

11/27/12  
#50A

ORDINANCE NUMBER O- 20219 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 27 2012

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND QUARRY FALLS, LLC, IN THE MISSION VALLEY AND SERRA MESA COMMUNITY PLAN AREAS, FOR THE QUARRY FALLS (CIVITA) DEVELOPMENT PROJECT.

WHEREAS, Quarry Falls, LLC (Subdivider) owns approximately 230 acres of real property located on the north side of Friars Road between I-805 and Mission Center Road in the Mission Valley and Serra Mesa Community Plan areas of the City of San Diego, which was previously known as the Quarry Falls development project and is currently known as the Civita development project, to construct residential units, commercial retail/office use, parks, civic uses, open space and trails, and an optional school site (Development); and

WHEREAS, the Mission Valley Public Facilities Financing Plan for Fiscal Year 2006 (Financing Plan), adopted by Resolution No. R-300692 on July 19, 2005, identifies various sources of funding for public facilities including a Development Impact Fee (DIF), and construction or funding of projects identified in the Financing Plan as being funded by the DIF are eligible for a credit against or reimbursement from the DIF; and

WHEREAS, Subdivider has funded and intends to fund a portion of the cost of Financing Plan Project No. MV-16, State Route 163 and Friars Road On-Off Ramp Improvements, CIP No. S00851, and a portion of the cost for Project No. MV-16 is eligible for DIF credit or reimbursement (SR163 Project); and

WHEREAS, on October 21, 2008, by Resolution No. R-304292, the City Council certified Program Environmental Impact Report No. 49068 and adopted the Mitigation, Monitoring, and Reporting Program, including the Transportation Phasing Plan (Phasing Plan), for the Development; and

WHEREAS, on April 24, 2012, by Resolution No. R-307401, the City Council revised the City Regional Transportation Congestion Improvement Program (RTCIP) Funding Program and adopted the two percent (2%) annual increase to the RTCIP Fee ; and

WHEREAS, the RTCIP Funding Program provides that new development shall contribute towards the Regional Arterial Systems (RAS) through the RTCIP Fee, and that “if a developer funds or constructs improvements on the Regional Arterial System and/or that arise out of SANDAG’s Congestion Management Program, the developer shall receive credit for the costs associated with the arterial improvements offsetting the revenue requirements of the Funding Program;” and

WHEREAS, Subdivider has agreed to design and construct Improvement #11 of the Phasing Plan, a RAS improvement described in the Regional Transportation Plan (RTCIP Improvement) that is eligible for reimbursement; and

WHEREAS, Subdivider is required to acquire, design and construct public park improvements in accordance with the Park Development Agreement for the Quarry Falls (Civita) Development Project approved by the City Council on NOV 27 2012, by Ordinance No. O- 20220 and on file in the Office of the City Clerk as Document No. OO- 20220, that are eligible for DIF credit or reimbursement (Park Improvements); and

WHEREAS, On April 28, 2008, the City’s Planning Commission granted Planned Development Permit No. 212959 and Site Development Permit No. 9430 (Fenton Permit) to

H.G. Fenton Company for the Murray Canyon Apartments project. In accordance with Condition No. 81 of the Fenton Permit, H.G. Fenton Company has deposited \$140,000 into a trust account restricted for the purpose of constructing a signalized intersection at Murray Ridge Road and Mission Center Road or any other traffic improvements, if needed, in the vicinity (Murray Ridge Improvement). In January 2012, Subdivider completed the Murray Ridge Improvement, Improvement #7 of the Phasing Plan, and subject to City cost verification of the completed Murray Ridge Improvement, Subdivider seeks reimbursement of the \$140,000 on deposit with the City for the Murray Ridge Improvement; and

WHEREAS, Subdivider has agreed to design, construct, and/or fund the SR163 Project, the RTCIP Improvement, Park Improvements, and the Murray Ridge Improvement; NOW, THEREFORE,

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

Section 1. That the Mayor is authorized to execute, for and on behalf of City, the Reimbursement Agreement with Quarry Falls, LLC for Public Facilities in the Mission Valley Community, which is on file in the Office of the City Clerk as Document No. OO- 20219 (Reimbursement Agreement), for the acquisition, design, and construction of certain improvements as identified in the Reimbursement Agreement.

Section 2. That the Chief Financial Officer is authorized to pay in cash and/or the Mayor is authorized to issue credit pursuant to the Financing Plan and the Reimbursement Agreement, in total in an amount not to exceed Thirty Six Million Five Hundred Twenty Three Thousand One Hundred Ninety Five Dollars (\$36,523,195), from the Mission Valley-Urban Community Development Impact Fee Fund, Fund No. 400135, for the Park Improvements,

provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Section 3. That the Chief Financial Officer is authorized to add CIP RD-13000, Texas Street from Camino del Rio South to El Cajon Boulevard, to the Capital Improvements Program.

Section 4. That the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP RD-13000, Texas Street from Camino del Rio South to El Cajon Boulevard and to appropriate and expend an amount not to exceed Seven Hundred Twenty-Five Thousand Five Hundred Sixty Dollars (\$725,560) from Fund No. 400174, the Transnet Extension RTCIP Fee Fund, for the purpose of reimbursing the Subdivider for project engineering, permitting, design, and construction.

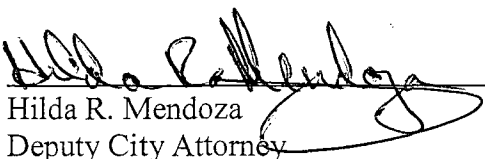
Section 5. That the Chief Financial Officer is authorized to expend an amount not to exceed One Hundred Forty Thousand Dollars (\$140,000) from the Developer Contribution Fund, Fund No. 200636, for the improvements to Murray Ridge Road and Mission Center Road, for the purpose of reimbursing the developer for project engineering, permitting, design, and construction.

Section 6. That the Chief Financial Officer is authorized, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Section 7. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 8. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

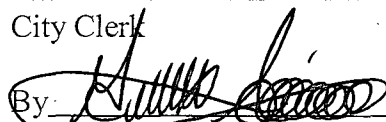
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney

HRM:als  
10/04/12  
Or.Dept: Facilities Financing  
Doc.No. 449618\_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 11/27/12.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-27-12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor