

ORDINANCE NUMBER O- 17013 (NEW SERIES)
ADOPTED ON JAN 25 1988

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,
DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 62.0208 RELATING TO COST
REIMBURSEMENT DISTRICT PROCEDURAL.

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

Section 1. That Chapter VI, Article 2, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 62.0208 to read as follows:

SEC. 62.0208 COST REIMBURSEMENT DISTRICT PROCEDURAL ORDINANCE

(a) Purpose and Intent.

In the course of development of properties, whether through the subdivision process or the development or redevelopment of previously subdivided properties, it is frequently necessary or desirable to require the developer to install certain public improvements, which improvements exceed in size, capacity or number that which is normally required to benefit the development or which are located off-site of the development and which benefit property or properties not within the subdivision or development and which improvements are dedicated to the public. It is the purpose of this ordinance to establish requirements and procedures for reimbursement of either the developer and/or the City by those property owners who subsequently benefit by the improvements to the extent of their benefit. It is the intent of

the Council that all property owners who subsequently benefit and who have made no contribution to the costs of required improvements, either directly or through any public improvement proceedings for which assessments are levied, shall make reimbursements. These requirements may be imposed either prior to, concurrent with, or subsequent to the construction of the public improvements. It is further the intent of the Council that this chapter shall be in addition to and supplemental to the reimbursement procedures as set forth in the State Subdivision Map Act, the Streets and Highways Code and other provisions of this Municipal Code.

(b) Nature of Improvements.

The State Subdivision Map Act provides in Sections 66485 and 66486 for the adoption of a local ordinance which establishes requirements and procedures for reimbursement and a requirement for entering into an agreement with the subdivider to reimburse the subdivider for that portion of the costs of such improvements equal to the difference between the amount it would have cost the subdivider to install improvements to serve the subdivision only and the actual cost of such improvements. These improvements include, but are not limited to, streets (access or major thoroughfare), bridges, traffic signals, drainage, water and sanitary sewer facilities. In regard to drainage and sanitary sewer facilities in the subdivision situation, the City must adopt a plan as designated in Section 66483 to impose a reasonable charge on property within the area benefited by such drainage or sanitary sewer facilities. In a nonsubdivision

development project, the City may follow the same procedures as established for reimbursement of subdividers who have constructed improvements of the nature set forth herein. In addition, the City Engineer shall define the area of benefit and establish assessments as provided herein.

(c) Definitions.

1. "Actual or total estimated cost of public improvements" means the estimated or actual total costs for the construction and engineering, the costs of the formation of the reimbursement district and right-of-way costs, and condemnation costs when condemnation proceedings are required. If the scope of the project is altered during construction, the City Council may increase the estimated cost by not more than fifteen percent (15%) without further notice to the affected property owners.

2. "Benefited area" means the entire area which receives a benefit from the public improvement. The benefited area shall be that area which, in the opinion of the City Council, upon the recommendation of the City Engineer, and after a public hearing, is determined to be the area benefited by the construction of the public facility.

3. "Developer" means the person who is responsible for constructing the public improvement.

4. "Excess costs" means the amount that is the difference between the amount it would have cost to install such improvements to serve the development only and the total costs of the required improvements.

5. "Public improvements" means those improvements as set forth herein including, but not limited to, streets (access or major thoroughfare), bridges, traffic signals, drainage, water or sanitary sewer facilities and any accessory improvements necessary to the functioning of the public improvements, but shall not include any public improvements which will benefit only the development in which they are located or are installed by a public improvement proceeding for which assessments are levied or are authorized requirements for the subdivision of land. Public improvements shall also include the cost of acquisition of any necessary land or right-of-way for the construction of the improvement.

6. "Reimbursement district" means the benefited area within which property shall be made subject to a reimbursement charge or assessment for the purpose of reimbursing the developer for the excess costs of the public improvement.

(d) Request For Reimbursement Agreement.

Whenever a developer elects or is required by the City to install or replace improvements which are in excess of those improvements required to accommodate the development and are determined to benefit property other than that of the developer, or whenever the City participates in the costs of improvements which it is determined will be of benefit to property other than, or in addition to, that of the developer; and provided that the costs of such improvements are not covered by an assessment under a public improvements proceeding, the developer may request the Council or the Council on its own volition may form a

reimbursement district. The request of the developer shall be in writing and filed with the City Clerk who shall place it on the agenda of the next regular meeting of the Council.

(e) Council Action on Request.

After considering the developer's request or upon the recommendation of the City Manager, the City Council in its sole discretion, may direct the City Manager to begin the proceedings for the formation of a reimbursement district.

(f) Costs of Formation of Reimbursement District.

The costs of the formation of the reimbursement district shall include, as estimated by the City Engineer:

1. The costs of all notices published or mailed pursuant to these proceedings.
2. The cost to the City in the preparation of the estimated costs of the facilities, determination of the benefited area and estimate of the proper assessment.
3. No costs for administering the district after establishment shall be included.

(g) Estimate Of The City Engineer.

Pursuant to the direction of the Council, the City Manager, in consultation with the developer, shall prepare and file:

1. A map describing the benefited area which identifies all parcels within the area.
2. The actual or total estimated cost of improvements.
3. An estimate of the assessment and spread thereof necessary to equitably pay the excess costs.

In those situations where an excessive amount of time and labor would be involved in the preparation of such documents and estimates, the City Engineer may request that special engineering services be retained to expedite and facilitate the preparation of the documents and estimates. This retained engineer shall have no contractual relationship with the developer. The costs of any such engineering service shall be paid by the developer; however, the costs shall be considered an incidental cost of the improvements to be recouped pursuant to the provisions of the reimbursement district. The City Engineer shall respread the assessment after final costs have been calculated.

(h) Notice and Hearing on Establishment of Reimbursement District.

1. Upon receiving the City Engineer's estimate, the City Clerk shall set a hearing before the City Council.

2. The City Clerk shall cause a notice of the hearing, in substantially the following form, to be published once in a newspaper of general circulation in the city at least ten (10) days prior to such hearing.

NOTICE OF HEARING

1. The City Council of The City of San Diego will hold a public hearing at _____ on _____ at the City Council Chambers on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California, 92101 to consider the establishment of a reimbursement district for the financing of certain _____ within the City.

All property within the described area may be subject to a fee to pay the cost of providing such facilities, to wit: That property more particularly described by plat on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of said public improvements, the cost of said public improvements, the benefited area or the amount of the excess costs, may appear and be heard at said hearing.

2. The City Engineer shall, at least twenty (20) days prior to the hearing, also cause a copy of the above notice to be mailed to each owner of real property within the benefited area as shown on the last equalized assessment roll. Such notice shall be accompanied by a map of the proposed benefited area and a statement by the director of public works describing:

a. The description of the public improvements and the portion considered to be excess to the developer's requirements.

b. The estimated or actual costs necessary to pay for the public improvements.

c. The estimated or actual costs which are proposed to be assessed against the benefiting property when the property is developed (excess costs).

(i) Action by City Council.

After the public hearing the City Council may, in its sole discretion, approve a resolution establishing the district as well as enter into a reimbursement agreement with the developer to provide for the disbursements of proceeds of the district.

The resolution establishing the reimbursement district shall contain:

1. A list of the properties, identified by legal description or by reference to a map of the district, which are included within the district.

2. A description of the public improvements and the excess costs which are to be recovered through the district.

3. An apportionment of the costs of the district which represent the estimated amount to be assessed against each parcel within the district.

4. The time when such assessed costs are due and payable.

5. Other such matters appropriate to the establishment and administration of this district.

The reimbursement agreement with the developer shall contain such provisions as are deemed necessary and appropriate to specify the procedures governing the reimbursements and setting the term of the reimbursements.

The charges against each parcel within the district shall be subject to a simple interest at seven percent (7%) per year to be paid at the time the assessed costs are paid.

Once the allocation of the cost has been approved by a resolution of the Council of the City, it shall constitute a

statement of charges due from the owners and their successors, heirs or assigns of the various parcels of property as their share of the public improvements.

The City Clerk shall record a copy of the Council resolution with the County Recorder. The resolution shall include the ownership of record, the legal description, and the amount of charges for each lot or parcel within the district. The resolution shall also indicate that at the expiration of the reimbursement agreement the property shall be free of any encumbrance or obligation to pay for the improvements. Subsequent to the construction of the public improvements, the City Engineer shall respread the assessment after final costs have been calculated and shall cause the assessment roll to be appropriately modified. Upon payment of the amounts due, or upon the expiration of the district, the City Engineer shall cause to be filed a release of lien upon the property or properties affected.

(j) Limitations on Reimbursement Agreement.

The reimbursement agreement shall be subject to an annual seven percent (7%) interest charge as provided in Section (i), six percent (6%) of which shall be payable to the person who is entitled to reimbursement during the term of the agreement, and one percent (1%) shall be payable to the City during the term of the contract and placed by the City in its general fund to cover the administrative costs of the City in its expense in handling the collection of such funds. At the conclusion of the term of the reimbursement agreement, the total annual seven percent (7%)

interest charge shall be payable to the City. The term of any reimbursement agreement shall be established by the City Council based upon the reasonable expectations of the development of benefited properties or the utilization of the public improvement by such benefited properties; provided, however, that the maximum term of any reimbursement agreement shall be for a period of twenty (20) years.

If, during a twenty (20) year period following the formation of the district, any person either records a final map or a final parcel map or applies for a building permit on a lot for which a charge for public improvements has been established in accordance with this chapter, and such person or his predecessor in interest has not paid such charges to the City, the established charge shall be paid prior to the filing of the final map or parcel map, or the issuance of the building permit; provided, however, such payment shall not be required in connection with building permits having a total improvement value of ten thousand dollars (\$10,000) or less; provided, however, that improvements which are a modification or addition to single family structures shall not be subject to an assessment under a reimbursement agreement; and provided further, that the money paid shall include the principal charge plus interest in the amount of seven percent (7%) from the date of establishment of the charge.

(k) Obligation of Developer or Subdivider to Claim Moneys.

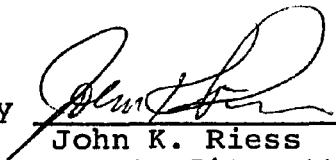
All moneys collected under the provisions of this chapter shall be deposited by the City Treasurer into the appropriate public improvement reimbursement trust fund or a Subdivision Map

Act reimbursement trust fund. The City Auditor shall refund to the person or persons who paid for the improvements for which the charges were collected, or to their assignees, all moneys so collected; except, however, that one percent (1%) of all such moneys collected shall be retained by the City to defray the expenses incurred in administering the trust fund.

The City shall notify the developer or subdivider of the existence of moneys deposited in said fund. The notice shall be mailed to the address contained in the reimbursement agreement and no further inquiries shall be required by the City. If any such money remains on deposit with the City without being claimed by the party rightfully entitled to it within three (3) years after notice has been made as provided herein, such money shall be forfeited to the City, and then it shall be transferred to the general fund of the City.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 

John K. Riess
Deputy City Attorney

JKR:wk
11/23/87
01/11/88 REV. 1
Or.Dept:E&D
0-88-51
Form=o.none

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

JAN 25 1988

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *Rhonda B. Barnes*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 1 1988

JAN 25 1988

~~I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By *Rhonda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17013** Adopted

JAN 25 1988

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1988 FEB 10 AM 10:28
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: RHONDA R. BARNES

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION
2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 62.0208 RELATING TO CHARGES FOR PRIOR STREET
IMPROVEMENTS.

I, THOMAS D. KELLEHER, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17013 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION
2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 62.0208 RELATING TO CHARGES FOR
PRIOR STREET IMPROVEMENTS.
This ordinance repeals the existing provisions of the code relating
to recovering the cost of constructing over capacity street improve-
ments and replaces it with a new procedural ordinance. The new or-
dinance expands the type of activities for which a cost recovery dis-
trict can be created. It provides definitions and establishes pro-
cedures for notice and hearing regarding the imposition of fees. It
provides for a twenty (20) year duration of the district and allows for
the recovery of operating costs by the City.
A complete copy of the Ordinance is available for inspection in the
City of the City Clerk of the City of San Diego, 2nd Floor, City Ad-
ministration Building, 202 "C" Street, San Diego, CA 92101.
ADOPTED ON January 11, 1988
and Adopted by the Council of The City of San Diego
CERTIFICATED BY: MAUREEN O'CONNOR
of The City of San Diego, CA
LES G. ABDELNOUR
Clerk of The City of San Diego, CA
(SEALED)
By RHONDA R. BARNES, Deputy
Pub. February 8 88809

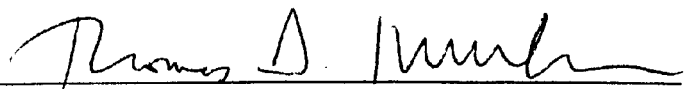
ORDINANCE NUMBER O-17013 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

FEB. 8

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 8 day of FEB., 1988.



(Signature)

27 lines x .98 = 52.72

2.5" x 2 x 10.78 = 153.90

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

1988 FEB 19 AM 10:31

SAN DIEGO, CALIF. P

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: RHONDA R. BARNES

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 102.0200, 102.0201, 102.0301, 102.0310 AND 102.0312.5, RELATING TO SUBDIVISION MAPS.

ORDINANCE NUMBER O-17014 (NEW SERIES)
ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 102.0200, 102.0201, 102.0301, 102.0310 AND 102.0312.5, RELATING TO SUBDIVISION MAPS.
This ordinance amends the Municipal Code Section relating to vesting tentative maps. The amended language incorporates conditions relating to phasing and adequacy of public facilities which will be required by the City with respect to all applications for development approval, including vesting tentative maps.
This amendment further clarifies the obligations of both the applicant and the City with respect to site plan features, proposed landscaping, sewer and water facilities and road needs. The ordinance also specifies that all aspects of the proposal for which a right is sought shall be clearly indicated on the submitted site plan. The proposed amendment details additional requirements which are necessary to ensure that the vesting tentative map is in compliance with other regulations in effect. This information includes:
1. Architectural elevations (including height and size dimensions); roofing treatment; front, side and rear elevations; and a list of exterior building materials.
2. A list of proposed uses.
3. Grading plan (complete).
4. Geological report, including subsurface observations.
5. Preliminary landscape and irrigation plans.
6. Flood control plans (existing and proposed).
7. List of proposed sewer and water services.
8. Street and road improvement preliminary plans.
9. Site plan indicating building placement on each lot showing setback dimensions.
10. A timing, phasing and financing plan for all public capital improvement facilities with a proposal for assuring installation prior to beginning a grading or building permit coupled with facility completion prior to occupancy of any dwelling unit. No vesting tentative map or vesting tentative parcel map shall be granted until a capital improvement program has been adopted in the applicable community.
11. All other submission information required for a planned development permit and special permit.
ADOPTED ON 1/12/88
Passed and Adopted by the Council of The City of San Diego on 1/12/88
CERTIFICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By RHONDA R. BARNES, Deputy
Pub. February 16, 1988

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17013 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

FEB. 16

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 16 day of FEB., 1988.

Thomas D. Kelleher
(Signature)

52 lines x .98 = 101.92

4 3/4 x 2 x 10.78 = \$102.42