

ORDINANCE NO. 2432

AN ORDINANCE OF THE CITY OF CHULA VISTA, CALIFORNIA
AMENDING ORDINANCE 2320 RELATING TO A DEVELOPMENT IMPACT
FEE TO PAY FOR VARIOUS PUBLIC FACILITIES WITHIN THE CITY
OF CHULA VISTA'S GENERAL PLAN AREA BOUNDARY

WHEREAS, the City's General Plan Land Use and Public Facilities Elements require that adequate public facilities be available to accommodate increased population created by new development; and,

WHEREAS, the City Council has determined that new development within the City of Chula Vista will create adverse impacts on the City's existing public facilities which must be mitigated by the financing and construction of certain public facilities identified in this ordinance; and,

WHEREAS, the City Council has determined that a reasonable means of financing the public facilities is to levy a fee on all developments in the City of Chula Vista; and,

WHEREAS, the fee has been justified by the report entitled, "Development Impact Fees for Public Facilities" dated December 12, 1990, and prepared by Willdan Associates; and,

WHEREAS, the report and various other reports show that the City's public facilities will be adversely impacted by new developments within the City unless public facilities are improved or constructed to accommodate the new development; and,

WHEREAS, developers of land within the City should be required to mitigate the burden created by development through the construction or improvement of public facilities within the boundaries of the development, the construction or improvement of public facilities outside the boundaries of the development which are needed to provide service to the development in accordance with City standards and the payment of a fee to finance a development's portion of the total cost of the public facilities; and,

WHEREAS, all development within the City contribute to the cumulative burden on various public facilities in direct relationship to the amount of population generated by the development or the gross acreage of the commercial or industrial land in the development; and,

WHEREAS, on December 18, 1990, City Council held a duly noticed meeting at which oral or written presentations could be made; and,

WHEREAS, the City Council determined, based upon the evidence presented at the meeting, the City's General Plan and the various reports and other information received by the City Council in the course of its business, that imposition of the public facilities development impact fee on all developments as indicated in Attachments 1 through 3 in the City of Chula Vista for which building permits have not yet been issued is necessary in order to protect the public safety and welfare in order to ensure effective implementation of the City's General Plan, and

WHEREAS, the City Council has determined that the amount of the fee levied by this ordinance does not exceed the estimated cost of providing the public facilities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES ORDAIN AS FOLLOWS:

SECTION 1: That Section 1 of Ordinance No. 2320 is hereby amended to read as follows:

Section 1: Establishment of Fee.

- (a) A development impact fee in the amounts set forth in Attachments 1 through 3 is hereby established to pay for various public facilities within the City of Chula Vista. The fee shall be paid before the issuance of building permits for each development project within the City of Chula Vista as indicated by Attachments 1 through 3. The fee shall be deposited into a public facility financing fund which is hereby created and shall be expended only for the purposes set forth in this ordinance. The Director of Finance is authorized to establish various accounts within the fund for the various improvements and facilities identified in this ordinance and to periodically make expenditures from the fund for the purposes set forth herein in accordance with the facilities phasing plan or capital improvement plan adopted by the City Council. The City Council finds that collection of the fees established by this ordinance at the time of the building permit is necessary to ensure that funds will be available for the construction of facilities concurrent with the need for these facilities and to ensure certainty in the capital facilities budgeting for growth impacted public facilities.
- (b) The fee established by this section is in addition to the requirements imposed by other City laws, policies or regulations relating to the construction or the financing of the construction of public improvements within subdivisions or developments.

- (c) The fee for each development shall be calculated at the time of building permit application and shall be the amount as indicated at that time and not when the tentative map or final map were granted or applied for, or when the building permit plan check was conducted. Each single family detached dwelling, single family attached dwelling, or unit within a multi-family dwelling shall be considered one EDU for purposes of this fee. Non-residential projects shall be charged at the rate of 5.60 EDU's per gross acre except that the Olympic Training Center shall be charged at the rate of 1.40 EDU's per gross acre. The charges shall be those outlined in Attachments 1 through 3.

The City Council shall annually review the amount of the fee. The City Council may adjust the amount of this fee as necessary to reflect changes in the Engineering-News Record Construction Index, the type, size, location or cost of the various public facilities to be financed by the fee, changes in land use designations in the City's General Plan, and upon other sound engineering, financing and planning information. Adjustments to the above fee may be made by resolution amending the Master Fee Schedule.

- (d) The fees collected shall be used by the City for the following purposes as determined by the City Council:
1. To pay for the construction of facilities by the City, or to reimburse the City for facilities installed by the City with funds from other sources.
 2. To reimburse developers who have been required by Section 4(a) of this ordinance to install approved various public facilities listed in Section 3.
 3. To reimburse developers who have been permitted to install improvements pursuant to Section 4(b) of this Ordinance.

SECTION II: That Section 2 of Ordinance No. 2320 is hereby amended to read as follows:

Section 2: Definitions.

For the purposes of this ordinance, the following words or phrases shall be construed as defined in this Section, unless from the context it appears that a different meaning is intended.

- (a) "Building Permit" means a permit required by and issued pursuant to the Uniform Building Code as adopted by reference by this City.
- (b) "Developer" means the owner or developer of a development.
- (c) "Development Permit" means any discretionary permit, entitlement or approval for a development project issued under any zoning or subdivision ordinance of the City.
- (d) "Development Project" or "Development" means any activity described in Section 65927 and 65928 of the State Government Code.
- (e) "Community purpose facility" means a facility within a planned community which serves one of the following purposes:
 - 1. youth activities, such as Boy Scouts and Girl Scouts;
 - 2. social service activities, such as Alcoholics Anonymous;
 - 3. services for homeless;
 - 4. services for military personnel during the holidays;
 - 5. private schools;
 - 6. day care;
 - 7. senior care and recreation;
 - 8. workshop, spiritual growth, and development;
 - 9. teaching of traditional family values.

SECTION III: Section 3 of Ordinance 2320 is hereby amended to read as follows:

Section 3: Public Facilities to be Financed by the Fee.

- (a) The various public facilities to be financed by the fee established in this ordinance are as indicated in Attachments 1 and 2.
- (b) The City Council may modify or amend the list of projects in order to maintain compliance with the City's General Plan or the Capital Improvement Program.

SECTION IV: That Section 6 of Ordinance 2320 is hereby amended to read as follows:

Section 6: Exemptions.

Development projects by public agencies shall be exempt from the provisions of the fee if those projects are designed to provide the public service for which the agency is charged. Community purpose

facilities which are not operated for profit are also exempt inasmuch as the method of apportioning the fee for nonresidential uses is based on the number of employees per acre and the number of employees for these types of institutions is typically very low. In addition, because these institutions provide benefit to the community as a whole including all land use categories which are the subject matter of the Development Impact Fee, the City Council hereby determines that it is appropriate to spread any impact such facilities might have to the other land use categories subject to the DIF. In the event that a court determines that the exemption herein extended to community purpose facilities shall for any reason be invalid, the City Council hereby allocates the share of the cost of the public facilities otherwise properly allocable to the City of Chula Vista and not to any of the land use categories which are the subject matter of the development impact land use categories.

SECTION V: That Section 11 of Ordinance 2320 is hereby added to read as follows:

Section 11. Severability.

In the event that any provision of this Ordinance is found to be in violation of the Constitution of the United States or the State of California, or of any other superior law, such provision shall be deemed to be severed from the remaining provisions of this Ordinance, and the City Council hereby expresses its intent that it would have adopted this Ordinance without such violative provision.

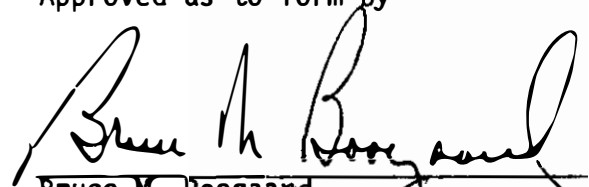
SECTION VI: Effective Date.

Pursuant to Government Code Section 65962, this ordinance shall become effective sixty (60) days after its second reading and adoption.

Presented by

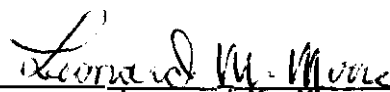

David C. Byers
Budget Officer

Approved as to form by


Bruce M. Boogaard
City Attorney

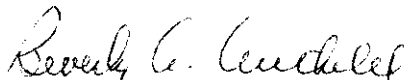
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 15th day of January, 1991, by the following vote:

AYES: Councilmembers: Malcolm, Moore, Nader, Rindone
NOES: Councilmembers: None
ABSENT: Councilmembers: McCandliss
ABSTAIN: Councilmembers: None



Leonard M. Moore
Mayor, Pro-Tempore

ATTEST:




Beverly A. Authalet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2432 had its first reading on January 8, 1991, and its second reading and adoption at a regular meeting of said City Council held on the 15th day of January, 1991.

Executed this 15th day of January, 1991.



Beverly A. Authalet, City Clerk

FIGURE 1
SUMMARY
PUBLIC FACILITY COST SHARES

No. Facility	<u>Interim Estimate</u>		<u>Revised Estimate</u>	
	<u>City's Share</u>	New Development's Share	<u>City's Share</u>	New Development's Share
1. Civic Center Expansion	\$ 0	\$ 16,417,345	\$ 748,398	\$ 10,327,300
1A. Civic Center Parking	0	0	765,873	3,768,900
2. Police Facility Remodeling	1,022,567	2,891,650	1,100,099	4,880,200
3. Corporation Yard Relocation	0	9,604,119	0	12,770,300
4. Libraries	0	10,112,953	3,044,716	11,701,100
5. Fire Suppression System	259,312	2,743,847	237,481	2,993,200
6. Geographic Information System	1,236,690	699,206	1,144,800	591,200
7. Mainframe Computer	Not Included	Not Included	659,400	300,900
8. Telephone System Upgrade	Not Included	Not Included	0	332,900
9. Records Management System	<u>Not Included</u>	<u>Not Included</u>	<u>209,880</u>	<u>120,200</u>
SUBTOTAL	\$ 2,518,569	\$ 42,468,760	\$ 7,910,647	\$ 47,786,200
10. DIF Administration @ 6%	<u>Not Included</u>	<u>Not Included</u>	<u>0</u>	<u>2,867,200</u>
TOTAL	\$ 2,518,569	\$ 42,468,760	\$ 7,910,647	\$ 50,653,400

FIGURE 2

SUMMARY
FEES PER FACILITY

<u>Facility</u>	<u>Fees Per EDU</u> <u>1990-1995</u>	<u>Fees Per EDU</u> <u>1996-2000</u>	<u>Fees Per EDU</u> <u>2001-2010</u>
1. Civic Center Expansion/Parking	\$ 527	\$ 527	\$ 527
2. Police Facility Remodeling	365	365	0
3. Corporation Yard Relocation	477	477	477
4. Libraries	437	437	437
5. Fire Suppression System	112	112	112
6. Geographic Information System	45	45	0
7. Mainframe Computer	45	0	0
8. Telephone System Upgrade	25	25	0
9. Records Management System	10	10	0
10. DIF Administration @ 6%	<u>107</u>	<u>107</u>	<u>107</u>
TOTAL	\$2,150	\$2,105	\$1,660

FIGURE 3

SUMMARY OF FEES

**Interim
Public Facilities Development Impact Fees**

approved August 1, 1989
(reprinted from in-house study)

<u>Community/Area</u>	<u>Cost Per EDU 1988 to 2000</u>	<u>Cost Per Acre Commercial 1988 to 2000</u>	<u>Cost Per Acre Industrial 1988 to 2000</u>
East of I-805	\$ 1,374	\$ 13,735	\$ 8,241
Central Chula Vista	1,046	10,463	6,278
Montgomery/Otay	1,046	10,463	6,278

**Revised
Public Facilities Development Impact Fees**

Total City-Wide Fees

<u>Land Use</u>	<u>1990-1995</u>	<u>1996-2000</u>	<u>2001-2010</u>
Residential	\$ 2,150/DU	\$ 2,105/DU	\$ 1,660/DU
Commercial	\$ 12,040/AC	\$ 11,788/AC	\$ 9,296/AC
Industrial	\$ 12,040/AC	\$ 11,788/AC	\$ 9,296/AC
OTC	\$ 3,010/AC	\$ 2,947/AC	\$ 2,324/AC