

RESOLUTION NUMBER R- **315654**DATE OF FINAL PASSAGE **JUL 09 2024**A RESOLUTION OF THE COUNCIL OF THE CITY  
OF SAN DIEGO APPROVING THE PUBLIC RIGHT-  
OF-WAY IN LIEU FEE.

WHEREAS, San Diego Ordinance O- **21836**, related to the 2024 Land Development Code Update regulations establishes a Public Right-of-Way In Lieu Fee to fund the construction of public right-of-way improvements for development that is unable to comply with a Community Plan Implementation Overlay Zone supplemental development regulation for a public right-of-way improvement in the Kearny Mesa Community Plan area, was considered by the San Diego City Council (City Council) together with this Resolution; and

WHEREAS, a Community Plan Implementation Overlay Zone may contain supplemental development regulations for public right-of-way improvements identified in the Kearny Mesa Community Plan area; and

WHEREAS, an applicant shall pay the Public Right-of-Way in Lieu Fee if the applicant demonstrates that the construction of the public right-of-way improvements would create unsafe drainage, traffic, or pedestrian circulation conditions to the satisfaction of the City Engineer or the City Engineer, in his or her sole discretion, determines the installation of the public right-of-way improvements would create unsafe drainage, traffic, or pedestrian circulation conditions; and

WHEREAS, the payment of a Public Right-of-Way In Lieu Fee is a form of alternative compliance to a public right-of-way improvement that is required by a

Community Plan Implementation Overlay Zone supplemental development regulation identified in the Kearny Mesa Community Plan area in accordance with San Diego Municipal Code section 132.1404; and

WHEREAS, the Public Right-of-Way In Lieu Fee will be used solely to fund public right-of-way improvements such as bicycle infrastructure and pedestrian improvements; and

WHEREAS, the cost of constructing public right-of-way improvements within the City of San Diego is approximately \$3,091 per linear foot. This is based on the estimated cost for a typical public improvement in Kearny Mesa along Convoy Street that would result in new curbs, gutters, storm drains, pedestrian and bicycle facilities, and landscaping typically required in the Kearny Mesa Community Plan adjusted to FY 2025 dollars; 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 the information is complete, true, and accurate; NOW, THEREFORE,

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

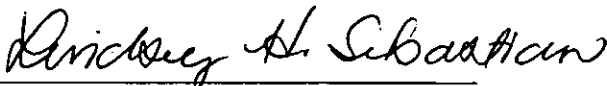
1. That the Public Right-of-Way In Lieu Fee of \$3,091 per linear foot, determined by the length of street frontage of the development required for the public right-of-way improvement, includes up to a 5 percent administrative fee, to be imposed in accordance with San Diego Municipal Code section 132.1404 and applicable in the Kearny Mesa Community Plan area is approved.

2. That the Chief Financial Officer is authorized to establish an interest-bearing fund for funds received from payment of the Public Right-of-Way In Lieu Fee, to be used

solely to fund the construction of public right-of-way improvements.

3. That this Resolution shall be effective on the effective date of San Diego Ordinance O- 21836 adopting the 2024 Land Development Code Update and shall be in effect at the time building permits are issued, in accordance with Chapter 13, Article 2, Division 14, plus automatic annual increases starting on July 1, 2025, and on each July 1<sup>st</sup> thereafter, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering News-Record. The increases to the fee consistent with the CCI in Los Angeles shall be automatic and shall not require further action of the City Council. If the one-year change in the CCI in Los Angeles for any given year is less than 0.2 percent, the City Manager or designee may elect to keep the fee unchanged.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Lindsey H. Sebastian  
Deputy City Attorney

LHS:cm:nja  
05/28/2024  
Or. Dept: Planning  
Doc. No. 3664614

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 01 2024

DIANA J.S. FUENTES  
City Clerk

By *Kristell Medina*  
Deputy City Clerk

Approved: 7/8/24  
(date)

*Todd Gloria*  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

**JUL 01 2024**

Passed by the Council of The City of San Diego on \_\_\_\_\_, 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"/>
Henry L. Foster III	<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"/>
Kent Lee	<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"/>

**JUL 09 2024**

Date of final passage \_\_\_\_\_.

**(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.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

(Seal)

By Kristelle Medina, Deputy

Office of the City Clerk, San Diego, California

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