

RESOLUTION NUMBER R- 314175

DATE OF FINAL PASSAGE JUN 16 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE DISTRICT MANAGEMENT PLAN AND ASSESSMENT ENGINEER'S REPORT AND DECLARING ITS INTENTION TO FORM THE NORTH PARK SPECIAL ENHANCEMENT DISTRICT, A MAINTENANCE ASSESSMENT DISTRICT, AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN THE DISTRICT FOR THE LIFE OF THE DISTRICT; DIRECTING THE MAILING OF BALLOTS TO IDENTIFIED PROPERTY OWNERS; AND SETTING THE DATE AND TIME FOR A PUBLIC HEARING WITH RESPECT TO THIS MATTER.

WHEREAS, the Maintenance Assessment District Procedural Ordinance (San Diego Municipal Code sections 65.0201 – 65.0222) (MAD Procedural Ordinance) authorizes the creation of a maintenance assessment district (MAD) within the City of San Diego and sets forth the procedure for the formation of MADs; and

WHEREAS, a district formation committee has proposed to form the North Park Special Enhancement District (District), facilitated the preparation of a draft of the district management plan (Draft Plan) and engineer's report, and submitted a written petition to the City supporting the Draft Plan; and

WHEREAS, City staff has approved the Draft Plan and has verified that the written petition supporting the Draft Plan was signed by property owners who would pay at least 30 percent of the proposed assessments to be generated in the proposed District; and

WHEREAS, the district formation committee has provided a finalized District Management Plan (DMP) and the Engineer's Report (Engineer's Report) (collectively, District Plan) for the proposed MAD in the North Park area in the City of San Diego; NOW
THEREFORE,

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

1. The petition meets the requirements of the MAD Procedural Ordinance and is executed by property owners whose names appear on the last equalized secured property tax assessment roll, or are otherwise shown on records on file with the San Diego County Assessor's Office.
2. The Council declares its intent to order the formation of a MAD to be designated the North Park Special Enhancement District, and to levy and collect annual assessments within the District, beginning in Fiscal Year 2023, to pay a prescribed portion of the costs of future improvements and activities as described in the District Plan, in accordance with the MAD Procedural Ordinance, Article XIID of the California Constitution, and Proposition 218 Omnibus Implementation Act (California Government Code sections 53750 – 53758).
3. The Council expresses its intention that the administrative documents for the District, to be considered by the Council in the future, designate authority to the Mayor or designee to preclude the expenditure of all or any portion of District assessments during the pendency of any litigation that has been timely initiated to challenge the formation of the District.
4. The District Plan submitted in connection with the District, and on file in the Office of the City Clerk as Document No. RR- 314175-1, is approved as filed and incorporated herein by reference. The District Plan contains a full and detailed description of the improvements and activities; a detailed map which describes the exterior boundaries of the proposed District; and a list of the lots and parcels, and the proposed assessments upon assessable lots and parcels, of land within the District.

5. The exterior boundaries of the District are primarily formed by the rear property lines of parcels that front two major streets: 1) parcels fronting University Avenue between Florida Street as the western boundary and 32nd Street as the eastern boundary; and 2) parcels fronting 30th Street between Polk Avenue as the northern boundary and extending south to Upas Street, and including parcels fronting the intersections of 30th Street and Upas Street. The District also includes certain parcels within blocks bounded by Granada Avenue, Lincoln Avenue, 32nd Street, and North Park Way, with the rear property lines of certain parcels fronting North Park Way forming a portion of the District's exterior boundary. The precise exterior boundaries of the District are depicted in a detailed map on page 3 of the District Plan.

6. The improvements and activities to be undertaken within the District, located in the North Park area of the City, generally consist of the procurement, maintenance, operation, and servicing of landscaping, safety programs, sanitation activities, and aesthetic tangible improvements, all which shall be in excess of the City's baseline services provided within the District.

7. The amount of the proposed assessment for the District in Fiscal Year 2023 is \$479,587.86. The annual assessment for each parcel is based on factors including parcel use, lot square footage, and building square footage, as described in further detail in the Engineer's Report, and generally using the following information:

Parcel Type/ Use Description	Assessment rate		
	per lot size sq. ft.	per building size sq ft.	per unit \$/year
Commercial	\$0.1016	\$0.1397	
Tax Exempt parcels	\$0.0635	\$0.0889	
Condominiums and Single Family Residential			\$228.60

The amount of the proposed assessment shall be indexed (increased or decreased) annually, starting in Fiscal Year 2024, by the annual factor published in the San Diego Consumer Price Index – All Urban Consumers (SDCPI-U) not to exceed 5 percent. In the event that the annual change in SDCPI-U exceeds 5 percent, a percentage change in excess of 5 percent can be cumulatively reserved and can be added to the annual change in the SDCPI-U for years in which the SDCPI-U is less than 5 percent. Reference is made to the District Plan for a more complete description of the District, the assessment, and funded improvements and activities.

8. Bonds will not be issued in connection with the District.

9. On August 1, 2022, at 2:00 p.m., or as soon thereafter as it may be heard, in the City Council Chambers of the City Administration Building, 202 C Street, 12th floor, San Diego, California, the Council shall conduct a public hearing (Hearing) pursuant to California Government Code section 53753. At the Hearing, all persons will be permitted to present written or oral testimony regarding the District and the levy of the proposed assessment, and the Council will consider all objections or protests, if any, to the levy of the proposed assessment. The Hearing may be continued at the discretion of the Council.

10. The City Clerk and City staff are directed to cause preparation and distribution of a notice of the Hearing and assessment ballots to the properties identified in Appendix 2 of the Engineer's Report. Such notice of the Hearing and assessment ballots shall be mailed at least forty-five (45) days before the date of the Hearing, postage prepaid, to all affected property owners, whose names and addresses appear on the last equalized secured property tax assessment roll, all in the manner and form provided for in California Government Code sections 53750-53756.

11. Ballots shall be issued, accepted, and tabulated in the manner set forth in the MAD Procedural Ordinance, Article XIID, section 4 of the California Constitution, California Government Code section 53753, and the Guidelines for the Return and Tabulation of Assessment Ballots, a copy of which is on file with the City Clerk as Document No. RR- 314175-2 and incorporated herein by reference. At the conclusion of the Hearing, a person or persons designated by the City Clerk will tabulate ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. A majority protest exists if the ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the ballots submitted, and not withdrawn, in its favor. For purposes of calculating whether a majority protest exists, the ballot returned by a property owner shall be weighted by the estimated assessment obligation of the property owner. The estimated assessment obligation applicable to each property owner will be calculated by applying the assessment rates set forth in this Resolution, discussed in further detail in the District Plan. If there is a majority protest against the imposition of the assessment, the Council will not impose the assessment.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Daphne Z. Skogen
Daphne Z. Skogen
Deputy City Attorney

DZS:jvg
06/08/2022
06/10/2022 COR. COPY
Or.Dept: Economic Development
Doc. No.: 3000519_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 14 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/16/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 14 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 16 2022.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314175