

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF MARINA AMENDING CHAPTER 3.26
OF THE MARINA MUNICIPAL CODE REGARDING
MITIGATION FEES FOR NEW DEVELOPMENT

WHEREAS, the Mitigation Fee Act, at Sections 66000 and following of the California Government Code, provides authority for imposing and charging mitigation fees; and

WHEREAS, in accordance with Chapter 3.26 of the Municipal Code, the Community Development Director has caused to be prepared and has reviewed a revised version of the “Development Impact Fee Study” initially prepared by RBF Consulting on, dated July 20, 2007 (the “Initial Study”), as updated by RBF Consulting on April 25, 2011, and further updated by Kimley Horn & Associates, Inc. on May 18, 2016 (the “Updated Study”), incorporated herein by this reference, and on file in the office of the Public Works Division and City Clerk; and

WHEREAS, the Updated Study evaluates the impacts of contemplated future development on existing public facilities, public safety, transportation (roadways and intersections), and parks (collectively “Facilities”) in the City of Marina along with an analysis of the need for new Facilities and improvements required by new development, sets forth the reasonable relationship between such needs and the impacts of the various types of development pending or anticipated for which this fee is charged and describes the estimated costs of those improvements and the continued need for those improvements; and

WHEREAS, the update to the Initial Study by RBF Consulting was necessary due to changes in the City’s Capital Improvement Program, necessitating revision of the “Development Impact Fee Roadway Mitigation Costs” and “Development Impact Fee Intersections Project Costs” due to mitigation measures required by environmental impact reports, recent litigation and revised cost estimates all of which occurred or were determined subsequent to the completion of the Initial Study; and

WHEREAS, a duly noticed public meeting regarding the mitigation fees recommended by the update to the Study was held before this Council pursuant to Section 3.26.070B.1 of the Municipal Code and California Government Code Section 66016 on June 21, 2016, and the Updated Study was made available to the public at least 10 days prior to the meeting; and

WHEREAS, a duly noticed public hearing regarding the mitigation fees recommended by the Updated Study was held before this Council pursuant to Section 3.26.070B.4 of the Municipal Code and California Government Code Section 66018 on July 6, 2016.

THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES FIND AS FOLLOWS:

a) Having reviewed and considered the Updated Study and the testimony and materials presented at the public hearing, this Council approves and accepts the Updated Study and further finds that new development in the City of Marina will generate additional population within the City and will impact the Facilities defined and analyzed in the Updated Study.

b) There is a need in the City of Marina for Facilities that have not been constructed, or have been constructed but for which new development has not contributed its fair share of facility costs, and said Facilities have been called for in or are consistent with Updated Study. The cost estimates set forth in the Updated Study are the reasonable cost estimates in 2015 dollars for constructing these Facilities, and the fees expected to be generated by new development will not exceed the total of these costs.

d) The facts and evidence presented establish that there is a reasonable relationship between the need for the described Facilities and the impacts of the types of development described herein by Table 1.2, Exhibit A, herein adopted, and there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships and nexus are in more detail described in the Updated Study.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN AS FOLLOWS:

1. Section 3.26.050 Amended: Section 3.26.050 of Chapter 3.26, entitled

“Payment of Fees” is hereby amended to read in its entirety as follows:

“3.26.050 Payment of fees.

For new development, mitigation fees shall be charged and payable as set out in Table 1.2 of this chapter, as set forth in the attached one (1) page, marked Exhibit “A,” and incorporated herein by this reference thereto. The director shall determine, based on the type of development, the corresponding fee to be paid pursuant to this chapter. Except as otherwise provided by law or development agreement, the fees shall be paid at the time of issuance of any building permit for new development within the city.

2. **Effective Date.** This ordinance shall take effect and be in force sixty (60) days from and after its final passage.

3. **Posting of Ordinance.** Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of City Council.

4. Any fee, ordinance or resolution previously adopted in conflict with this Ordinance hereby is repealed as to any portion thereof in conflict with this Ordinance.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on 6th day of July 2016, and was passed and adopted at a regular meeting duly held on the 19th day of July 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS: Amadeo, Brown, Morton, O’Connell, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Acting Deputy City Clerk