

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 98.0610; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 142.0640, RELATING TO BUILD BETTER SAN DIEGO (SD) CITYWIDE INITIATIVE.

§98.0610 Payment of Housing Impact Fee

Except as provided elsewhere in this section, the applicable Housing Impact Fee shall be paid ~~at the time required building permit fees are paid and no later than the first inspection~~ prior to a final inspection. A final inspection of the Nonresidential Development Project ~~performed by the City~~ shall not occur until the applicable Housing Impact Fee is paid. The amount of the Housing Impact Fee shall be determined as follows, in accordance with the fee schedule set forth in Appendix A in effect on the date the project application is submitted: Gross Square Feet Nonresidential Space x Applicable Fee by type of use as determined by the Mayor or his or her designee by application of APPENDIX A to this Division = Housing Payment. For purposes of this Division, the Housing Impact Fee for an interior remodel shall be the fees for the new use, less any fees that either were paid or would have been paid based on the existing use of the building.

~~(a) — Notwithstanding Section 98.0610(a), Building Permits may be issued if the City Manager defers payment of the Housing Impact Fee in accordance with all of the following:~~

~~(1) — Payment of Housing Impact Fees shall not be deferred unless and until a Fee Deferral Agreement is entered into to the satisfaction of the City Manager. The Fee Deferral Agreement shall be recorded against the applicable property in the Office of the San Diego County Recorder and shall constitute a lien for the payment of the Housing Impact Fee. The Fee Deferral Agreement shall be binding upon, and the benefits of the agreement shall inure to, the parties and all successors in interest to the Fee Deferral Agreement.~~

~~(2) — Payment of Housing Impact Fees shall only be deferred if the applicable administrative processing fee, as adopted by City Council resolution, is paid by the Building Permit applicant or landowner.~~

~~(3) — Payment of Housing Impact Fees may be deferred for a maximum period of two years from the effective date of a Fee Deferral Agreement, or until a final inspection is requested, whichever occurs earlier. A final inspection shall not occur, and where applicable, no certificate of occupancy shall be issued, until the applicable Housing Impact Fee is paid.~~

~~(4) — If payment of the Housing Impact Fees is deferred, the amount of~~

~~the Housing Impact Fee due shall be determined in accordance with section 98.0610(a).~~

§142.0640 Impact Fees for Financing Public Facilities and Spaces

(a) [No change in text].

(b) [No change in text].

(1) through (9) [No change in text].

(10) Development that designs and constructs a mobility improvement that is an identified Citywide Mobility Development Impact Fee (DIF) improvement in accordance with the Citywide Mobility Fee Nexus study, shall not be subject to pay the entire Citywide Mobility DIF, where the requirements set forth in San Diego Resolution R-_____ have been satisfied. To be eligible for any exemption under this subsection, the following additional requirements shall apply:

(A) The mobility improvements shall be designed and constructed in accordance with all engineering standards to the satisfaction of the City Engineer.

(B) The mobility improvement shall be publicly accessible at all times.

(C) A performance bond and payment bond shall be

provided by the applicant for the design and construction of the mobility improvement(s) prior to the issuance of the first Building Permit for dwelling units or non-residential uses in the development, and no final inspection shall occur for the remaining 50 percent of the total dwelling units or non-residential uses in the development until the mobility improvement(s) have been constructed to the satisfaction of the City Engineer; and

(D) Prior to requesting final inspection of the first dwelling unit or non-residential uses in the development, a fee in the amount of 10 percent of the total Citywide Mobility DIF that would have otherwise been required shall be paid in accordance with Resolution

R-_____.

(c) through (e) [No change in text].

(f) Developer Reimbursement Agreements (DRA)

For purposes of this Division, a DRA means an agreement to reimburse another entity for all or a portion of the cost of the entity's contracts with consultants and/or contractors for the design and construction of a public works project. The City Manager may enter into a DRA for a public works project that contains supplemental size, capacity, number, or length, or will serve ~~communitywide~~ Citywide needs, the need for which is not

directly attributable to the *development*, provided that the following minimum requirements are satisfied:

- (1) [No change in text.]
- (2) The public works project is identified in the annual capital improvement plan budget ~~a City Council adopted public facilities financing plan or impact fee study~~ and the amount of reimbursement does not exceed the amount identified for the public works project in the annual capital improvement plan budget ~~adopted public facilities financing plan or impact fee study~~.
- (3) through (4) [No change in text.]
- (5) For DRAs executed prior to (insert ordinance date), should the DIF fund be exhausted, the applicant may apply for a credit with the planning department, based on the asset type of the improvement they are providing and for what has been approved, for the applicable Citywide Park DIF fund or the Citywide Mobility DIF fund.
- (g) [No change in text.]

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