

## RESOLUTION NO. 2019-43

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROVIA CALIFORNIA, ADOPTING TRAFFIC IMPACT FEES, DESCRIBING THE PURPOSE OF THE FEES, DESCRIBING THE BENEFIT AND IMPACT AREA ON WHICH THE TRAFFIC IMPACT FEES ARE IMPOSED, LISTING THE SPECIFIC TRAFFIC IMPROVEMENTS TO BE FINANCED, DESCRIBING THE ESTIMATED COSTS OF THESE TRAFFIC IMPROVEMENTS, DESCRIBING HOW THERE IS A REASONABLE RELATIONSHIP BETWEEN THE TRAFFIC IMPACT FEES AND THE VARIOUS TYPES OF NEW DEVELOPMENT, AND SETTING FORTH THE TIME FOR PAYMENT OF THE TRAFFIC IMPACT FEES**

### RECITALS

- (i) City of Monrovia Ordinance No. 2019-05 and Chapter 3.22 of the Monrovia Municipal Code authorize the adoption and collection of traffic impact fees provided the City Council of the City of Monrovia adopts a resolution that:
- a. sets forth the specific amount of traffic impact fees;
  - b. describes the benefit and impact area on which traffic impact fees are imposed;
  - c. lists the specific traffic improvements to be financed;
  - d. describes the estimated cost of the traffic improvements;
  - e. describes the reasonable relationship between the traffic impact fees and the various types of new development;
  - f. sets forth the time for payment of the traffic impact fees, and;
  - g. establishes an appeal fee.
- (ii) The City has not previously imposed a traffic impact fee ("TIF") for new development in the City. The City has caused to be prepared and published a study of the impacts of contemplated future development on existing traffic facilities within the City of Monrovia, along with an analysis of the need for new traffic improvements required as a result of new development, and said studies set forth the relationship between new development, the needed traffic improvements that result from new development, the reasonable causal relationship between the fee and the various types of new development, the estimated costs of those improvements, the proposed amount of the fee and the areas in which the fee will be imposed. The published study is entitled "Traffic Impact Fee Study for the City of Monrovia South of Huntington" dated April 2019 (the "Study"). The Study was prepared by Gibson Transportation Consulting,

Inc. and has been on file in the office of the City Clerk and made available to the public as required by applicable law. A complete and true copy of the Study is attached to this Resolution as Exhibit A and incorporated herein by this reference.

(iii) Ordinance No. 2019-05 and Chapter 3.22 of the Monrovia Municipal Code authorize the City Council to impose traffic impact fees on development by adopting this resolution.

(iv) The Study was made available for public inspection at least fourteen (14) days prior to the public hearing on this matter.

(v) On September 17, 2019, the City Council conducted and concluded a duly noticed public hearing, as required by law, concerning the proposed traffic impact fees set forth herein.

(vi) All legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE**, it is hereby found, determined and resolved by the City Council of the City of Monrovia as follows:

1. The facts set forth in the Recitals of this Resolution, are true and correct.
2. The City Council hereby approves and adopts the Study in the form and content attached hereto as Exhibit A.
3. The City Council hereby specifically finds as follows:
  - a. The purpose of the fees adopted herein is to finance traffic improvements in order to reduce traffic impacts caused by new development within the City of Monrovia;
  - b. The traffic impact fees collected pursuant to this Resolution shall be used only to finance only the traffic improvements described or identified in the Study and specifically as set forth in Exhibit "A."
  - c. New development in the City of Monrovia South of Huntington Drive ("impact areas") will generate additional traffic impacts within the impacted areas as described in the Study, and will contribute to the degradation of traffic circulation within the City;
  - d. There is a need in the impact areas for traffic improvements to be constructed and said improvements have been called for in and/or are consistent with the City's Circulation and Land Use Elements of its General Plan, and with any applicable Specific Plan;
  - e. The facts and evidence presented establish that there is a reasonable causal relationship between the need for the described traffic improvements and the impacts of the types of development described

in the Study, for which the corresponding fee is charged, and, also 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 or nexus are described in detail in the Study;

- f. The cost estimates set forth in the Study are reasonable cost estimates for constructing the described traffic improvements, and the fees expected to be generated by new development will not exceed the total of these costs;
- g. All applicable requirements of Ordinance No. 2019-05 and Chapter 3.22 and California Government Code Section 66000, et seq., have been satisfied prior to or concurrent with the adoption of this Resolution, the approval of the Study and the imposition of the traffic impact fees approved herein.

4. Definitions:

- a. "New development" shall mean construction of residential housing unit(s), construction of commercial, office, industrial or other non-residential improvements, or the addition of floor space to existing commercial, office, industrial or non-residential improvements.
- b. "Traffic improvements" shall mean design of and all related construction, physical changes or alterations to existing streets, roads, highways, and intersections, creation of new streets, roads, highways and intersections, and any other appurtenant changes or alterations to these existing and proposed facilities such that they are capable of accommodating additional traffic capacity and/or enhancing public safety.

5. A traffic impact fee shall be determined at the time of submittal into building plan check and must be paid by any new development prior to the issuance of the final certificate of occupancy, or otherwise as provided in Section 3.22.040 of the Monrovia Municipal Code or by Government Code Section 66000, et seq., in the benefit areas depicted and described in the Study, as the same may be amended by the City Council from time to time. The Director of Community Development of the City of Monrovia, or his or her designee, shall determine if the development lies within an area designated in the Study, the type of development and the corresponding fee to be charged in accordance with this Resolution.

6. The amount of the traffic impact fees for new development projects shall be as set forth in the Study, or \$2,095.00 per net new afternoon peak hour trip generated by each project, as defined in the Study. The fee amounts shall be adjusted annually as provided in Section 3.22.090 of the Monrovia Municipal Code. Notwithstanding the foregoing, the City Council also may adjust the traffic impact fee

amount from time to time, if justified by a similar study in compliance with applicable law.

7. The City of Monrovia shall, beginning at the close of fiscal year 2019-2020, and at such times thereafter required by Government Code Section 66000, et seq., conduct the appropriate annual review, prepare necessary reports, and schedule, notice and conduct all public hearings and otherwise comply with all procedures, set forth in said Code sections.

8. The traffic impact fees established herein shall not become effective until after the effective date of Ordinance No. 2019-05 and not less than sixty (60) days following the adoption of this Resolution respectively.

9. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this resolution, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this resolution, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

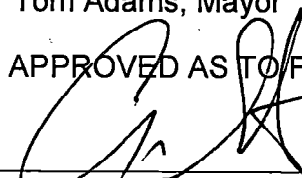
10. The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 17th day of September, 2019.



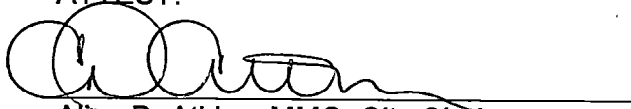
Tom Adams, Mayor

APPROVED AS TO FORM:



Craig A. Steele, City Attorney  
City of Monrovia

ATTEST:



Alice D. Atkins, MMC, City Clerk  
City of Monrovia

**EXHIBIT A**

Traffic Impact Fee Study for the City of Monrovia South of Huntington  
dated April 2019

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) §  
CITY OF MONROVIA )

I, ALICE D. ATKINS, MMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Resolution 2019-43, it was duly adopted and passed at a regular meeting of the Monrovia City Council on the 17<sup>th</sup> day of September, 2019, by the following vote:

**AYES:** Councilmembers Blackburn, Crudgington, Shevlin, Mayor Pro Tem Spicer, Mayor Adams

**NOES:**

**ABSTAIN:**

**EXCUSED:**

ATTEST:



---

Alice D. Atkins, MMC, City Clerk  
City of Monrovia