

Chapter 3.54

TRANSPORTATION DEVELOPMENT IMPACT FEE

Sections:

- 3.54.010 Establishment of fee.
- 3.54.020 Definitions.
- 3.54.030 Transportation facilities to be financed by the fee.
- 3.54.040 Developer construction of transportation facilities.
- 3.54.050 Procedure for fee waiver or reduction.
- 3.54.060 Payment of DIF program support.
- 3.54.070 Exemptions.
- 3.54.080 Assessment districts.
- 3.54.090 Economic incentive credit.

3.54.010 Establishment of fee.

A. A development impact fee in the amounts set forth in subsection (C) of this section is hereby established to pay for transportation improvements and facilities within the Eastern Territories of the City. The fee shall be paid before the issuance of building permits for each development project within the Eastern Territories of the City. No building permit shall be issued unless the development impact fee is paid. The fees shall be deposited into an Eastern Territories transportation facilities fund, which is hereby created, and shall be expended only for the purposes set forth in this chapter. The Director of Finance is authorized to establish various accounts within the fund for the various improvements and facilities identified in this chapter 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 chapter 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 those facilities and to ensure certainty in the capital facilities budgeting for the Eastern Territories.

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 amount of the fee for each development shall be calculated at the time of building permit issuance based upon the following schedule:

TABLE J
PROPOSED TDIF FEE PER LAND USE CLASSIFICATION

Proposed TDIF Fee per EDU:

\$13,035.00

Land Use Classification		EDU's	TDIF Rate
Residential (LOW)	0-6 dwelling units per acre*	1.0 EDU/DU	\$ 13,035.00 per DU
Residential (MED)	6.1-18 dwelling units per acre*	0.8 EDU/DU	\$ 10,428.00 per DU
Residential (HIGH)	>18.1 dwelling units per acre*	0.6 EDU/DU	\$ 7,821.00 per DU
Senior Housing		0.4 EDU/DU	\$ 5,214.00 per DU
Residential Mixed Use**	>18 dwelling units per acre*	0.4 EDU/DU	\$ 5,214.00 per DU
Commercial Mixed Use**		16.0 EDU/20,000 Sq ft	\$ 208,560.00 per 20,000 Sq ft
General Commercial (Acre)	< five (5) stories in height	16.0 EDU/Acre	\$ 208,560.00 per Acre
Regional Commercial (Acre)	> 800,000 sq ft	11.0 EDU/Acre	\$ 143,385.00 per Acre
High Rise Commercial (Acre)	> five (5) stories in height	28.0 EDU/Acre	\$ 364,980.00 per Acre
Office (Acre)	< five (5) stories in height	9.0 EDU/Acre	\$ 117,315.00 per Acre
Industrial (Acre)		9.0 EDU/Acre	\$ 117,315.00 per Acre
Regional Technology Park (Acre)		8.0 EDU/Acre	\$ 104,280.00 per Acre
18-Hole Golf Course		70.0 EDU/Course	\$ 912,450.00 per Course
Medical Center		65.0 EDU/Acre	\$ 847,275.00 per Acre

*Based on gross acreage

**Project is considered commercial mixed use only if qualifying residential mixed use is located on second floor, or higher, above commercial project.

The density of the development type shall be based on the number of dwelling units per gross acre for single-family or multifamily residential and shall be based upon the densities identified on the approved tentative map or approved tentative parcel map entitling the development unless otherwise approved in writing by the City Manager's designee. "Gross acreage," as it applies to the commercial, high rise commercial, industrial and office development types, means all land area that the City Manager's designee deems necessary within the boundary of the parcel or parcels of the development project for which building permits are being requested.

The amount of the fee shall be adjusted, starting on October 1, 2015, and on each October 1st thereafter, based on the one-year change (from July to July) in the Los Angeles Construction Cost Index as published monthly in the Engineering News Record. For reference purposes, this update is based on the July 2014 Los Angeles Construction Cost Index of 10,737.43. Adjustments to the above fees based upon the Construction Cost Index shall be automatic and shall not require further action of the City Council.

The City Council may adjust the amount of the fee as necessary to reflect changes in the type, size, location or cost of the transportation 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 fees resulting from the above reviews 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 CVMC 3.54.040(A) to install improvements that are major streets and are listed in CVMC 3.54.030.

3. To reimburse developers who have been permitted to install improvements pursuant to CVMC 3.54.040(B). (Ord. 3328 § 2, 2014; Ord. 3029 § 2, 2005; Ord. 2866 § 2, 2002; Ord. 2802 § 3, 1999).

3.54.020 Definitions.

For the purposes of this chapter, the following words or phrases shall be construed as defined herein, 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.
- B. "City engineer" means the city engineer, the city engineer's designee or the city manager's designee.
- C. "Density" means dwelling units per gross acre identified for each planning area shown on the approved tentative map or approved tentative parcel map or as determined by the city manager's designee.
- D. "Developer" means the owner or developer of a development.
- E. "Development permit" means any discretionary permit, entitlement or approval for a development project issued under any zoning or subdivision ordinance of the city.
- F. "Development project" or "development" means any activity described in Section 66000 of the State Government Code.
- G. "Eastern Territories" generally means that area of the city located between Interstate 805 on the west, the city sphere of influence boundary on the east and northeast, the city boundary on the north and the city's southern boundary on the south, excepting Villages 9 and 10 of the Otay Ranch (the University Site) as shown on the map entitled "Figure I" of the update of the financial and engineering studies.
- H. "Financial and engineering studies" means the "Interim Eastern Area Development Impact Fee for Streets" study prepared by George T. Simpson and Willdan Associates dated November 1987; the "Eastern Area Development Fee for Streets" study prepared by Willdan Associates dated November 19, 1990; the "Eastern Development Impact Fee for Streets – 1993 Revision" study prepared by City staff dated July 13, 1993; the study prepared by Project Design Consultants ("Eastern Area Development Impact Fees for Streets, 1999 Update") dated October 25, 1999; the study prepared by Willdan ("Eastern Area Development Impact Fees for Streets" dated July 2002); the study prepared by City staff ("Eastern Area Transportation Development Impact Fees" dated March 2005); and the study prepared by City staff ("Eastern Area Development Impact Fees" dated September 2014), which are on file in the office of the City Clerk.
- I. "High rise commercial" means commercial office usage five or more stories in height.
- J. "Transportation facility project" means that project or portion of project, which involves the specified improvements authorized by CVMC 3.54.030.
- K. "Regional commercial" means any large commercial shopping center, larger than 60 acres, and containing more than 800,000 square feet of commercial space.
- L. "Mixed use residential" means residential units constructed above a commercial space.
- M. "Mixed use commercial" means a commercial project with residential units located on second floor, or higher, above the commercial space. (Ord. 3328 § 3(A), 2014; Ord. 3029 § 3, 2005; Ord. 2866 § 3, 2002; Ord. 2802 § 3, 1999).

3.54.030 Transportation facilities to be financed by the fee.

- A. The transportation facilities and programs to be financed by the fee established by this chapter are:
 3. ** Telegraph Canyon Road from Paseo Del Rey to east of Paseo Ladera north side.
 - 3a. ** Telegraph Canyon Road/I-805 interchange, Phase II.

- 3b.** Telegraph Canyon Road from I-805 interchange to 200 feet east of Telegraph Canyon Shopping Center.
- 4.** Telegraph Canyon Road, Phase I: Rutgers Avenue to Eastlake Boundary.
- 5.** Telegraph Canyon Road, Phase II: Paseo Ladera to Apache Drive.
- 6.** Telegraph Canyon Road, Phase III: Apache Drive to Rutgers Avenue.
- 7a.** East H Street through Rancho Del Rey.
- 7b.** East H Street/I-805 interchange modifications, Phase I.
- 7c.** East H Street/I-805 interchange modifications, Phase II.
- 8.** East H Street from Eastlake Drive to SR-125.
- 9a.** Otay Lakes Rd. intersection with East H Street.
- 9b.** Otay Lakes Road from Camino del Cerro Grande to Ridgeback Road.
- 10.** Central Avenue from Bonita Road to Corral Canyon Road.
- 10a.** La Media Road from Telegraph Canyon Road to East Palomar Street.
- 10b.** La Media Road from East Palomar Street to Olympic Parkway.
- 11.** Bonita Road from Otay Lakes Road to Willow Street.
- 14.** East H Street from SR-125 to San Miguel Road (Mt. Miguel Road).
- 15.** Proctor Valley Road (East H Street) from San Miguel Road (Mt. Miguel Road) to Hunte Parkway.
- 16.** Olympic Parkway from Brandywine Avenue to Paseo Ranchero.
- 17.** East Palomar Street from Oleander Avenue to Medical Center Drive.
- 17a.** East Palomar Street from Medical Center Drive to Paseo Ladera.
- 17b.** East Palomar Street from Paseo Ladera to Sunbow eastern boundary.
- 18.** Telegraph Canyon Road, Phase IV: from eastern boundary of Eastlake to Hunte Parkway.
- 19.** Eastlake Parkway from Otay Lakes Road to Eastlake High School southern boundary.
- 20.** Hunte Parkway from Proctor Valley Road to Telegraph Canyon Road.
- 21.** Hunte Parkway from Telegraph Canyon Road to Club House Drive.
- 21a.** Hunte Parkway from Club House Drive to Olympic Parkway.
- 22a.** Olympic Parkway, Phase IV: from SDG&E easement to Hunte Parkway.
- 22b.** Olympic Parkway, Phase V: from SR-125 to SDG&E easement.
- 23a.** Paseo Ranchero from Telegraph Canyon Road to East Palomar Street.
- 23b.** Paseo Ranchero from East Palomar Street to Olympic Parkway.
- 24a.** Olympic Parkway, Phase I: from Paseo Ranchero to La Media Road.

24b.** Olympic Parkway, Phase II: from La Media Drive to East Palomar Street.

24c.** Olympic Parkway, Phase III: from East Palomar Street to SR-125.

24e.** Olympic Parkway, Phase VI: from Heritage Road to SR-125.

25a.** Olympic Parkway/I-805 interchange modifications.

25b.** Olympic Parkway from Oleander Avenue to Brandywine Avenue.

26.** East Palomar Street from Heritage Road to the Sunbow eastern boundary.

28a.** Otay Lakes Road from Hunte Parkway to Lake Crest Drive.

28b. Otay Lakes Road from Lake Crest Drive to Wueste Road.

29.** Olympic Parkway from Hunte Parkway to Wueste Road.

30.** Otay Lakes Road from SR-125 to Eastlake Parkway.

31.** Eastlake Parkway from Fenton Street to Otay Lakes Road.

32a.** East “H” Street (westbound) from I-805 to Hidden Vista Drive.

32b.** East “H” Street (eastbound) from I-805 to Terra Nova Shopping Center.

33a.** Bonita Road at Otay Lakes Road intersection.

33b.** Telegraph Canyon Road/I-805 interchange modifications, Phase I.

35.** East “H” Street at Otay Lakes Road intersection.

37.** Eastlake Parkway from CWA Easement to Olympic Parkway.

38.** East “H” Street from Paseo Del Rey to Tierra del Rey.

39.** Bonita Road from I-805 to Plaza Bonita Road.

41.** Brandywine/Medical Center Drive from Medical Center Court to Olympic Parkway.

42.** Birch Road from La Media Road to SR-125.

43. Birch Road from SR-125 to Eastlake Parkway.

45.** Eastlake Parkway from Olympic Parkway to Birch Road.

46. Eastlake Parkway from Birch Road to Hunte Parkway/Rock Mountain Road.

47a. San Miguel Ranch Road (formerly Mt. Miguel Road) from Proctor Valley Road North to SR-125.

47b.** Mt. Miguel Road from SR-125 to Proctor Valley Road (South), previously named East “H” Street.

48.** Hunte Parkway from Olympic Parkway to Eastlake Parkway.

51a.** La Media Road from Olympic Parkway to Santa Venetia Street.

51b.** La Media Road from Santa Venetia Street to Birch Road.

52a.** La Media Road from Birch Road to Santa Luna Street.

- 52b. La Media Road from Santa Luna Street to Main Street Couplet intersection.**
- 53a. La Media Road Couplet within Village 8 to Otay Valley Road.**
- 53b. Main Street Couplet Road within Village 8W.**
- 53c. Otay Valley Road from La Media Road to SR-125 R/W.**
- 55a. Otay Lakes Road from East H Street to Telegraph Canyon Road.**
- 55b.** Otay Lakes Road from Canyon Drive to East H Street.
- 56a.** Main Street from Nirvana Avenue to 1,600 feet west of Heritage Road/Rock Mountain Road.
- 56c. Otay Valley Road (formerly Main Street) from La Media Road to SR 125.**
- 56d.** Main Street at I-805 underpass widening.
- 56e. Main Street from 1,600 feet west of Heritage Road/Rock Mountain Road to Heritage Road/Rock Mountain Road (Main Street extension).**
- 57. Heritage Road (formerly Paseo Ranchero) from Olympic Parkway to Main Street.**
- 58a. Heritage Road (formerly Paseo Ranchero) from Main Street to southern City boundary (excludes bridge crossing the Otay River).**
- 58b. Heritage Road Bridge (formerly Paseo Ranchero) crossing the Otay River.**
- 59a.** Proctor Valley Road from Hunte Parkway to Rolling Hills Ranch Neighborhood 9 west entrance.
- 59b.** Proctor Valley Road from Rolling Hills Ranch Neighborhood 9 west entrance to Rolling Hills Ranch Neighborhood 9 east entrance.
- 59c. Proctor Valley Road from Agua Vista Drive/Northwoods Drive (Rolling Hills Ranch Neighborhood 9 east entrance) to easterly City boundary.**
- 60a. Main Street (formerly Rock Mountain Rd.) from Heritage Rd. to La Media Rd.**
- 60b. Main Street (formerly Rock Mountain Road) from Wolf Canyon Bridge to La Media Road.**
- 60c. Main Street (formerly Rock Mountain Road) Bridge across Wolf Canyon.**
- 60d. Main Street (formerly Rock Mountain Road) from La Media Road to SR-125.**
- 61. Willow Street Bridge from Bonita Road to Sweetwater Road.**
- 62. East H Street from 500 LF west of Buena Vista Way to Otay Lakes Road.**
- 63. System wide intersection signalization area within the Eastern Territories.**
- 64. Hunte Parkway (Main Street) from SR-125 to Eastlake Parkway.**
- 65. Transportation demand management/transportation system management (formerly Traffic Management Center).**
- 66.** Transportation demand management (TDM).
- 67. Main Street (formerly Rock Mountain Road) bridge overcrossing and interchange ramps at SR-125.**

- 68. Otay Valley Road bridge overcrossing and interchange ramps at SR-125.**
- 69. Millenia Avenue from Birch Road to Hunte Parkway (Main Street).**
- 70. Discovery Falls Drive from Hunte Parkway to Village 9/Street "B".**
- 71. Street "B" from Hunte Parkway (Main Street) to Otay Valley Road.**
- 72. Otay Valley Road from east of SR-125 R/W to easterly subdivision boundary.**

** Project has been completed.

Current projects are listed in bold.

B. The city council may modify or amend the list of projects in order to maintain compliance with the circulation element of the city's general plan. (Ord. 3328 § 3(B), 2014; Ord. 3029 § 4, 2005; Ord. 2866 § 4, 2002; Ord. 2802 § 3, 1999).

3.54.040 Developer construction of transportation facilities.

A. Whenever a developer of a development project would be required by application of city law or policy, as a condition of approval of a development permit to construct or finance the construction of a portion of a transportation facility identified in CVMC 3.54.030, the city council may impose an additional requirement that the developer install the improvements with supplemental size, length or capacity in order to ensure efficient and timely construction of the transportation facilities network. If such a requirement is imposed, the city council shall, in its discretion, enter into a reimbursement agreement with the developer, or give a credit against the fee otherwise levied by this chapter on the development project, or some combination thereof.

B. Whenever a developer requests reimbursement, or a credit against fees, for work to be done or paid for by the developer under subsection (A) of this section, the request shall be submitted in writing to the city manager's designee.

1. The request shall contain a description of the project with a detailed cost estimate which itemizes those costs of the construction attributable to the transportation facility project and excludes any work attributable to a specific subdivision project. The estimate is preliminary and the amount of reimbursement or credit against fees is subject to final determination by the city manager's designee. Additional information shall be provided to the city by the developer upon request of the city.

2. Such reimbursement or credit against fees shall be subject to the following conditions:

a. Requirements of Developer.

- i. Preparation of plans and specifications for approval by the city;
- ii. Secure and dedicate any right-of-way required for the transportation facility project;
- iii. Secure all required permits and environmental clearances necessary for the transportation facility project;
- iv. Provision of performance bonds (where the developer intends to utilize provisions for immediate credit, the performance bond shall be for 100 percent of the value of the transportation facility project);
- v. Payment of all city fees and costs.

b. The city will not be responsible for any of the costs of constructing the transportation facility project. The developer shall advance all necessary funds to construct the transportation facility project.

c. The developer shall secure at least three qualified bids for work to be done and shall award the construction contract to the lowest qualified bidder. The developer may combine the construction of the transportation facility project with other development-related work and award one construction contract

for the combined work based on a clearly identified process for determining the low bidder, all as approved by the city manager's designee. Should the construction contract be awarded to a qualified bidder who did not submit the lowest bid for the transportation facility project portion of the contract, the developer will only receive transportation development impact fee credit based on the lowest bid for the transportation facility portion of the contract. Any claims for additional payment for extra work or charges shall be justified, shall be documented to the satisfaction of the city manager's designee and shall only be reimbursed at the prices for similar work included in the lowest bid for the transportation facility portion of the contract.

d. Upon complying with the conditions set forth in subsections (B)(1) and (B)(2)(a) of this section as determined by the city and upon approval of the estimated cost by the city manager's designee, the developer shall be entitled to immediate credit for 50 percent of the estimated cost of the construction attributable to the transportation facility project. Once the developer has received valid bids for the project which comply with subsection (B)(2)(c) of this section, entered into binding contracts for the construction of the project, and met the conditions set forth in subsections (B)(1) and (B)(2)(a) of this section as determined by the city, all of which have been approved by the city manager's designee, the amount of the immediate credit shall be increased to 75 percent of the bid amount attributable to the transportation facility project. The immediate credits shall be applied to the developer's obligation to pay transportation development impact fees for building permits issued after the establishment of the credit. The developer shall specify these building permits to which the credit is to be applied at the time the developer submits the building permit applications.

e. If the developer uses all of the immediate credit before final completion of the transportation facility project, then the developer may defer payment of development impact fees for other building permits by providing to the city liquid security such as cash or an irrevocable letter of credit, but not bonds or set-aside letters, in an amount equal to the remaining amount of the estimated cost of the transportation facility project.

f. When all work has been completed to the satisfaction of the city, the developer shall submit verification of payments made for the construction of the transportation facility project to the city. The city manager's designee shall make the final determination on expenditures which are eligible for credit or cash reimbursement.

g. After final determination of eligible expenditures has been made by the city manager's designee and the developer has complied with the conditions set forth in subsection (B) of this section, the final amount of transportation development impact fee credits shall be determined by the city manager's designee. The developer shall receive credit against the deferred fee obligation in an amount equal to the difference between the final expenditure determination and the amount of the 75 percent immediate credit used, if any. The city shall notify the developer of the final deferred fee obligation, and of the amount of the applicable credit. If the amount of the applicable credit is less than the deferred fee obligation, then the developer shall have 30 days to pay the deferred fee. If the deferred fees are not paid within the 30-day period, the city may make a demand against the liquid security and apply the proceeds to the fee obligation.

h. At the time building permits are issued for the developer's project, the city will incrementally apply credit which the developer has accrued in lieu of collecting the required transportation development impact fees. The amount of the credit to be applied to each building permit shall be based upon the fee schedule in effect at the time of the building permit issuance. The city manager's designee shall convert such credit to an EDU basis for residential development and/or a gross acre basis for commercial or industrial development for purposes of determining the amount of credit to be applied to each building permit.

i. If the total eligible construction cost for the transportation facility project is more than the total transportation development impact fees which will be required for the developer's project, then the amount in excess of development impact fees will be paid in cash when funds are available as determined by the city manager; a reimbursement agreement will be executed; or the developer may waive reimbursement and use the excess as credit against future transportation development impact fee

obligations. The city may, in its discretion, enter into an agreement with the developer to convert excess credit into EDU and/or gross acre credits for use against future development impact fee obligations at the fee rate in effect on the date of the agreement.

j. The requirements of this subsection (B) of this section may, in the city's discretion, be modified through an agreement between the developer and the city and approved by city council.

C. Whenever a transportation development impact fee credit is generated by constructing a transportation facility using assessment district or community facilities district financing, the credit shall only be applied to the transportation development impact fee obligations within that district. (Ord. 2866 §§ 5, 6, 7, 2002; Ord. 2823 § 1, 2000; Ord. 2802 § 3, 1999).

3.54.050 Procedure for fee waiver or reduction.

A. Any developer who, because of the nature or type of uses proposed for a development project, contends that application of the fee imposed by this chapter is unconstitutional, or unrelated to mitigation of the traffic needs or burdens of the development, may apply to the city council for a waiver, reduction, or deferral of the fee. A development which is designed and intended as a temporary use (10 years or less) and which is conducted in facilities which are, by their nature, short-term interim facilities such as a portable or modular building (including mobile homes, trailers, etc.) may qualify for a waiver, reduction, or deferral. In addition, a deferral may be granted on the basis of demonstrated economic hardship on the condition that: (1) the use offers a significant public benefit; (2) the amount deferred bears interest at a fair market rate so as to constitute an approximate value equivalent to a cash payment; and (3) the amount deferred is adequately secured by agreement with the applicant. Unless the requirement for timely filing is waived by the city, the application shall be made in writing and filed with the city clerk not later than 10 days after notice of the public hearing on the development permit application or the project is given, or if no development permit is required, at the time of the filing of the building permit application. The application shall state in detail the factual basis for the claim of waiver or reduction.

B. Any developer who proposes a golf course and contends that the application of the development impact fee is unrelated to the mitigation of the traffic needs of the golf course may apply to the city council for a reduction of the fee based on the nature of the proposed golf course. An interim reduction may be granted in the city's discretion pursuant to a written agreement with the developer and upon developer's submission of a preliminary traffic study which adequately supports the contention that the fee imposed by this chapter is not related to the traffic to be generated by the golf course. The city's final decision on the fee to be imposed on the golf course will be based on a traffic study to be paid for by the developer and prepared and submitted for approval by the city's director of public works within the fourth year of operation of the fully developed golf course. Should the developer fail to submit such traffic study and obtain the city's approval thereof during the fourth year of golf course operation, the entire fee imposed by this chapter shall be immediately due and payable. If a fee reduction is permitted, the city council may allow developer to pay the development impact fee over a 10-year period.

C. The city council shall consider the application at a public hearing on same, notice of which need not be published other than by description on the agenda of the meeting at which the public hearing is held. Said public hearing should be held within 60 days after its filing. The decision of the city council shall be final. If a deferral, reduction or waiver is granted, it should be granted pursuant to an agreement with the applicant, and the property owner, if different from the applicant, providing that any change in use within the project shall subject the development to payment of the full fee. The procedure provided by this section is additional to any other procedure authorized by law for protesting or challenging the fee imposed by this chapter. (Ord. 2802 § 3, 1999).

3.54.060 Payment of DIF program support.

The "DIF program support" shall, with no exceptions, be paid in cash concurrently with the development impact fee at a rate equal to three percent of the DIF program's hard project costs, as identified in the most recent financial and engineering study, subject to the adjustment authorized by CVMC 3.54.010(C). (Ord. 3328 § 3(C), 2014; Ord. 2802 § 3, 1999).

3.54.070 Exemptions.

Development projects by public agencies shall be exempt from the provisions of this fee.

Exempt development uses with the following characteristics or activities as a principal use of land, generally described as “community purpose facility”:

- A. Social service activities, including such services as Boy Scouts, Girl Scouts, Boys Club and Girls Club, Alcoholics Anonymous, YMCA and services for the homeless;
- B. Public schools (elementary and secondary);
- C. Private schools (elementary and secondary);
- D. Day care (nonprofit only);
- E. Senior care and recreation (nonprofit only);
- F. Worship, spiritual growth and development. (Ord. 2802 § 3, 1999).

3.54.080 Assessment districts.

If any assessment or special taxing district is established for any or all of the facilities listed in CVMC 3.54.030, the owner or developer of a project may apply to the city council for a credit against the fee in an amount equal to the development’s attributable portion of the cost of the authorized improvements as determined by the director of public works, plus incidental costs normally occurring with a construction project, but excluding costs associated with assessment district proceedings or financing. (Ord. 2802 § 3, 1999).

3.54.090 Economic incentive credit.

The City may receive economic incentive credit only for those eligible projects (i) identified in CVMC 3.54.030 and (ii) for amounts of funding not identified in the most recent financial and engineering study. (Ord. 3328 § 3(D), 2014; Ord. 2866 § 8, 2002).