

RESOLUTION NUMBER R- 296424

ADOPTED ON APR 30 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE GREATER NORTH PARK PUBLIC FACILITIES FINANCING PLAN, RESCINDING THE EXISTING DEVELOPMENT IMPACT FEES FOR THE GREATER NORTH PARK COMMUNITY AND ESTABLISHING NEW DEVELOPMENT IMPACT FEES FOR ALL PROPERTY WITHIN THE GREATER NORTH PARK COMMUNITY.

WHEREAS, in 1987 the Council of the City of San Diego adopted resolution Nos. R-269019 and R-269274 creating and establishing the authority for imposing and charging Development Impact Fees (DIFs) for the Greater North Park Community Plan pursuant to the Greater North Park Public Facilities Financing Plan (PFFP); and

WHEREAS, the Planning Department and the City Manager have studied and reevaluated the impacts of projected development on existing facilities in the Greater North Park Community Plan area; and

WHEREAS, the Planning Department and the City Manager have analyzed the need for new public facilities and improvements required by new development and established the relationship between the projected new development, the needed facilities, and the estimated costs of those facilities in an updated version of the PFFP, titled the Greater North Park Public

Facilities Financing Plan, Fiscal Year 2002, on file in the Office of the City Clerk as Document No. RR- 296424 ; and

WHEREAS, the PFFP was available for public inspection and review ten (10) days prior to the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that in accordance with Government Code section 66001 the following findings are made:

1. The purpose of the fee is to finance certain public facility projects including transportation, park, fire protection and library projects as specified in the PFFP, to reduce the impacts caused by the projected development within the Greater North Park Community Plan area; and

2. The DIFs collected pursuant to the resolution shall be used to finance only the public facilities described and identified in the PFFP; and

3. After considering the City Manager's report, the PFFP, and the testimony received at this public hearing the Council approves the Greater North Park PFFP, on file in the Office of the City Clerk as Document No. RR- 296424, and incorporates such herein, thereby rescinding the existing Development Impact Fees and establishing the new Development Impact Fees set forth in the PFFP, and further finds that the new development in the Greater North Park Community Plan area will generate impacts; and

4. There will be a need in the Greater North Park Community Plan area for those public facilities which are identified in the PFFP for which new development has not contributed its fair share towards those facility costs and the facilities have been called for in or are consistent with the greater North Park Community Plan and the City's Progress Guide and General Plan; and

5. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities in the PFFP and the impact of the types of development described in the PFFP, 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 more detail in the PFFP; and

6. The cost estimates for the public facilities as set forth in the PFFP are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by new development will not exceed the total of these costs.

BE IT FURTHER RESOLVED, that the Greater North Park DIF shall be imposed and payable in the area covered by the PFFP and in accordance with the Development Schedules set forth in the PFFP.

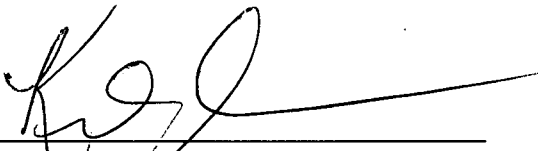
BE IT FURTHER RESOLVED, that the DIF collected in connection with new development shall be solely used to pay (1) for the described public facilities to be constructed by the City; (2) for reimbursing the City for the development's fair share of those capital improvements already constructed by the City; or (3) for reimbursing other developers who have constructed public facilities in the PFFP, where those facilities were beyond that needed to mitigate impacts of the other developer's project or projects.

BE IT FURTHER RESOLVED, that the Planning Department shall annually review the PFFP, the estimated cost of the described capital improvements in the PFFP, the continued need for those improvements, and the reasonable relationship between such need for the impacts for the various types of development pending or anticipated and for which the fee is charged. The

Planning Department shall report its findings to the City Council at a noticed public hearing and recommend any adjustment to this fee or other action or change to the PFFP as may be needed.

BE IT FURTHER RESOLVED, any judicial action or proceeding to attack, review, set aside, void or annul this resolution shall be brought within 120 days.

APPROVED: CASEY GWINN, City Attorney

By   
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Kristin Schenone  
Deputy City Attorney

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