

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING SECTIONS 16.68.040 AND 16.68.060 TO UPDATE ITS
PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY
TRANSPORTATION UNIFORM MITIGATION FEE (TUMF)
PROGRAM.

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 16.68.040.B of the Riverside Municipal Code, is hereby amended in
its entirety to read as follows:

16.68.040 Establishment of the Transportation Uniform Mitigation Fee.

...

B. Fee Calculation. The fees shall be calculated by WRCOG according to the
calculation methodology fee set forth in the WRCOG TUMF Fee Calculation Handbook adopted
July 14, 2003, as amended from time to time. In addition to data in the Fee Calculation Handbook,
WRCOG Staff may consider the following items when establishing the appropriate fee calculation
methodology:

- Underlying zoning of the site
- Land-use classifications in the latest Nexus Study
- Project specific traffic studies
- Latest Standardized reference manuals such as the Institute of Traffic Engineers Trip
Generation Manual
- Previous TUMF calculations for similar uses
- WRCOG staff shall approve final draft credit / reimbursement agreement prior to execution

WRCOG shall have final determination regarding the appropriate methodology to calculate the fee
based on the information provided by the local agency. In case of a conflict between the applicant,
WRCOG, and/or the local agency regarding the fee calculation methodology, the dispute resolution
process in the TUMF Administrative Plan will apply.

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1 Section 2: Section 16.68.060 of the Riverside Municipal Code, is hereby amended in its
2 entirety to read as follows:

3 **16.68.060 Procedures for the Levy, Collection and Disposition of Fees.**

4 A. **Authority of the Building Department.** The Director of Community and Economic
5 Development, or his/her designee, is hereby authorized provide WRCOG with development project
6 specifics for the calculation of TUMF in a manner consistent with the TUMF Administrative Plan.

7 B. **Payment and Collection.** Payment of the fees shall be as follows:

8 i. All fees collected hereunder shall be collected by WRCOG for deposit,
9 investment, accounting and expenditure in accordance with the provisions of this Chapter,
10 TUMF Administrative Plan, and the Mitigation Fee Act.

11 ii. The fees shall be paid at the time a certificate of occupancy is issued for the
12 Development Project or upon final inspection, whichever comes first (the "Payment Date").
13 However, this section should not be construed to prevent payment of the fees prior to
14 issuance of an occupancy permit or final inspection. Fees may be paid at the issuance of a
15 building permit, and the fee payment shall be calculated based on the fee in effect at that
16 time, provided the developer tenders the full amount of his/her TUMF obligation. If the
17 developer makes only a partial payment prior to the Payment Date, the amount of the fee due
18 shall be based on the TUMF fee schedule in place on the Payment Date. The fees shall be
19 calculated according to fee schedule set forth in this Chapter and the calculation
20 methodology set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended
21 from time to time.

22 iii. The fees required to be paid shall be the fee amounts in effect at the time of
23 payment is due under this Ordinance, not the date the Ordinance is initially adopted. The City
24 shall not enter into a development agreement which freezes future adjustments of the TUMF.

25 iv. If all or part of any development project is sold prior to payment of the fee,
26 the property shall continue to be subject to the requirement for payment of the fee. The
27 obligation to pay the fee shall run with the land and be binding on all the successors in
28 interest to the property.

v. Fees shall not be waived.

C. **Issuance of Certificate of Occupancy.** The City shall not issue a certificate of occupancy for any Development Project until WRCOG has provided written evidence that it has collected the fee.

D. **Appeals.** Appeals shall be filed with WRCOG in accordance with the provisions of the TUMF Administrative Plan. Appealable issues shall be the application of the fee, application of credits, application of reimbursement, application of the legal action stay and application of exemption.

E. **Reports to WRCOG.** The Director of Community and Economic Development, or his/her designee, shall prepare and deliver to the Executive Director of WRCOG, periodic reports as will be established under this Chapter.

Section 3: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 4: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2019.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

ATTEST:

COLLEEN J. NICOL
City Clerk of the City of Riverside

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2 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
3 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
4 _____ day of _____, 2019, and that thereafter the said ordinance was duly and regularly
5 adopted at a meeting of the City Council on the _____ day of _____, 2019, by the following
6 vote, to wit:

7 Ayes:

8 Noes:

9 Abstain:

10 Absent:

11 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City
12 of Riverside, California, this _____ day of _____, 2019.

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14 _____
15 COLLEEN J. NICOL
16 City Clerk of the City of Riverside
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