



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Bill Guerin,  
Director of Public Works

City Manager Approval:

**TOPIC: TRAFFIC MITIGATION FEE (TMF) – 2040 GENERAL PLAN**

**SUBJECT: RESOLUTION TO UPDATE THE CITYWIDE TRAFFIC MITIGATION FEE AS RECOMMENDED BY THE 2040 GENERAL PLAN REPORT TITLED “CITY OF SAN RAFAEL TRANSPORTATION FEE NEXUS REPORT”**

**RECOMMENDED ACTION:** Adopt a resolution to approve an increased traffic mitigation fee with revised implementation policies.

**BACKGROUND:** The City of San Rafael established a traffic mitigation fee in the mid-1980’s. The mitigation fees were started as a funding mechanism towards specific improvements within the planning area.

In 2004, the City adopted the San Rafael General Plan (“GP”) 2020. The GP 2020 included a complete update of the Land Use and the Circulation Elements. The identification of major transportation improvements provided the necessary nexus to expand the traffic mitigation fee to morning and afternoon trip generations and to include all developments in the City. In 2004, the City Council adopted [Resolution No. 11668](#) that established a \$4,246 per trip fee. The resolution excluded cultural and theatre facilities, childcare facilities and affordable housing projects from the traffic mitigation fees. The resolution allowed for an annual adjustment of the fee based on the “Lee Saylor Construction Cost Index”. Due to difficult economic times after the adoption however, the rate was never adjusted after 2004.

In 2012, the City Council adopted [Resolution No. 13364](#), which amended Resolution No. 11668. The updated resolution added another project type (second dwelling units) to the list of projects exempt from citywide traffic mitigation fees.

**ANALYSIS:** The Mitigation Fee Act (California Government Code §§66000 – 66025), the bulk of which was adopted as 1987’s Assembly Bill (“AB”) 1600, establishes requirements for how cities collect, maintain and spend mitigation fees. Those requirements are commonly referred to as “AB 1600” requirements. The AB 1600 requirements mandate that mitigation fees must demonstrate a reasonable connection between the fee charged and the cost of the improvements for which they are collected, must be deposited in a separate account, segregated from the city’s general fund, and used only for the identified improvements. Additionally, cities must spend or commit the fees within five years of collection or return them to the developer unless a finding can be made that a reasonable relationship continues to exist between the current need for the fee and the purpose for which it was originally collected (Gov. Code §66001(d)).

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

Per the requirements of AB 1600, each mitigation fee program must be supported by a “nexus” analysis, which is a rational and documented set of procedures by which the agency establishes that there is a reasonable relationship (or “nexus”) between anticipated future development in the jurisdiction, the need for new infrastructure to support that development, and the fees that will be charged to help fund that infrastructure. With the GP 2040 update, the City commissioned Fehr and Peers Engineering consultants to establish the nexus analysis. The effort was documented in the report attached as Attachment 6.

The report lists the projects envisioned as part of the General Plan 2040. Preliminary cost estimates were prepared for each project. Assumptions were made to estimate the potential City contribution for each project followed by an overall fair share analysis based on the transportation model developed by the Transportation Authority of Marin (TAM). With a total cost estimate of \$114.7 million, the report suggests \$85.66 million would be eligible for the traffic mitigation fee.

Based upon further considerations and assumption of the future funding opportunities, the nexus analysis used only 28% of the \$85.66 million eligible for Citywide traffic mitigation fees. The assumptions accounted for federal, state, and regional funding opportunities.

The establishment of the fee is dependent on the anticipated morning and afternoon peak hour trips. The TAM transportation model calculated a total of 3,513 morning and afternoon new trips based on the anticipated growth. The total eligible cost of projects divided by the total number of new trips would be the recommended fee of \$6,909 per trip.

The report justifies the continuation of the collection of traffic mitigation fees and recommends an increase of the base fee to \$6,909 per trip to meet the increasing cost of delivering needed transportation improvements. With the current traffic mitigation fee at \$4,246 the recommended fee increase would be 62.7% higher if implemented all at one time. The main reason for this increase is the fee was not adjusted for inflation in 17 years. While the original resolution recommended an annual adjustment, the adjustments were not made due to instability in economic conditions. The challenge with this recommendation lies in the implementation of a major fee increase.

The City met with the San Rafael Chamber of Commerce (“Chamber”) Board and the feedback was mixed, with concerns regarding the potential for impact on the development community. The Chamber executive director followed up in an email which stressed the need for additional outreach with local developers, questioned the impact on development projects in the queue, and requested flexibility with financing options.

The City then invited local developers to a meeting. The nexus report was presented by staff. We received excellent feedback. After the meeting, staff received a letter from one of the developers present which suggested providing concessions to incentivize housing flexibility in the timing of collecting the fee, and flexibility in applying the fee increase. A suggestion to waive the fee entirely for housing projects was discussed and dismissed as the majority of the 2040 growth is anticipated in housing.

Realizing the need to establish an equitable, logical, and community-based balance to fit the development community and the transportation infrastructure needs, the following explains the logic behind staff considerations and the basis for staff recommendations.

- 1- Gradual increase of the fee: The report suggested an option to increase the fee over a three-year period. This option was presented to the Chamber and to the developers’ group. The feedback was a request for a longer period. We discussed the possibility for

extension with Fehr and Peers and determined that a five-year option would be viable. Staff recommends that during the gradual increase of the fee an adjustment for inflation be maintained. If we do not adjust for inflation during the first five years, the City will be facing another significant need for adjustment in five years. Staff recommends maintaining the Lee Saylor Construction Cost Index as the basis for Construction Price Index annual adjustment. It is also recommended to start the Construction Price Index adjustment, when above 0% at the end of year one and starting with year two. Staff recommends that the initial fee increase become effective on January 1, 2022. The fee amounts without the index adjustments over five years would be as follows:

	<b>5 Year Option</b>
Year 1 – January 1, 2022	\$4,779
Year 2 – January 1, 2023	\$5,312*
Year 3 – January 1, 2024	\$5,845*
Year 4 – January 1, 2025	\$6,378*
Year 5 – January 1, 2026	\$6,909*

\*This amount does not include the Construction Price Index annual adjustment

The Lee Saylor Construction Price Index is published monthly. Staff recommends adopting the Month of November to compare the index for one year to another. This will give enough time to calculate the annual change and apply it accordingly.

A question was raised by the stakeholders about the applicability of projects that are either already entitled or in the queue for review. The proposed resolution provides that for development projects where the planning application has been submitted to the Community Development Department prior to January 1, 2022 the current fee of \$4,246 would apply, but for projects applying on or after January 1, 2022, the amount of the fee will start increasing, and the assessed amount will be determined based on the rate in effect at the time the building permit is issued.

- 2- Comparison with other municipalities: Fehr and Peers compared the traffic mitigation fees with similar and nearby municipalities along the Highway 101 corridor. The following table compares the traffic impact fee collected for a single-family home in Novato, Petaluma and Santa Rosa. The comparison shows we are now collecting less than the three compared cities.

<b>City</b>	<b>Traffic Fee Per Home</b>
Novato	\$9,151
Petaluma	\$16,034
Santa Rosa	\$9,009
Average of Three Cities	\$11,398
San Rafael	\$8,492

- 3- Overall equity of the fee: during conversations with stakeholders it was suggested to take a more holistic look at the fees collected by San Rafael compared to other communities. The suggestion was prompted due to the number of fees imposed for various reasons on the development community. Staff sees this step as necessary to continue to assess the City’s ability to maintain sustainable growth and it would need to be a part of a broader issue discussion that goes far beyond the consideration of traffic mitigation fees.

- 4- Incentives for housing: The suggestion was also made that the City should incentivize the housing industry to meet State and regional mandates. The City has taken favorable actions adjusting the minimum affordable housing ratios. In addition, the current resolution already exempts affordable housing projects from the traffic mitigation fee. Staff recommends continuing the exemption of affordable housing projects and to take it one step further by exempting affordable units built in conjunction with market-based units, thus further incentivizing building more affordable units.
- 5- Deferred collection of the fee: Currently the fee must be paid at the time of the issuance of the building permit. Stakeholders asked for a grace period to pay the fee. Staff recommends that the City give the option to pay the fee at either the issuance of the building permit or before occupancy. This would give developers the full time of construction (one to three years) as a grace period for paying the fee.
- 6- Annual review of accomplishments: AB 1600 mandates an annual review of the expenditure of the Traffic Mitigation Fund by the City Council. The recommendation is to continue this practice.
- 7- Credit for Existing Buildings and Fee Calculations: Owners who have an existing building should be able to receive credit for the trips generated by existing structures. The credit is calculated without any adjustment of the raw trip generation. Therefore, the calculations for the trip generation number for the new trips should not have any adjustments for pass-by nor multimodal discounts. If the structure has been removed for two years or more the existing structure should not get any trip generation credits simply because the structure or the building has not generated trips and new trips would be generated.
- 8- Building Reuse and Tenanting: As an incentive to reuse and renew developments, staff recommends exempting from the traffic mitigation fee, any reuse of existing square footage regardless of how many trips it may generate. Only *additional* square footage to an existing structure would be assessed the traffic mitigation fee.
- 9- Inclusion of 2017 Policy and Practices: Staff recommends including the policy and procedures in the 2017 staff memorandum in the revised traffic mitigation fee resolution.

**FISCAL IMPACT:** The increase of the fee will gradually increase the Traffic Mitigation Fund. The status of the fund is discussed annually by the City Council. The allocations of the funds to projects will also be discussed by the City Council as part of the Capital Improvement Program.

**RECOMMENDED ACTION:** Adopt a resolution to increase the City's traffic mitigation fee with revised implementation policies.

**ATTACHMENTS:**

1. Resolution No. 11668, adopted 2004
2. Resolution No. 13364, adopted 2012
3. City of San Rafael Transportation Fee Nexus Report
4. Proposed 2021 Draft Resolution

**RESOLUTION NO. 11668**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN  
RAFAEL IMPOSING TRAFFIC MITIGATION FEE ON  
DEVELOPMENT PROJECTS CITYWIDE IN SAN RAFAEL  
PLANNING AREA.  
(\$4,246.00 PER TRIP)**

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**WHEREAS**, the City Council of the City of San Rafael has adopted San Rafael Municipal Code Section 3.32 creating and establishing the authority for imposing and charging Public Facilities Fees; and

**WHEREAS**, pursuant to Section 3.32, the City Council of the City of San Rafael adopted Resolution No. 7882 establishing a traffic mitigation fee for certain zones of benefit within the City; and

**WHEREAS**, San Rafael General Plan 2020 identifies the potential impacts of projected future development, the needed facilities and the estimated costs of those improvements, including specifically for these purposes necessary and needed traffic infrastructure improvements and the projected costs thereof; and

**WHEREAS**, the circulation element of the General Plan 2020, and the effectiveness of the existing traffic mitigation fee were discussed at public hearings on September 28, 2004; and

**WHEREAS**, it was determined that the existing traffic mitigation fee is insufficient to fund the proposed traffic infrastructure improvements necessary to support projected future development in the City; and

**ORIGINAL**

11668

**WHEREAS**, it was further determined that the current traffic mitigation fee, which said fee is currently only applied to development projects in three defined traffic impacted areas of the City, does not adequately reflect the current traffic and circulation concerns of the City because: (1) the City is experiencing City-wide traffic congestion beyond the three previously defined zones of benefit; (2) the City has traffic infrastructure needs outside of the three defined zones of benefit; and (3) development projects in each area of the City impact traffic throughout the City by changes in the number of A.M. and P.M. peak hour trips; and

**WHEREAS**, various proposed alternatives and/or amendments to the existing traffic mitigation fee were presented and discussed at the public hearings in order to address these concerns, and the City Council preferred expanding the geographical application of the existing traffic mitigation fee so that it would be assessed Citywide, and further preferred combining all fees collected into one citywide traffic mitigation fee account; and

**WHEREAS**, the City Council further determined that the traffic mitigation fee should be increased to \$4,246.00 per trip, and that the fee shall be assessed by multiplying the per trip fee by the total number of new AM plus PM peak trips generated by a project; and

**WHEREAS**, the estimated number of trips generated per development project shall be approved by the City Traffic Engineer and traffic mitigation fee shall be assessed and paid at the time of the issuance of the building permit for development; and

**WHEREAS**, the traffic mitigation fee will be adjusted annually based on "Lee Saylor Construction Cost Index"; and

**WHEREAS**, the City Council has determined that: 1) cultural and theater facilities, excluding night clubs in Downtown, 2) childcare facilities, and 3) affordable housing projects shall be exempt from traffic mitigation fees; and

**WHEREAS**, the traffic mitigation fee adopted herein shall not be assessed on any development project for which land-use entitlements have been granted and remain valid, pursuant to Title 14 of the San Rafael Municipal Code (Zoning Ordinance), as of the effective date of this resolution. For those projects, the traffic mitigation fee in place prior to the effective date of this resolution shall be assessed and collected. A "valid" land-use entitlement shall be one for which project approval has been granted by the decision-making authority, no appeals have been filed within the appeal period specified within the Zoning Ordinance, and the approval granted by the decision-making authority has not lapsed; and

**WHEREAS**, the traffic mitigation fee adopted hereby shall not be assessed on or collected for any project subject to a Development Agreement approved prior to the effective date of this resolution, except in those instances where the Development Agreement specifically authorizes the City to collect fees and charges adopted by the City subsequent to the date of approval of the Development Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Rafael hereby finds and determines that the above Recitals are true and correct and serve as the basis, in part, for the actions of the City Council set forth below; and

**BE IT FURTHER RESOLVED** that the City Council of the City of San Rafael does hereby adopt this Resolution establishing a new Citywide traffic mitigation fee pursuant to San Rafael Municipal Code Section 3.32;

I, **JEANNE M. LEONCINI**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 15<sup>th</sup> day of November, 2004, by the following vote, to wit:

**AYES:**           **COUNCILMEMBERS:**   **Cohen, Heller, Miller and Mayor Boro**

**NOES:**           **COUNCILMEMBERS:**   **None**

**ABSENT:**       **COUNCILMEMBERS:**   **Phillips**

  
**JEANNE M. LEONCINI, City Clerk**



**RESOLUTION NO. 13364**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL  
AMENDING RESOLUTION 11668 (REQUIRING THE IMPOSING OF TRAFFIC  
MITIGATION FEES ON DEVELOPMENT PROJECTS CITYWIDE) EXEMPTING THE  
CREATION OF NEW OR LEGALIZATION OF EXISTING  
SECOND DWELLING UNITS FROM THE  
CITYWIDE TRAFFIC MITIGATION FEE REQUIREMENT  
(P12-002)**

The City Council of the City of San Rafael finds and determines that:

**WHEREAS**, San Rafael Municipal Code (SRMC) Section 3.32 provides enabling legislation for the City Council to create and establish the authority to impose and charge Public Facility Fees; and

**WHEREAS**, pursuant to SRMC Section 3.32, on December 19, 1988, the City Council adopted Resolution No. 7882 establishing traffic mitigation fees required for new development for three zones of benefit within the City. The adoption of these traffic mitigation fees was done in conjunction with the adoption of and as implementation to the San Rafael General Plan 2000; and

**WHEREAS**, in 2002, the City initiated an update of the San Rafael General Plan 2000, which included revisions to the Land Use and Circulation Elements. On November 15, 2004, the City Council adopted the San Rafael General Plan 2020. The General Plan 2020 includes policies and programs intended to address and mitigate traffic and transportation impacts associated with new land development within the City. Specifically, General Plan 2020 Circulation Element Policy C-5 (Traffic Level of Service Standards) sets forth intersection and arterial segment level of service standards that are to be maintained as new development is proposed, approved and built. Further, the Circulation Element includes: a) Policy C-6 (Proposed Improvements) which sets forth a list of planned transportation improvements that are deemed necessary to accommodate planned growth under the General Plan 2020, along with the estimated cost of needed improvements and timing; and b) Policy C-7 (Circulation Improvements Funding) which outlines the funding sources for the needed circulation improvements, which include, among others, traffic mitigation fees. Lastly, Circulation Element Program C-7a (Traffic Mitigation Fees) directs that the City continue to implement and periodically update the traffic mitigation fee program; and

**WHEREAS**, in conjunction and concurrent with the adoption of the San Rafael General Plan 2020, on November 15, 2004, the City Council adopted Resolution No. 11668, which updates the City's traffic mitigation fee program to: a) address and apply fees to both AM and PM peak hour traffic conditions; and b) apply the fees citywide. This action updated the fee amount to \$4,246.00 per peak hour trip (a collective amount of both AM and PM peak hour trips generated by new development). Resolution No. 11668 requires the application of traffic mitigation fees to all new development except for cultural and theater facilities (excluding night clubs in Downtown, childcare facilities and affordable housing projects; and

**WHEREAS**, in 2009 the City prepared and published the Second Dwelling Unit Progress Report - 2009. The San Rafael General Plan 2020 Housing Element encourages second dwelling units as they provide a good source of affordable housing for the community. The

purpose of the progress report, among others, was to assess second dwelling unit production since the 2004 adoption of the San Rafael General Plan 2020 as the General Plan estimated that 34 second dwelling units per year would be built or legalized during this time frame. The report disclosed that between 2004 and 2009, a total of 32 second dwelling units were built or legalized citywide, far below the per year estimate cited in the General Plan. Further, the report disclosed that one of the biggest obstacles to building a new or legalizing an existing second dwelling unit is the requirement to pay traffic mitigation fees; and

**WHEREAS**, as a result of the findings of the Second Dwelling Unit Progress Report-2009, in August 2011, the City Council adopted an amendment to the San Rafael General Plan 2020, which incorporated a new Housing Element Program H-25e (City Fees to Reduced Second Dwelling Unit Costs), which directs that the Citywide Traffic Mitigation Fee to waive the amount that is currently charged for second dwelling units; and

**WHEREAS**, the Department of Public Works, Transportation Division has reviewed and supports the proposal to waive the Citywide Traffic Mitigation Fee for second dwelling units. The Public Works Director finds that: a) the amount of traffic generated by a second dwelling unit during the AM and PM peak hour is minimal and is generally combined and/or absorbed with the peak hour traffic generation of the primary single-family residence; and b) the amount of second dwelling units that have been permitted citywide in combination with the number of such units planned and projected in the General Plan are not enough to result in a noticeable difference in traffic conditions. For these reasons, the fee is not warranted for second dwelling units; and

**WHEREAS**, no other amendments are proposed to Resolution 11668 that would change the structure or purpose of the fee, or the fee amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Rafael hereby adopts an amendment to Resolution 11668 (Citywide Traffic Mitigation Fee) exempting the creation of new or the legalization of existing second dwelling units from the mitigation fee payment based on the following findings:

1. The exemption of second dwelling units from the Citywide Traffic Mitigation Fee would be consistent with San Rafael General Plan 2020 Housing Element Policy H-25 (Second Units) and Programs H-25b (Second Unit Assistance) in that the action would: a) encourage new and the legalization of existing second dwelling units, which are a source of affordable housing in the community; and b) provide a financial incentive and assistance to property owners that are being encouraged to legalize existing second dwelling units. Further, this action would implement Housing Element Program H-25e (City Fees to Reduce Second Dwelling Unit Costs), which directs that this traffic mitigation fee be waived for second dwelling units.
2. The exemption of second dwelling units from the Citywide Traffic Mitigation Fee would not be detrimental to the health, safety and welfare of the community in that the Department of Public Works, Transportation Division has concluded that the amount of traffic generated by second dwelling units is minimal and ancillary to the traffic generated by the primary single-family residences. As such, the charging of a traffic mitigation fee for a second dwelling unit is not warranted.

**BE IT FURTHER RESOLVED** that the City Council of the City of San Rafael does hereby adopt this resolution amending Resolution 11668 (Citywide Traffic Mitigation Fee) to

expand list of projects and uses exempt from this fee to include the creation of new or legalization of existing second dwelling units to read as follows:

“The City Council has determined that: 1) cultural and theater facilities, excluding nightclubs in Downtown, 2) childcare facilities, 3) affordable housing projects, and 4) development of new or the legalization of existing second dwelling units shall be exempt from traffic mitigation fees.”

**I, ESTHER BEIRNE**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly introduced and read at a regular meeting of the San Rafael City Council held on the 2nd day of July, 2012, by the following vote, to wit:

AYES	COUNCILMEMBERS:	Connolly, Levine, McCullough & Mayor Phillips
NOES	COUNCILMEMBERS:	None
ABSENT	COUNCILMEMBERS:	Heller

  
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ESTHER C. BEIRNE, City Clerk



*Draft Report*

# City of San Rafael Transportation Fee Nexus Report



June 2021

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# 1. Introduction

## Background and Purpose

The Traffic Mitigation Fee (TMF) on development projects in San Rafael was last updated by the City Council on November 15, 2004. The fee was updated in conjunction with the San Rafael General Plan 2020 that was also adopted by the City Council in 2004, with the purpose of providing funds to support implementation of improvements identified in the Circulation Element due to the potential impacts of projected future development.

The purpose of this report is to serve as the necessary documentation to allow the City to update the existing citywide TMF program in conjunction with the current update to the General Plan and preparation of a Downtown Precise Plan. The City of San Rafael TMF is based on multiplying the number of net new peak hour trips (AM plus PM peak hours) for a project by the fee of \$4,246 per trip. The fee of \$4,246 per trip has not changed since 2004.

Impact fees are established under a state law known as Assembly Bill (AB) 1600, the Mitigation Fee Act. Fees charged pursuant to this legislation are used to build capital facilities needed to offset the impacts generated by new development. It is common practice throughout California for local jurisdictions to establish impact fee programs to fund the construction of several types of public infrastructure and facilities; one common type of fee program is a transportation impact or mitigation fee, which generates funds that are used to construct infrastructure and provide facilities that support the transportation needs of new residents and businesses.

Per the requirements of AB 1600, each impact fee program must be supported by a “nexus” analysis, which is a rational and documented set of procedures by which the agency establishes that there is a reasonable relationship (or “nexus”) between anticipated future development in the jurisdiction, the need for new infrastructure to support that development, and the fees that will be charged to help fund that infrastructure. Thus, the technical reports (such as this report) that are prepared to support a fee program are commonly called nexus studies.

## Study Area

This nexus study addresses anticipated future development in the incorporated City of San Rafael as well as in the sphere of influence (SOI) area that immediately surrounds the incorporated city.



## Organization of the Report

After this introductory section, the report contains four additional sections:

- *Section 2* – Project List describes the list of capital improvement projects that would be included in the program.
- *Section 3* – Growth Projections documents the amount of growth anticipated over the next twenty years in the geographic areas that would be covered by the Citywide TMF.
- *Section 4* – Nexus Analysis and Fee Calculations describes the results of the nexus analysis and calculates the fee amounts using the information presented in the report.
- *Section 5* – Summary of Required Program Elements summarizes how the information in this report satisfies the requirements of the Mitigation Fee Act (AB 1600).

## 2. Project List

The General Plan Update team comprised of City staff collaborated to develop a list of capital improvement projects for inclusion as part of the Citywide TMF. The projects reflect the goals and objectives in the General Plan Circulation Element, with particular emphasis on improving traffic flow and reducing conflicts for vehicles, bicyclists and pedestrians through the application of intersection improvements such as constructing roundabouts, additional turn and merge lanes, and other facilities that would smooth traffic flow and reduce exposure of more vulnerable road users. Priority was given to projects that are located on the City's arterial and collector streets, defined as existing roadways that serve as primary travel routes to and through the City.

**Table 1** contains a description of each project along with its estimated cost. The projects in Table 1 are broken down into the following six categories.

- Interchange Projects
- Downtown Area Improvements
- Active Transportation (Pedestrian/Bicycle) Improvements
- Complete Streets & Corridors
- Intersection Improvements
- Smart Infrastructure (Technology)

A total of 16 projects or programs are listed within the six categories listed above. As noted in Table 1, 12 of the 16 projects or programs are included in the current Citywide TMF.

The four projects that are added to the current Citywide TMF are as follows.

- Downtown San Rafael Remaining One-Way Street Conversions – as described in Downtown Precise Plan, convert one-way segment of B Street to two-way operation
- US 101/Downtown San Rafael Interchange – improvements to local road segments and intersections along Irwin Street, Hetherton Avenue, 2<sup>nd</sup> Street, and 3<sup>rd</sup> Street in the vicinity of the Downtown northbound and southbound ramps to US 101
- Fourth Street (West End) Intersection Realignment – realignment of Fourth Street/Second Street/Marquard Avenue intersection per alternatives developed for the 3<sup>rd</sup> Street
- Fourth Street Multimodal Improvements – as described in Downtown Precise Plan, improve pedestrian and bicycle connections while maintaining high quality transit route along 4<sup>th</sup> Street

The above four improvements are identified to serve planned residential and employment growth in Downtown San Rafael as identified in both the General Plan Update and Downtown Precise Plan. PM peak hour volumes on the segments of 2<sup>nd</sup> Street, 3<sup>rd</sup> Street, 4<sup>th</sup> Street, Irwin Street, and Hetherton Avenue that are part of the four new above projects are forecast to increase from 16 percent to 29 percent from existing to 2040 conditions due to planned growth.

**Table 1: City of San Rafael Citywide TMF Project List**

#	DESCRIPTION	COST (\$M)
<b>1. INTERCHANGE PROJECTS</b>		
Includes modifications to interchanges for capacity, safety, access, and improved circulation		
1A <sup>1</sup>	<b>US 101/Freitas Parkway Interchange West.</b> Reconfigure the US 101 off-ramp / Freitas Parkway (Del Presidio) and Northgate Rd/ Freitas Parkway intersection to address safety, circulation, and capacity issues. Improvements would be coordinated with ongoing development plans and anticipated Northgate Specific Plan/ Precise Plan process where appropriate.	\$15
1B <sup>1</sup>	<b>US 101/ Freitas Parkway Interchange East.</b> Reconfigure the US-101 NB off-ramp/Civic Center Drive intersection to address safety, circulation, and capacity issues. Improvements would be coordinated with ongoing development plans and Northgate PDA, and future planning process where appropriate.	\$15
1C <sup>1</sup>	<b>Smith Ranch Road/Lucas Valley Road Multimodal Improvements at US 101.</b> Road widening and additional lane capacity from Los Gamos to Redwood Highway. Improve pedestrian and bicycle access across the US-101 underpass by reconstructing the bridge to provide dedicated bicycle facilities and wider pedestrian sidewalks.	\$6
<b>Category 1 Subtotal</b>		<b>\$36</b>
<b>2. DOWNTOWN AREA IMPROVEMENTS</b>		
Includes improvements in the downtown area as defined by the Downtown Precise Plan area. Projects and improvements may include projects from other adopted City plans but is intended to include improvements to meet the vision, goals, and objectives of the Downtown Precise Plan.		
2A	<b>Downtown roadway and intersection improvements</b> (traffic signals, roundabouts, pedestrian/bicycle, ADA, and/or turn lane modifications) and improvements to gateway streets to Downtown, including: <ul style="list-style-type: none"> <li>▪ Downtown San Rafael Remaining One-Way Street Conversions, per Downtown Precise Plan</li> <li>▪ New traffic control devices<sup>1</sup> (e.g., traffic signal, roundabout, or other devices) at Fifth Ave/H St, First St/C St, First St/D St, Fourth St/Union St, and Mission Ave/Court St</li> </ul>	\$4
2B	<b>US 101/ Downtown San Rafael Interchange.</b> Improvements to Irwin St, Hetherton Ave, 2nd St, and 3rd St in the vicinity of the NB off-ramp and SB on-ramp.	\$10
2C	<b>Fourth Street (West End) Intersection Realignment.</b> Re-align Fourth Street/Second Street/Marquard Avenue intersection.	\$6
2D <sup>1</sup>	<b>Second Street Multimodal Improvements.</b> Improve Second Street corridor operations while addressing pedestrian and bicycle safety at crossing locations, and widen sidewalks and remove parking where feasible	\$6
2E	<b>Fourth Street Multimodal Improvements.</b> Improve pedestrian and bicycle connections while maintaining high quality transit route along 4th Street. Improvements include converting parking to loading, widening sidewalks, and improving the bus and bike experience. Also Includes 4th Street signal and ADA upgrades.	\$13
<b>Category 2 Subtotal</b>		<b>\$43</b>
<b>3. ACTIVE TRANSPORTATION (PEDESTRIAN/BICYCLE) IMPROVEMENTS</b>		
Includes multimodal improvements and programs with a focus on pedestrian and bicycle improvements identified in the Bicycle & Pedestrian Master Plan.		

**Table 1: City of San Rafael Citywide TMF Project List**

#	DESCRIPTION	COST (\$M)
3A <sup>1</sup>	Includes various projects identified in the 2018 BPMP, consistent with the priorities expressed in that Plan.	\$9.6
<b>Category 3 Subtotal</b>		<b>\$9.6</b>
<b>4. COMPLETE STREETS &amp; CORRIDORS</b>		
Corridor level improvements including reconstruction of sidewalks, streets, pavement, signing, striping, and crossing improvements, with the objective of improving peak hour traffic flows and accommodate modes other than just motorized vehicles.		
4A <sup>1</sup>	<b>Lincoln Avenue Peak Period Lanes/Parking Restrictions.</b> Extend the existing PM peak period parking restrictions, to allow for two lanes in each direction during both AM and PM peak periods, from Hammondale Court/SB US 101 ramps to Mission Ave. Provide additional parking in corridor. Include ADA upgrades, crossing improvements, and other multimodal improvements/accommodations.	\$4.6
4B <sup>1</sup>	<b>Northgate Area Intersection and Complete Streets Improvements.</b> Includes Las Gallinas/Northgate and Las Gallinas/Del Presidio intersections. Also includes improvements to Las Gallinas Avenue and Los Ranchitos Road, Northgate Drive, and Del Presidio Blvd, and continued development of North San Rafael Promenade. Additional improvements to be identified through future PDA planning process.	\$2.3
4C <sup>1</sup>	<b>Francisco Boulevard East Corridor Improvements.</b> Increase capacity from Bellam to Grand Avenue bridge and install signal, ADA, and pedestrian improvements at Harbor St. Additional improvements to be identified through future PDA planning process.	\$10.2
<b>Category 4 Subtotal</b>		<b>\$17.1</b>
<b>5. INTERSECTION IMPROVEMENTS</b>		
Intersection improvements including new traffic signals, intersection realignments/reconfigurations, and other major changes to spot locations that are outside the Downtown Precise Plan area.		
5A <sup>1</sup>	<b>Fourth Street (Miracle Mile) Intersection Improvement.</b> Improve performance of Fourth Street signal at Ross Valley Dr and Santa Margarita Dr, including ADA upgrades.	\$0.5
5B <sup>1</sup>	<b>Lincoln/DuBois/Irwin.</b> New signal, roundabout, or other intersection improvement to improve safety and traffic flow.	\$2.5
<b>Category 5 Subtotal</b>		<b>\$3.0</b>
<b>6. SMART INFRASTRUCTURE (TECHNOLOGY)</b>		
Traffic signal and communication infrastructure upgrades, including monitoring equipment, fiber optic/communication systems, and other technology enhancements to facilitate smart management of transportation system.		
6A <sup>1</sup>	<b>Intersection Technology.</b> Traffic signal equipment, cameras, modems, wireless, Bluetooth, automated data collection, etc.	\$4.0
6B <sup>1</sup>	<b>Corridor Communication System.</b> Fiber optic cable and conduit along major arterials and central City system upgrades.	\$2.0
<b>Category 6 Subtotal</b>		<b>\$6.0</b>
<b>TOTAL</b>		<b>\$114.7</b>

<sup>1</sup> Project in current transportation mitigation fee program.

## 3. Growth Projections

An important element of every fee calculation is the estimate of future growth in the fee area. The growth forecasts that are used in this nexus study are based on the existing and 2040 forecasts from the preferred land use alternative for San Rafael General Plan 2040, as shown in **Table 2**.

The land use data shown in Table 2 was incorporated into the Transportation Authority of Marin Travel Demand Model (TAMDM) and forecasts of person trips and vehicle trips prepared for both the base year and 2040 scenarios. The forecast growth in the number of net new AM and PM peak vehicle hour trips was extracted from the model, as the current City of San Rafael TMF is based on multiplying the number of net new peak hour vehicle trips (AM plus PM peak hours) for a project by the fee of \$4,246 per vehicle trip. As shown in Table 1, a total of 3,513 net new vehicle trips are forecast to be added to the street network for a typical weekday based on growth in the City of San Rafael over the next 20 years. This represents the total number of net new peak hour vehicle trips estimated to occur because of new development in San Rafael and will be the basis for calculating the updated fee.

**Table 2: Projected Growth in San Rafael**

	INCORPORATED CITY	SOI AREA	TOTAL CITY + SOI
<b>POPULATION</b>			
Existing	61,230	14,521	75,751
2040	69,240	15,421	84,661
Growth	8,010	900	8,910
<b>EMPLOYMENT</b>			
Existing	42,050	2,150	44,200
2040	46,100	2,215	48,315
Growth	4,050	65	4,115
<b>SERVICE POPULATION (POPULATION + EMPLOYMENT)</b>			
Existing	103,280	16,671	119,951
2040	115,340	17,636	132,976
Growth	12,060	965	13,025
<b>Projected Growth in New AM Peak Hour plus PM Peak Hour Trips for a Typical Weekday (2020-2040)</b>			<b>3,513</b>

Source: Trip growth from TAM Marin County Travel Demand Model (TAMDM) based on the San Rafael Plan 2040 population and employment growth forecasts, Fehr & Peers.

## 4. Nexus Analysis and Fee Calculations

### Analysis of Future Usage

A key part of the nexus study process is to conduct an analysis of the future usage of the TMF facilities to establish a relationship between the travel needs generated by new development in San Rafael and the facilities that are proposed to be improved through application of fee revenues. A common practice in nexus studies is to use a travel demand model for this purpose. Below we present a brief introduction to travel demand models, followed by a description of the process used to conduct this nexus analysis and the results.

### Brief Description of Travel Demand Models

Travel demand models are developed by transportation planners and engineers with specific training in this field. The models are built using specialized software and a wide range of data about the existing transportation system. This data includes Geographic Information Systems (GIS) data about the locations and characteristics of all the streets and highways in the study area, data about the types of land uses (e.g., single-family homes, retail shops, office buildings, etc.) located in the study area, data about the socioeconomic characteristics (such as age, income, and employment status) of the people living in the study area, and survey data about how people with varying characteristics tend to travel. Once the input data is developed and checked, the model is calibrated to reflect existing travel patterns; that is, the mathematical procedures applied within the model are adjusted until the model's outputs (such as traffic volumes and speeds on each road) match reasonably well with actual observations.

At that point, the model is considered ready for use in analyzing future scenarios. Model inputs can be changed to reflect different possible futures, and then the outputs are examined to see how future travel patterns might change in response to those different scenarios. For example, there may be a proposal to build a group of new office and retail buildings on a site that is currently vacant; the model inputs can be adjusted to reflect that proposed new development (size of the new buildings, types of uses, etc.), and then the model will be applied to see how the traffic volumes in that vicinity might be expected to change.

### Modeling in Marin County

The travel model that is currently used for transportation planning purposes in Marin County is developed and maintained by the Transportation Authority of Marin (TAM) and is referred to as the Transportation Authority of Marin Travel Demand Model (TAMDM). TAM has maintained a travel model for many years and applies industry-standard model development and calibration procedures. The TAMDM was most

recently updated in 2019 and the most current available version of the model has been used for this nexus analysis. The horizon year of the model is year 2040.

### Procedure for Analyzing Future Usage

For the purposes of a nexus analysis, a model is used to determine the linkage between traffic coming from the geographic areas subject to the TMF and the usage of the specific facilities that are going to be funded with TMF revenues. In a travel demand model, roads and intersections are represented by a network of “links” and “nodes”; in general, each link represents a road segment and each node (i.e., a location where two links are joined) represents an intersection. For each of the projects included in the Citywide TMF program, the links in the model network that represent that project location were identified. Then, “select link” model runs were conducted for each of the proposed TMF projects. The select link analysis identifies the origins and destinations of each vehicle that is projected to use each selected link; with this information, the fair share of cost associated with each project can be allocated to development in San Rafael and included in the impact fee.

For the fair share calculations for the San Rafael TMF programs, there are four types of trips identified through the select link process:

1. Trips that both start and end in San Rafael;
2. Trips that have an origin in San Rafael and a destination elsewhere;
3. Trips that have a destination in San Rafael and an origin elsewhere; and,
4. Trips that have neither an origin nor a destination in San Rafael but are using roads that pass-through San Rafael (also referred to as “pass-through” trips).

Trips that fall into the final category, “pass-through” trips, should not be included in the fee program because those trips are not related to San Rafael development that is subject to the fee. Trips from the other three categories are attributable to development in San Rafael and thus can be included in the TMF calculations.

### Results of Analyzing Future Usage

The results are shown in **Table 3**. The column titled “Proportion of 2040 Trips from City and SOI Areas” shows the percentage of traffic on each facility that falls within the first three categories described above (i.e., the traffic that is linked to development in San Rafael). That percentage is then applied to the estimated cost for each project to determine the dollar amount that is considered eligible for inclusion in the TMF program.

It should be noted that the intent of this analysis is solely for the purposes of the TMF nexus analysis. The primary result is the percentage of trips projected to use each facility that are linked to development in San Rafael. It is not intended for these results to be used to determine the appropriate size or configuration for any particular facility.

**Table 3: Eligible TMF Costs: Future Trip Allocation for City of San Rafael and SOI Zones**

Number	Category	Total Cost Estimate (2020 \$)	Proportion of 2040 Trips from City and SOI Zones	Cost Eligible for Citywide TMF
1	Interchange Projects	\$36 M	89%	\$32.2 M
2	Downtown Area Improvements	\$43 M	64%	\$28.0 M
3	Active Transportation (Pedestrian/Bicycle)	\$9.6 M	60%	\$ 5.7 M
4	Complete Streets & Corridors	\$17.1 M	84%	\$14.3 M
5	Intersection Improvements	\$3.0 M	75%	\$ 2.2 M
6	SMART Infrastructure (Technology)	\$6.0 M	60%	\$ 3.6 M
<b>TOTAL</b>		<b>\$114.7 M</b>		<b>\$85.66 M</b>

## Fee Amounts

**Table 4** displays the calculated impact fees. These fees have been calculated based on the list of projects as shown in Table 1, and the projected number of new daily trips as shown in Table 2. Based on consultation with City staff, it was determined that \$90 million in revenues (or about 78 percent of the total program cost) would be acquired from other revenue sources such as federal, state, and regional grant programs as well as public benefit contributions from large developments.

The result of the calculations is a fee per new peak hours trip that would be applied to applicants for new building permits in San Rafael. The fee below represents a 63 percent increase in the current fee program that has not been updated since November 2004. The 2004 TMF update included a provision for the traffic mitigation fee to be adjusted annually to account for inflation based on a construction cost index. The National Highway Construction Cost Index (NHCCI) maintained by the Federal Highway Administration (FHWA) indicates that the cost for construction increased 72 percent from 2004 through 2020.

**Table 4: Calculation of San Rafael TMF Fees**

Calculation	Value
Total Estimated TMF Project Costs	\$114,700,000
Total Funds from Other Revenue Sources	\$ 90,430,000
Total Cost of Projects Funded by TMF (note: this represents about 28 percent of the \$85.66 million eligible for Citywide TMF per Table 3 above)	\$ 24,270,000
Divided by Growth in AM and PM Peak Hour Trips (20 years)	3,513
<b>Fee per Net New AM and PM peak Hour Trip</b>	<b>\$6,909</b>



## Fee Update Implementation

Two alternatives for implementing the updated transportation fees are presented in **Table 4** for consideration. Option A would involve a one-time adjustment of the current fee of \$4,246 per AM and PM peak hour trip to \$6,900 as shown in Table 4. This one-time adjustment would result in a fee that would be slightly less than an updated amount adjusted for inflation since the fee was last updated in 2004, which would be approximately \$7,300 based on the National Highway Construction Cost Index (NHCCI) maintained by the Federal Highway Administration (FHWA). Option B would involve pro-rating the one-time adjustment in Option A over three years.

**Table 5: Options for Implementing Updated Transportation Fees**

YEAR	UPDATED FEES WITH IMPLEMENTATION OPTIONS	
	Option A: One-Time Increase	Option B: Increase Pro-rated Over 3 Years
2021	\$6,909	\$5,134
2022	Adjusted each year based on prior year inflation	\$6,021
2023		\$6,909
2024		Adjusted each year based on prior year inflation
2025		
2026		

<sup>1</sup> The average annual inflation rate based on the National Highway Construction Cost Index (NHCCI) maintained by the Federal Highway Administration (FHWA) from 2004 through 2020 was 4.5 percent.

## 5. Summary of Required Program Elements

This report has provided a detailed discussion of the elements of the San Rafael Transportation Mitigation Fee program and explained the analytical techniques used to develop this nexus study. The report addresses all of the fee program elements required by AB 1600, as summarized below.

1. *Identifying the purpose of the fee*

The City of San Rafael TMF program was established for the purpose of supporting public infrastructure improvements and facilities needed to mitigate the traffic-related impacts of new development in the City of San Rafael.

2. *Identifying how the fee will be used and the facilities to be funded through the fee*

The fee will be used to help fund capital improvement projects that will accommodate future transportation needs throughout Sam Rafael. Table 1 identifies the projects to be funded through the fee.

3. *Determining a reasonable relationship between the fee's use and the type of development on which the fee is imposed*

As described in this report, different types of development generate traffic with different characteristics. The calculations presented in Table 2 account for these characteristics by calculating the number of peak trips generated by the different land use types that are assumed to occur over the next 20 years in the San Rafael General Plan 2040. These considerations account for the differential impacts on the local transportation system generated by different development types.

4. *Determining a reasonable relationship between the need for the public facility and the type of development on which the fee is imposed*

The need for the facilities listed in Table 1 has been established through planning processes including the San Rafael General Plan 2040 and Downtown Precise Plan prepared by the City of San Rafael. As described in the report, the facilities included in the TMF currently operate acceptably so there are no existing deficiencies on the facilities included in this program, indicating that the need for improvements is not caused by existing development.

5. *Determining a reasonable relationship between the amount of the fee and the cost of the public facility (or portion of facility) attributable to new development*

Section 4 of this report describes the calculations applied to determine the cost of the public facility that is attributable to new development in San Rafael; this process accounts for the effects of existing deficiencies (of which there are none in this program) and the effects of traffic generated from outside the area that will be subject to the fee. Thus, a reasonable effort has been made to quantitatively establish the relationship between the fees charged in the San Rafael TMF program and the costs of public improvements attributable to new development within the TMF area.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL TO UPDATE THE CITYWIDE TRAFFIC MITIGATION FEE AS RECOMMENDED BY THE 2040 GENERAL PLAN REPORT TITLED “CITY OF SAN RAFAEL TRANSPORTATION FEE NEXUS REPORT”**

WHEREAS, San Rafael Municipal Code (SRMC) Chapter 3.32 provides enabling legislation for the City Council to create and establish the authority to impose and charge Public Facilities Development Fees; and

WHEREAS, pursuant to SRMC Chapter 3.32, on December 19, 1988, the City Council adopted Resolution No. 7882 establishing traffic mitigation fees required for new development for three zones of benefit within the City. The adoption of the traffic mitigation fees was done in conjunction with the adoption of and as implementation to the San Rafael General Plan 2000; and

WHEREAS, in 2004, in connection with the adoption of the updated San Rafael General Plan 2020, the City Council adopted Resolution No. 11668 expanding the requirement for payment of the traffic mitigation fees to development projects citywide and establishing the fee amount of \$4,246 per total new morning and afternoon peak hour trips generated by the new development; and

WHEREAS, in 2012, the City Council adopted Resolution No. 13364 exempting second units from the citywide traffic mitigation fee; and

WHEREAS, in 2021, in connection with the General Plan 2040 update, the City commissioned the preparation of a nexus study for the citywide traffic mitigation fee to comply with AB 1600. The study was completed by Fehr and Peers Consultants and was accepted by the City; and

WHEREAS, the Fehr and Peers nexus study supports and recommends raising the amount of the traffic mitigation fee from \$4,246 per new morning and afternoon peak hour trips to \$6,909 per new morning and afternoon peak hour trips; and

WHEREAS, Staff reached out to the San Rafael Chamber of Commerce and the local builders and received valuable feedback and requests to phase in the raising of the traffic mitigation fee; and

WHEREAS, in consultation with Fehr and Peers about the appropriate period of time over which to phase in the increased fee, staff has recommended implementation of the fee increase over a five-year period to accommodate requests made by local builders; and

WHEREAS, the community comments requested that the City minimize the impact on housing projects and delay the collection of the fees as much as possible; and

WHEREAS, numerous amendments to Resolution No. 11668 and Resolution No. 13364 are needed to comprehensively update the citywide traffic mitigation fee;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Rafael that the traffic mitigation fee requirements and policies established by Resolution No. 11668 and amended by Resolution No. 13364 are hereby updated and restated in full as follows:

1. Following adoption of this Resolution, the current traffic mitigation fee of \$4,246 per trip shall apply to any development application submitted to the City's Community Development Department prior to January 1, 2022.
2. Except as provided in Paragraph 1 above, as of January 1, 2022, the amount of the traffic mitigation fee will be determined based on the rate in effect on the date of building permit issuance.
3. As of January 1, 2022, the traffic mitigation fee shall be increased to \$4,779 per trip and shall be increased until January 1, 2027 as follows:

Effective date	Traffic mitigation fee (per trip)
January 1, 2022	\$4,779
January 1, 2023	Base Amount * + gradual increase (\$533) and adjusted by the percentage change in the Lee Saylor Construction Cost Index if greater than zero percent for the November to November twelve-month period immediately preceding the date of the fee increase
January 1, 2024	Base Amount + gradual increase (\$533) and adjusted by the percentage change in the Lee Saylor Construction Cost Index if greater than zero percent for the November to November twelve-month period immediately preceding the date of the fee increase
January 1, 2025	Base Amount + gradual increase (\$533) and adjusted by the percentage change in the Lee Saylor Construction Cost Index if greater than zero percent for the November to November twelve-month period immediately preceding the date of the fee increase
January 1, 2026	Base Amount + gradual increase (\$533) and adjusted by the percentage change in the Lee Saylor Construction Cost Index if greater than zero percent for the November to November twelve-month period immediately preceding the date of the fee increase

\* "Base Amount" is defined for this Resolution as the prior year's fee amount

4. After 2026, each January 1, starting on January 1, 2027, the traffic mitigation fee will be equal to the Base Amount adjusted by the percentage change in the Lee Saylor Construction Cost Index if greater than zero percent for the November to November twelve-month period immediately preceding the date of the fee increase.

5. The fee shall be paid at either the issuance of the building permit for development or prior to occupancy of any portion of the development.
6. The fee will be based on the unadjusted (no pass by or multimodal adjustments) trip generation calculations approved by the City Traffic Engineer.
7. The fee shall not be assessed on or collected from the following: Low income and very low income (affordable) housing units, second dwelling units, also known as Auxiliary Dwelling Units or "ADUs", cultural and theater facilities, excluding night clubs in Downtown, or childcare facilities.
8. The fee may be negotiated for projects subject to a Development Agreement. This resolution does not affect the conditions of Development Agreements approved prior to the effective date of this resolution.
9. The fee shall not be assessed on or collected for tenant improvements not adding building area.
10. The fee shall be assessed on and collected for tenant improvements adding building area only on the net increase of square footage converted to new trips for morning and afternoon.
11. The fee shall be assessed on and collected for rezoned properties.
12. Where the manner of assessing the traffic mitigation fee on a particular project is not clearly provided for in this Resolution or in adopted City policy, the City's Traffic Engineer shall determine the appropriate method of determining the fee to be assessed. Such decision by the City Traffic Engineer may be appealed to the City's Community Development Director, whose decision shall be final.
13. Nothing in this Resolution shall be deemed to apply in a manner that would conflict with applicable state law, including but not limited to the provisions of Senate Bill 330- the Housing Crisis Act of 2019.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council meeting held on October 4, 2021 by the following vote, to wit:

AYES:                    COUNCILMEMBERS:

NOES:                    COUNCILMEMBERS:

ABSENT:                COUNCILMEMBERS:

\_\_\_\_\_  
Lindsay Lara, City Clerk