

#107
10/11/22

(R-2023-168)

RESOLUTION NUMBER R- 314387

DATE OF FINAL PASSAGE OCT 18 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE ACCEPTANCE OF AN IN-LIEU FEE OF \$150,000 FROM AIRWAY LOGISTICS OWNER, LLC TO SATISFY A CONDITION UNDER PROJECT NO. 665589, SITE DEVELOPMENT PERMIT NO. 2430528, AND RELATED FISCAL ACTIONS.

WHEREAS, on December 16, 2020, Airway Logistics Owner, LLC was granted Project No. 665589, Site Development Permit (SDP) No. 2430528 (Airway Logistics Project) by the Development Services Department (DSD); and

WHEREAS, the Airway Logistics Project consists of a single-story industrial building of approximately 247,480 square-feet and the SDP includes a condition which states that, "Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the widening and improvement of La Media Road on the east side for the construction of a second northbound through lane from Airway Road to approximately 600 feet north of Airway Road, satisfactory to the City Engineer. All improvements shall be constructed and operational prior to the issuance of the first occupancy;" and

WHEREAS, since the approval of the Airway Logistics Project, the City of San Diego (City) has created Capital Improvement Program (CIP) Project S-15018, La Media Road Improvements, (La Media Road Project) which will widen La Media Road between SR-905 and Siempre Viva Road; and

WHEREAS, the applicant of the Airway Logistics Project is not able to meet the condition of the SDP because the road will be closed during the construction of the La Media Road Project; and

WHEREAS, on May 24, 2022, the applicant of the Airways Logistics Project requested a Substantial Conformance Review (SCR) to address the conflict with the La Media Road Project. The approved modifications to the SDP include having the applicant pay in-lieu fee equal to the estimated cost to construct the second northbound through lane on La Media in the amount of \$150,000 rather than constructing the improvement to satisfy MM-TRA-1 and Condition 40 under the Airways Logistics Project SDP; and

WHEREAS, on August 15, 2022, DSD determined that the SCR is consistent with the objectives, standards, guidelines, and conditions of the SDP, and approved the SCR; and

WHEREAS, the \$150,000 in-lieu fee will be deposited in the Developer Contribution Fund, Fund No. 200636 and the funding will be allocated to CIP S-15018, La Media Road Improvements; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Chief Financial Officer is authorized to accept, deposit, appropriate, and expend the \$150,000 in-lieu fee from Airway Logistics Owner, LLC, into the Fund 200636, Developer Contributions CIP, for the purpose of funding construction; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to increase the Capital Improvement Program Budget in CIP S-15018, La Media Rd Improvements, and to appropriate and expend an amount not to exceed \$150,000 within Fund 200636, Developer Contributions CIP, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Ryan P. Gerrity
Ryan P. Gerrity
Deputy City Attorney

RPG:cw:cm
September 19, 2022
Or.Dept: Transportation Dept.
Doc. No. 3092820

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 11 2022.

ELIZABETH S. MALAND
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 10/18/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 11 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 18 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 krystell medina, Deputy

Office of the City Clerk, San Diego, California

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