

ORDINANCE NUMBER O- 20315 (NEW SERIES)

ITEM # 51

DATE OF FINAL PASSAGE OCT 22 2013

10/22/13

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO EXEMPTING THE DEVELOPMENT OF APPROXIMATELY 331 ACRES AT BROWN FIELD AIRPORT FROM THE PAYMENT OF FACILITIES BENEFIT ASSESSMENTS.

WHEREAS, City of San Diego, Owner, and Brown Field International Business Park, LLC, dba DPC Brown Field, Applicant, filed an application with the City of San Diego for a permit to allow a four-phase aviation and non-aviation development of Brown Field Municipal Airport (Project), on portions of a 331 acre site (331 acres); and

WHEREAS, the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2007 (Financing Plan) was approved by Council by Resolution No. R-302040 and includes the Brown Field Airport within the Area of Benefit; and

WHEREAS, the Council designated the Area of Benefit and set the facilities benefit assessment (FBA), pursuant to Chapter 6, Article 1, Division 22 of the San Diego Municipal Code and California Government Code section 66000 *et seq.* (Mitigation Fee Act), for the Otay Mesa community by Resolution No. R-302468; and

WHEREAS, federal government approval is required prior to the imposition of the FBA on the Brown Field Airport; and

WHEREAS, the federal government has not approved of the imposition of the FBA on the Brown Field Airport, including the 331 acres; and

WHEREAS, since the federal government has not approved the imposition of a FBA on the Brown Field Airport or the subject 331 acres and the Project is before Council for approval,

Council authorization is required to exempt the 331 acres at the Brown Field Airport from the payment of the FBA; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

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

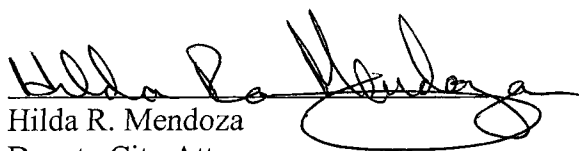
Section 1. That the subject 331 acres at the Brown Field Airport are exempt from the payment of FBA fees set forth pursuant to Chapter 6, Article 1, Division 22 of the San Diego Municipal Code.

Section 2. That the Project Applicant shall be required to pay development impact fees before building permits are issued pursuant to San Diego Municipal Code section 142.0640 and the Mitigation Fee Act, and the Chief Financial Officer is authorized and directed to transfer, appropriate and expend said development impact fees only for public facilities which benefit Brown Field Airport and the directly surrounding Otay Mesa community.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from
and after its passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

HRM:als
09/05/13 Cor. Copy
Or. Dept: DSD
Doc. No. 627374_3

Passed by the Council of The City of San Diego on OCT 22 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 22 2013.

AUTHENTICATED BY: TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 07 2013, and on OCT 22 2013.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20315