

(R-84-1154)

RESOLUTION NUMBER R- 259897

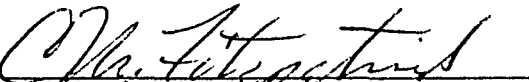
Adopted on JAN 3 1984

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

That in connection with Emergency Ordinance No. O-16095 (New Series) adopted on December 14, 1983, the City Manager be and he is hereby directed to administer the ordinance as outlined in the alternative plan set forth in City Manager's Report No. 83-540 dated December 30, 1983, a copy of which is attached hereto as Enclosure (1) and in connection therewith refund any monies heretofore collected from developers which is inconsistent with said alternative plan.

APPROVED: John W. Witt, City Attorney

By



C.M. Fitzpatrick  
Senior Chief Deputy

CMF:ps:607  
1/6/84  
Or.Dept:Clerk  
Form=r.none



The City of San Diego

#200  
1/3/8

# MANAGER'S REPORT

DEC 30 PM 1:43  
SAN DIEGO, CALIF.

## INFORMATION

DATE ISSUED: December 30, 1983      REPORT NO. 83-540  
SUBJECT: Discussion Regarding the Emergency Ordinance, Adopted as  
0-16095 on December 14, 1983  
REFERENCE: City Manager Report 83-513, issued December 7, 1983

## BACKGROUND

On December 14, 1983, the Council considered and approved an emergency ordinance which limited the issuance of building permits and commencement of construction in planned urbanizing communities unless and until provisions for public facilities had been made. On December 16, 1983, the Building Industry Association (BIA) of San Diego County sought a temporary restraining order to delay the effect of the ordinance until a court hearing could be held. This request was denied, pending a hearing on the matter which was then set for December 23, 1983. This latter court hearing was cancelled by representatives of the industry, based on the understanding that the Council would consider the emergency ordinance at its meeting of January 3, 1984. The effect of the various actions over the past three weeks has been to leave in place the emergency ordinance as adopted.

The ordinance is being administered as follows:

No building permits will be issued nor shall construction commence under existing permits unless and until provision by the applicant or permittee has been made for the development of the public facilities that are rendered necessary by the proposed construction. This can be accomplished by actual construction of such facilities or the provision of financing for such construction.

Presently these provisions are being met by payment by applicants for building permits of a fee based upon: (1) Council-approved financing plans, (2) financing plans developed by the City Manager to be submitted for approval by the City Council in the near future, (3) proposed construction of the public facilities by the applicant or, (4) development agreements between the City and the applicant.

The following is an alternative to the current administration of the ordinance:

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New or increased fees would be applicable only after the effective date of Council adoption of a Financing Plan and/or ordinance which provides for new or increased fees. Until such time as new or increased fees are adopted by Council, Building Permits would be issued after payment of the fees now in place.

The practical impact on building permits issued, which were not under construction by December 14, 1983, is that the permittee would pay no additional fees. These permits would have generated about \$425,000, based on new or increased fees.

In nine of the Planned Urbanizing Communities, building permits would be issued after payment of current fees until such time as Council adopts a Financing Plan and ordinance providing for new or increased fees for public facilities for each community. The status of the nine (9) Planned Urbanizing Communities, with regard to providing for new or increased fees, is as follows:

TIERRASANTA RANCHO BERNARDO SOUTH BAY TERRACES	(Financing plans and Park Fee (Ordinance on January 10, 1984, (Council Docket
PENASQUITOS MIRA MESA SCRIPPS RANCH	(Financing Plans and Park Fee (Ordinance to Council in (February 1984
SORRENTO HILLS OTAY MESA MIRAMAR RANCH NORTH	(No Current Construction Activity (Financing Plans to Council Prior (to Development


The impact, assuming that building permit applications currently in process (see Attachment A), and some additional number of new applications would not require payment of any new or increased fees, would be in the order of three to four million dollars.

In those communities where the Council has adopted a Financing Plan, FBA, or Development Agreement that provides for the necessary fees for public facilities, a developer would pay those fees under the Emergency Ordinance. This would impact North City West, Sabre Springs, North University City, Rancho Carmel and Fairbanks Country Club.

#### CONCLUSION

Should the City Council desire that the City Manager modify the current procedure and follow the alternative indicated, the City Attorney has advised that the appropriate action would be for the City Council to adopt a resolution approving the alternative described above.

Respectfully submitted,

  
John P. Fowler  
Deputy City Manager

CASEY/GTS

Attachment

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BUILDING PERMIT APPLICATIONS  
PENDING AS OF 12/14/83  
(NOT COVERED BY DEVELOPMENT AGREEMENTS)

COMMUNITY	SF	MF	CON/AC	IND/AC	PARK FEE*	DIF	TOTAL
HIRA MESA	672	340	1.5	72	\$1,076,650	\$ 998,724	\$2,075,374
TIERRASANTA	35	10	-	-	22,496	18,900	41,396
RANCHO BERNARDO	167	434	4	-	115,243	62,900	178,143
PENASQUITOS	33	-	-	-	20,790	17,061	37,851
SCRIPPS RANCH	47	72	3	-	-	175,209	175,209
SO. BAY TERRACES	62	17	-	-	18,083	-	18,083
NO. UNIVERSITY CITY	-	251	14	-	-	489,340	489,340
TOTALS	1,016	1,124	22.5	72	\$1,253,262	\$1,762,134	\$3,015,396

\*INCREASE OVER CURRENT FEE

R-259857

Passed and adopted by the Council of The City of San Diego on JAN 3 1984,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**ROGER HEDGECOCK**  
 Mayor of The City of San Diego, California.

(Seal)

**CHARLES G. ABDELNOUR**  
 City Clerk of The City of San Diego, California.

By *Barbara Berridge*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-259897 Adopted JAN 3 1984