

Item #335

(R-2014-413)

COR. COPY

RESOLUTION NUMBER R- 308901

DATE OF FINAL PASSAGE APR 30 2014

April 22, 2014
Sub item A

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO ORDERING THE DESIGNATION OF AN AREA OF
BENEFIT IN OTAY MESA AND THE BOUNDARIES THEREOF
AND ESTABLISHING THE AMOUNT OF THE FACILITIES
BENEFIT ASSESSMENT AGAINST EACH PARCEL WITHIN
THE AREA OF BENEFIT.

WHEREAS, pursuant to San Diego Municipal Code section 61.2200 et seq.,
on MAR 11 2014, the Council of the City of San Diego adopted Resolution
No. R- 308812 (Resolution of Intention) declaring its intention to designate an area of
benefit within Otay Mesa to finance the cost of the public facilities projects identified in the
"Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year
2014" (Financing Plan), on file in the Office of the City Clerk as Document No. RR- 308811
and

WHEREAS, on MAR 11 2014, the Council adopted Resolution No. R- 308811
approving the Financing Plan; and

WHEREAS, by Resolution No. R- 308812, the Council fixed at 2:00 p.m., or as
soon thereafter as the matter may be heard, on APR 22 2014, at the City Council
Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California, the
time and place for a public hearing to consider the designation of the area of benefit, including
the public facilities projects to be financed, the extent of the facilities benefit assessment area of
benefit, and the proposed facilities benefit assessments to be levied upon parcels within the
designated area of benefit; and

WHEREAS, the City Clerk has given notices of the passage of the Resolution of Intention and of the time and place and purpose of the hearing, as required by San Diego Municipal Code section 61.2205; and

WHEREAS, at the time and place stated in the notices, a hearing was duly held by the Council, and during the course of the hearing, the Financing Plan was duly presented and considered, and all written protests and objections received, if any, were duly presented, read, heard and considered, and all persons appearing at the hearing and desiring to be heard were given that opportunity, and a full, fair and completed hearing was had; and

WHEREAS, the specific public facilities projects, the cost of which is proposed to be charged to the properties located within the area of benefit, are identified in the Financing Plan; and

WHEREAS, a capital improvement program with respect to the public facilities projects is included in the Financing Plan; and

WHEREAS, the proposed boundaries of the facilities benefit assessment area of benefit are shown in the Financing Plan; and

WHEREAS, the method pursuant to which the cost of the public facilities projects are to be apportioned among the parcels within the facilities benefit assessment area of benefit and the estimated amount of the facilities benefit assessments which will be charged to each such parcel is contained in the Financing Plan; and

WHEREAS, the Council has determined that it is necessary to provide for 3 percent annual automatic increases for Fiscal Year 2015 through Fiscal Year 2020, and then 2 percent each year thereafter in the amount of facilities benefit assessments for landowners who have not paid their facilities benefit assessments without the necessity for further proceedings pursuant to San Diego Municipal Code section 61.2212 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 annual automatic increase is based on the March to March Construction Cost Index for San Diego/Los Angeles and the August to August Consumer Price Index for San Diego; and

WHEREAS, the amount of contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects is set forth in the Financing Plan; and

WHEREAS, the goal of the Financing Plan is to ensure funds are available to provide needed community public facilities; NOW, THEREFORE,

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

1. That the foregoing recitals are true and correct and incorporated fully herein by this reference.
2. That the Financing Plan is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code section 66000 et seq., for imposition of the facilities benefit assessment fees. Specifically, it is determined and found that this documentation:
 - a. Identifies the purpose of the fees, which is to ensure that each new development project pays its proportionate share of funding needed for the community public facilities projects necessary to serve new development;
 - b. Identifies the use to which the fees are to be put, which includes, but is not limited to, the funding of public facilities projects to serve the community at full community development as identified in the Otay Mesa Community Plan and the City of San Diego General Plan. A list of the public facilities projects is shown in the Financing Plan;

c. Demonstrates how there is a reasonable relationship between the fees' use and the type of development project on which the fees are imposed, which includes the following: The fees will be used to provide for community infrastructure projects needed to serve both residential and non-residential development based on the increased intensity of the development permitted in accordance with the fee schedule in effect at the time a building permit is issued. Credit will be given for any existing development;

d. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the fees are imposed, which includes the following:

(i) Transportation Projects: Both residential development and non-residential development utilize the communities' transportation system, which require various street and bridge projects, traffic signal interconnect systems, and medians.

(ii) Park and Recreation Projects: Residential development utilizes the community's parks, and improvements are necessary based on the projected population at full community development and General Plan standards.

(iii) Library Projects: Residential development utilizes the community libraries, and improvements are necessary based on the projected population at full community development and General Plan standards.

(iv) Fire/Rescue Projects: Residential and non-residential development will be served by community fire/rescue facilities, and additional facilities are necessary based on the projected population at full community development, General Plan standards, and established emergency response times.

3. The designation of the area of benefit as identified in the Financing Plan is ordered.

4. The establishment of the facilities benefit assessment against each parcel within the area of benefit as identified in the Financing Plan is ordered and is effective sixty days from the date of final passage of this resolution.

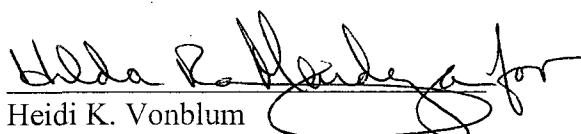
5. The Mayor, or his designee, is authorized and directed to prepare a map of the boundaries of the area of benefit based on this Resolution and to file the map with the City Clerk in accordance with the provisions of San Diego Municipal Code section 61.2209(a).

6. The City Clerk is authorized and directed to record the map of the boundaries of the area of benefit in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code section 61.2209(a).

7. The City Clerk is authorized and directed to execute and record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code section 61.2209(b).

9. The Chief Financial Officer is authorized and directed to transfer, appropriate and expend the subject facilities benefit assessment funds as necessary to ensure timely payment of all Otay Mesa public facilities projects identified in the Financing Plan.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:HRM:nja:mm
01/14/14
03/10/14 Cor. Copy
Or.Dept: Facilities Financing
Doc. No. 705110_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 22 2014.

ELIZABETH S. MALAND
City Clerk

By Karen Cook
Deputy City Clerk

Approved: 4/29/14
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 22 2014, 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"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 30 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By Karim Cook, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308901