

7/9/07

RESOLUTION NUMBER R- 302792

DATE OF FINAL PASSAGE JUL 16 2007

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

WHEREAS, California Government Code sections 66000 *et seq.* establish the authority of the City of San Diego to charge Development Impact Fees in accordance with the terms thereof; and

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 within the Rancho Bernardo Community Plan; and

WHEREAS, the City Planning and Community Investment Department and the Mayor have studied and reevaluated the impacts of projected development on existing facilities in the Rancho Bernardo Community Plan area; and

WHEREAS, the City Planning and Community Investment Department and the Mayor 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 a draft version of the public facilities financing plan [PFFP], titled the "Rancho Bernardo Public Facilities Financing Plan, Fiscal Year 2008," on file in the Office of the City Clerk as Document No. RR-302791; and

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

WHEREAS, a notice of the availability of the PFFP for public inspection was published pursuant to California Government Code section 6062a ten (10) days prior to the hearing; NOW, THEREFORE,

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

1. The purpose of the Development Impact Fees as set forth in the PFFP is to finance certain public facility projects including transportation, library, park, and fire projects as specified in the PFFP, to reduce the impacts caused by the projected development within the Rancho Bernardo Community Plan area; and
2. The Development Impact Fees collected pursuant to the resolution shall be used to finance only the public facilities described and identified in the PFFP; and
3. There will be a need in the Rancho Bernardo 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 Rancho Bernardo Community Plan and the City's Progress Guide and General Plan; and
4. The facts and evidence establish that new development in the Rancho Bernardo Community Plan area will generate impacts in that area; 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

portion of the Development Impact Fee is charged. The facts and evidence presented further establish that there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, which reasonable relationship or "nexus" is 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, based upon the above findings, and after considering the staff report, the PFFP, and the testimony received at this public hearing, the Council approves the "Rancho Bernardo Public Facilities Financing Plan, Fiscal Year 2008," on file in the Office of the City Clerk as Document No. RR- **302791**, and incorporates such herein, thereby rescinding the existing Development Impact Fees in the Rancho Bernardo Community Plan area and establishing the new Development Impact Fees for the Rancho Bernardo Community Plan area as set forth in the PFFP.

BE IT FURTHER RESOLVED, that the Rancho Bernardo Development Impact Fee shall be imposed and payable in the area covered by the PFFP and in accordance with the Development Impact Fee Schedule set forth in the PFFP.

BE IT FURTHER RESOLVED, that the Development Impact Fee 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.

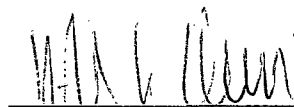
BE IT FURTHER RESOLVED, that the City Planning and Community Investment Department shall annually review the PFFP, the estimated cost of the described capital improvements in the PFFP, the continued need for those improvements, and the reasonable relationship between such need for the impacts for the various types of development pending or anticipated and for which the Development Impact Fee is charged. The City Planning and Community Investment 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 that this activity is not a "project" as defined in the California Environmental Quality Act [CEQA] Guidelines section 15378; thus, it is not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(3).

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Elizabeth C. Coleman
Deputy City Attorney

ECC:mm
06/14/07
Or.Dept:Planning & Community Invest. Dept
R-2007-1245
MMS# 4978

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 09 2007.

ELIZABETH S. MALAND
City Clerk

By *Mary Zumaya*
Deputy City Clerk

Approved: 7.16.07
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor