

ORDINANCE NO. 2511

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 15 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING A NEW CHAPTER 15.54 ESTABLISHING PROCEDURES FOR THE ASSESSMENT AND COLLECTION OF BRIDGE AND THOROUGHFARE FEES

The City Council of the City of Chula Vista does ordain as follows:

SECTION I. That Chapter 15.54 of the Chula Vista City Municipal Code is hereby added to read as follows:

Sec. 15.54.010 Purpose.

The purpose of this Chapter 15.54 is to make provision for assessing and collecting fees within specified Areas of Benefit (defined hereinbelow) as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons or major thoroughfares pursuant to Section 66484 of the Map Act and the charter powers of the City of Chula Vista.

Sec. 15.54.020 Definitions.

Whenever the following words are used in this Chapter, they shall have the following meanings:

- A. "Area of Benefit" means a defined geographic area established pursuant to the provisions of Section 15.54.030 hereof.
- B. "Bridge" means an original bridge serving an Area of Benefit or an addition to any existing bridge facility serving an Area of Benefit at the time of establishment of the boundaries of such Area of Benefit. Any such original bridge or existing bridge must provide a crossing of a railway, freeway, stream or canyon for which a bridge crossing is required pursuant to the transportation or flood control provisions of the General Plan of the City.
- C. "Construction" means, as to any Improvement, design, engineering, plan checking, inspection, surveying, acquisition of right-of-way, environmental review, preparation of plans and specifications, administration of construction contracts, actual construction of such Improvement and any appurtenances thereto or the acquisition of any such Improvement and any such appurtenances, and any other work incidental to the acquisition or construction of such Improvements.
- D. "Major Thoroughfare" means a roadway as shown on the Circulation Element of the General Plan of the City the primary purpose of which is to carry through traffic and to provide a network connecting to the state highway system and which roadway is in addition to, or a

reconstruction of, any existing such roadway serving an Area of Benefit at the time of adoption of the boundaries of such Area of Benefit.

- E. "Circulation Element" means the Circulation Element of the General Plan of the City heretofore adopted by the City pursuant to Chapter 3 of Title 7 of the Government Code, together with any additions or amendments thereto hereafter adopted.
- F. "Improvement" means any Bridge or Major Thoroughfare.

Sec. 15.54.030            Establishment of an Area of Benefit.

- A. The City Council shall set the time and place of a public hearing to consider the establishment of any proposed Area of Benefit. Notice of the public hearing shall be given pursuant to Government Code Section 65091. Such notice shall contain preliminary information related to the boundaries of the proposed Area of Benefit, the estimated cost of the Bridge(s) or Major Thoroughfare(s) to be financed from the fees proposed to be assessed within the proposed Area of Benefit and the proposed method of apportionment of fees to be assessed and collected within the Area of Benefit.
- B. At any time not later than the hour set for hearing objections to the establishment of a proposed Area of Benefit, any owner of property to be benefitted by the Improvements proposed to be financed through the assessment and collection of fees within the Area of Benefit may file a written protest against the establishment of the Area of Benefit, the extent of the Area of Benefit, the Improvements proposed to be financed or any combination thereof. Such protests must be in writing, must contain a description of the property for which the protest is being filed sufficient to identify such property and must be signed by the owner of such property. If the person signing such a protest is not shown on the last equalized assessment roll as the owner of the property for which the protest is being filed, the protest must be accompanied by written evidence that such signer is the owner of such property.

All protests must be delivered to the City Clerk and no other protest or objection shall be considered. Any protest may be withdrawn by the owner who made such protest if such withdrawal is in writing and is delivered to the City Clerk time prior to the conclusion of the public hearing.

- C. If, at the conclusion of the public hearing, there is a written protest, filed with the City Clerk, by the owners of more than one-half of the area of the property within the proposed Area of Benefit, and sufficient protests are not withdrawn so as to reduce the area represented by such protests to less than one-half of the area of property within the proposed Area of Benefit, then the proceedings to establish the proposed Area of Benefit shall be

abandoned, and the City Council shall not, for one year from the filing of the written protest, commence or carry on any proceedings for the establishment of the same Area of Benefit or the financing of the same Improvements under this Chapter.

If any majority protest is directed against only a portion of the subject Improvements than all further proceedings under the provisions of this Chapter to construct or acquire that portion of the subject Improvements so protested against shall be barred for a period of one year, but the City Council may commence new proceedings not including any part of the Improvement so protested against. Nothing contained herein shall prohibit the City Council within such one year period, from commencing and carrying on new proceedings for the establishment of an Area of Benefit to finance a portion of an Improvement so protested against if the City Council finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property within the proposed Area of Benefit are in favor of going forward with that portion of the Improvement or acquisition.

- D. If, at the conclusion of the public hearing, the City Council finds that a majority protest has not been directed against the establishment of an Area of Benefit or all or a portion of the Improvements benefiting such Area of Benefit, the City Council shall decide whether or not to establish the Area of Benefit. If the City Council decides to establish the Area of Benefit, it shall announce its decision by resolution, a certified copy of which shall be recorded in the office of the County Recorder of the County of San Diego. Such resolution shall contain a description of the boundaries of the Area of Benefit, the costs, whether actual or estimated, of the Improvements to be financed by the assessment and collection of fees within the Area of Benefit and the method of fee apportionment.

Sec. 15.54.040 Fee Requirements.

Any fee established pursuant to the provision of this Chapter shall be subject to the following limitations and requirements:

- A. Except as provided for in this paragraph, any fee shall be applicable to all property within the Area of Benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for the property or portions thereof. If an Area of Benefit is established which includes lands not subject to the assessment and collection of a fee established for such Area of Benefit, the City Council shall make provision for payment of the share of the costs of the applicable Improvements apportioned to those lands from other sources.

- B. Payment of such a fee shall not be required for:
1. The use, alternation or enrollment of an existing building or structure of the erection of one or more buildings or structures accessory thereto or both, on the same lot or parcel of land; provided that the total value, as determined by the building official of the City, of such alternation, enlargement or construction completed within any one-year period does not exceed one-half of the current market value, as determined by the building official of the City, of all existing buildings on such lot or parcel of land, and the alteration or enlargement of such building is not such as to change its classification of occupancy as defined by Section 501 of the Uniform Building Code; and,
  2. The following accessory buildings and structures: private garages, children's playhouses, radio and television receiving antennas, and other buildings which are accessory to one-family dwellings.

Sec. 15.54.050 Consideration in Lieu of Credits.

- A. Upon application by the subdivider or applicant for a building permit, the City Council may accept consideration in lieu of fees required pursuant to this Chapter, provided:
1. The City Council finds upon recommendation of the City Manager that the substitute consideration has a value equal to or greater than the applicable fee obligation; and,
  2. The substitute consideration is in a form acceptable to the City Council.
- B. The City Council shall give a credit against fees imposed by this Chapter for properties within the boundaries of assessment districts or community facilities districts formed to provide financing for the Improvements for which the fee is assessed and collected. The amount of such credit shall be determined by the City Council and established by resolution thereof.

Sec. 15.54.060 Deposit and Use of Fees.

Fees assessed and collected pursuant to the provisions of this Chapter shall be deposited in a Bridge or Major Thoroughfare fund. Such a fund shall be established for each Bridge or Major Thoroughfare. Money deposited in such a fund shall be expended solely for the construction or reimbursement for acquisition or construction of the Improvement serving the applicable Area of Benefit and from which fees comprising such fund were collected. If such fees are to be utilized in whole or in part to reimburse the costs of acquisition or construction of an Improvement

financed from the proceeds of bonds issued for an assessment district or community facilities district, the City Council may, in the resolution or a specified portion of the proceeds of the fees collected be utilized to prepay assessment installments or special taxes or to redeem such bonds prior to redemption.

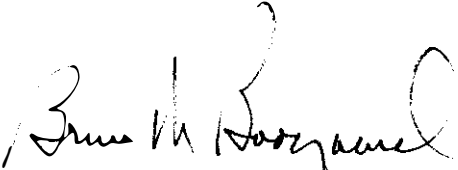
SECTION II. Effective Date.

This ordinance shall be effective thirty (30) days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation within the City within fifteen (15) days after its adoption.

Presented by

Approved as to form by

  
\_\_\_\_\_  
John P. Lippitt  
Director of Public Works

  
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Bruce M. Boogaard  
City Attorney

PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 5th day of May, 1992, by the following vote:

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



\_\_\_\_\_  
Tim Nader, Mayor

ATTEST:



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Beverly A. Authelet, City Clerk

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

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2511 had its first reading on April 28, 1992, and its second reading and adoption at a regular meeting of said City Council held on the 5th day of May, 1992.

Executed this 5th day of May, 1992.



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Beverly A. Authelet, City Clerk