

RESOLUTION NUMBER R- 304936

DATE OF FINAL PASSAGE JUN 2 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO DESIGNATE AN AREA OF BENEFIT IN TORREY HIGHLANDS AND SETTING THE TIME AND PLACE FOR HOLDING A PUBLIC HEARING THEREON.

WHEREAS, the Council of the City of San Diego [Council] desires to initiate proceedings for the designation of a facilities benefit assessment area of benefit in Torrey Highlands pursuant to Ordinance No. 15318 (New Series) of the Council [Ordinance] which area of benefit will specially benefit from the acquisition, improvement and construction of certain public improvements more particularly described in the document titled, "Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2010," [Report]; and

WHEREAS, the Mayor, with the assistance of the City Planning & Community Investment Department, prepared and filed with the City Clerk, the Report, a copy of which is on file in the office of the City Clerk as Document No. RR- 304935; and

WHEREAS, the Council has examined and considered the Report, including the community financing plan and capital improvement program with respect to the proposed public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the general description of the public facilities projects; the estimated costs for the construction of said public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic annual increases in the facilities benefit assessment will be computed, assessed and levied

pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects;

WHEREAS, this activity is not a project and therefore not subject to CEQA pursuant to State CEQA Guidelines Sections 15060(c)(3) & 15378(b)(4); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Council declares its intention to designate an area of benefit within Torrey Highlands to finance the cost of the public facilities projects pursuant to the Ordinance.
2. The Council is satisfied with the correctness of the Report, including, without limitation, the following which are incorporated herein by reference: the community finance plan and capital improvement program with respect to said public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the description of the public facilities projects; the estimated costs for the construction of the public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the facilities benefit assessment area of benefit, and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic increases in the facilities benefit assessments will be computed, assessed and levied pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects. The Council does confirm and approve the Report.
3. The public facilities projects will be undertaken and completed as described in the Report.

4. The community financing plan and capital improvement program with respect to the public facilities projects will be as set forth in the Report.

5. The boundaries of the facilities benefit assessment area of benefit will be as set forth in the Report.

6. The method pursuant to which the cost of the public facilities project is to be apportioned among the parcels within the facilities benefit assessment area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel will be as set forth in the Report.

7. The Council determines it necessary to provide for automatic increases in the amount of facilities benefit assessments for landowners who have not paid their facilities benefit assessments without the necessity for further proceeding pursuant to Section 61.2212 of the Ordinance in order to reflect increases in the cost of money during the period between the imposition of the facilities benefit assessment, the payment of facilities benefit assessments and completion of the public facilities projects. The Council further determines that the basis and methodology for computing such increases set forth in the Report is reasonable and appropriate in order to provide an equitable distribution of the cost of the public facilities projects to community developers and the ultimate purchasers of developed properties.

8. All fees due under the Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2010, shall be those fees in effect at the time the building permit is issued.


9. The amount of contribution or advance which the City or other public entity will make toward the total cost of the public facilities project will be as set forth in the Report.

10. The Council shall hold a public hearing to consider the designation of the area of benefit as proposed in this resolution at **2:00 p.m. on the 23rd day of June, 2009**, at the Council Chambers, 202 C Street, San Diego, California.

11. The City Clerk is authorized and directed to give notice of the public hearing described in paragraph 10 of this resolution by publishing this Resolution in the "*San Diego Daily Transcript*" at least two weeks before the date set forth herein and by mailing copies of this resolution to each owner of property located within the proposed area of benefit at the addresses shown on the last equalized property tax assessment roll, or as otherwise known to the City Clerk pursuant to Section 61.2205 of the Ordinance.

APPROVED: JAN I GOLDSMITH, City Attorney

By


Jana L. Garmo
Deputy City Attorney

JLG:cfq
05/11/09
Or.Dept:Planning & Community
R-2009-1098
mms#8817

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 26 2009

ELIZABETH S. MALAND
City Clerk

By *Alea Richards*
Deputy City Clerk

Approved: 6-3-09
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor