

ORDINANCE NO. 2810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, AMENDING ORDINANCE 2554 RELATING TO A DEVELOPMENT IMPACT FEE TO PAY FOR VARIOUS PUBLIC FACILITIES WITHIN THE CITY OF CHULA VISTA'S GENERAL PLAN AREA BOUNDARY

WHEREAS, in January 1991, the City Council of the City of Chula Vista adopted Ordinance No. 2432, establishing a development impact fee for public facilities (PFDIF); and

WHEREAS, Ordinance No. 2432 was amended by Ordinance No. 2320 and both were superceded by Ordinance No. 2554; and

WHEREAS, the current list of public facilities was established in 1990-91 and is now in need of updating; and

WHEREAS, the purpose of the PFDIF is to finance and construct public facilities within the City of Chula Vista; and

WHEREAS, the impact fee is solely based upon that portion of project costs which are attributable to new development; and

WHEREAS, development is considered to take place in accordance with the Phasing Plan established by the City's Planning Department which is subject to change depending on actual development phasing; and

WHEREAS, for the purposes of assigning benefit and apportioning fees, a common Equivalent Dwelling Unit (EDU) factor is used; and

WHEREAS, in very limited circumstances, developers of low/moderate-income housing may need to prepay their impact fee for up to 500 EDUs, in order to financially protect the public-purpose project; and

WHEREAS, the current fee does not include financing costs nor does it offset fees for projected interest earnings; and

WHEREAS, the single, most costly PFDIF project - a new police facility - had not been previously included in the PFDIF program; and

WHEREAS, the last real fee change occurred in 1990-1991, pending a complete fee analysis after annexation of the Otay Ranch; and

WHEREAS, that complete fee analysis has now been concluded effective April 2000; and

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

SECTION 1: FINDINGS

The City Council finds that developers of land within Chula Vista's General Plan area boundary should be required to mitigate the burden created by development through the payment of an impact fee for construction of public facilities within the boundaries of the development and for public facilities outside the boundaries of the development which are needed to provide service to the development in accordance with City standards; and

The City Council finds that the legislative findings and determinations set forth in Ordinance No. 2554 continue to be true and correct and incorporate those findings herein; and

The City Council finds, after consideration of the evidence presented to it including the "Development Impact Fee for Public Facilities 1999 Update," that certain amendments to Ordinance No. 2554 are necessary in order to assure that there are sufficient funds available to finance public facilities including police and fire facilities necessary to maintain public safety service levels; and

The City Council finds, based on the evidence presented at the meeting, the City's General Plan, and the various reports and information received by the City Council in the ordinary course of its business, that the imposition of public facilities impact fees on all development in the eastern territories for which building permits have not been issued is necessary in order to protect the public health, safety and welfare and in order to assure effective implementation of the City's General Plan; and

The City Council finds that the amount of the amended fees levied by this ordinance does not exceed the estimated cost of providing the public facilities.

SECTION 2 : That Sections 3.50.030(c), 3.50.070, and 3.50.090(c) of the Chula Vista Municipal Code are hereby amended to read as follows:

3.50.30 Public Facilities to be Financed by the Fee.

(c) The facilities are as follows:

- Civic Center Expansion
- Police Department Facilities and Equipment
- Corporation Yard Relocation/ Expansion
- Library System Expansion
- Fire Suppression System Expansion
- Geographic Information System Computer System Upgrades

- Telecommunication System Upgrade
- Records Management System

3.50.070 Time to Determine Amount Due.

The Fee for each Development shall be calculated at the time of building permit issuance 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, or when application was made for the building permit, except that a Developer of a Development Project providing low- and/or moderate-income housing in accordance with Section III, Objective 1 of the 1991 Housing Element of the General Plan, may request authorization to prepay the Fee for up to 500 EDUs and said request may be approved at the sole discretion of the City Manager. Upon prepayment, the Developer of said Development Project shall receive EDU credit based on the then current fee.

3.50.090 Amount of Fee.

(c) The Fee shall be the following, depending on land use:

Land Use	Fee
Residential	\$2,618/dwelling unit
Commercial/Office	\$13,090/acre
Industrial	\$13,090/acre
Special Land Use	\$13,090/acre
Olympic Training Center	\$3,273/acre
Public Purpose	Exempt
Non-profit Community Purpose Facility	Exempt
Special Purpose Project, including For-Profit Day Care	\$7,854/acre

SECTION 3: That Section 3.50.140(b) is hereby added to the Chula Vista Municipal Code as follows:

3.50.140 Developer Construction of Facilities.

(b) Unless otherwise stated herein, all Developer Credits shall be calculated on a dollar basis and converted into EDUs at the time building permits are pulled, based on the then current Fee.

SECTION 4: That Section 3.50.155 is hereby added to the Chula Vista Municipal Code as follows:

Sec. 3.50.155 Developer Transfer of Credits

A Developer who, in accordance with the provisions of Sections 3.50.140 and 3.50.150, receives credits against future payments of the Fee for one or more Fee Components may transfer those credits as provided herein to another Developer.

(a) The Developer shall provide the City with written notice of such transfer within thirty days. The notice shall provide the following information:

- The name of the Developer to whom the credits were transferred:
- The dollar value of transferred credits:
- The Fee Component(s) against which the credits will be applied: and
- The projected rate, by Fiscal Year, that the credits will be applied, until said credits have been fully redeemed.

(b) Credits granted to a Developer of a low-and/or moderate-income project in accordance with Section 3.50.70, can only be transferred to another low-and/or moderate-income Development Project.

SECTION 5: Time limit for protest and judicial action

Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance shall be brought within the time period as established by law.


In accordance with Government Code Section 66020(d)(1), the ninety-day approval period in which parties may protest begins upon the effective date of this ordinance.

SECTION 6: This ordinance shall take effect and be in full force on the sixtieth day from and after its second reading and adoption.

Presented by

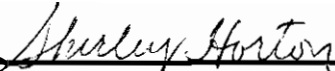
Approved as to form by


George Krempf
Assistant City Manager


John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 6th day of June, 2000, by the following vote:

AYES:	Councilmembers:	Davis, Moot, Padilla, and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Salas


Shirley Horton, Mayor

ATTEST:


Susan Bigelow, City Clerk

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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2810 had its first reading at a regular meeting held on the 23rd day of May, 2000 and its second reading and adoption at a regular meeting of said City Council held on the 6th day of June, 2000.

Executed this 6th day of June, 2000


Susan Bigelow, City Clerk