS, by notice duly given and published, the City Council set the time and place for a
14 public hearing on the proposed adjusted fees and at least ten (10) days prior to this hearing, the City
15 Council made the proposed adjusted fees available to the public; and

16 WHEREAS, at the time and place set for the hearing, the City Council duly considered data
17 and information provided by the public relative to the cost of the improvements and facilities for
18 which the fees are proposed and all other comments, whether written or oral, submitted prior to the
19 conclusion of the hearing; and

20 WHEREAS, the levying of TUMF has been reviewed by the City Council and staff in
21 accordance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines and
22 it has been determined that the adoption of this resolution is exempt from CEQA pursuant to Section
23 15061(b)(3) of the CEQA Guidelines.

24 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside,
25 California, as follows:

26 Section 1: Findings. The recitals set forth above are hereby adopted as findings in support of
27 this Resolution. In addition, the City Council re-adopts the findings contained in Section 16.68.020
28 in support of the adjusted TUMF contained herein.

1 Attest:

2

3 _____
4 DONESIA GAUSE
5 City Clerk of the City of Riverside

6

7 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
8 foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at
9 its meeting held on the _____ day of _____, 2021, by the following vote, to wit:

10

Ayes:

11

Noes:

12

Absent:

13

Abstain:

14

15 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
16 City of Riverside, California, this _____ day of _____, 2021.

17

18

19 _____
20 DONESIA GAUSE
21 City Clerk of the City of Riverside

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24 21-1284

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