

ORDINANCE NO. 2012-12

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING AMENDMENTS TO THE  
ESCONDIDO MUNICIPAL CODE CHAPTER 6  
ARTICLES 17, 18A-D, AND 21, AND  
CHAPTER 33 ARTICLE 37 REGARDING  
DEFERRAL OF DEVELOPMENT FEES

Case No. AZ 12-0003

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN  
as follows:

SECTION 1. That proper notices of a public hearing have been given and  
public hearings have been held before the City Council on this issue.

SECTION 2. That the Escondido Municipal Code Chapter 6, Article 17,  
Sections 6-438 is amended as follows:

**Sec. 6-438. Imposition, calculation and collection of development fees.**

(a) Development fees shall be imposed as a condition of approval of a  
development project. No tentative or final subdivision map, parcel map, grading permit,  
building permit, final inspection or certificate of occupancy shall be approved unless the  
provisions of this section have been fulfilled.

(b) Development fees shall be imposed by affixing the following language to  
the development approval:

Approval of this development project is conditioned upon payment of all  
applicable development fees and connection fees in the manner provided in Chapter 6  
of the Escondido Municipal Code.

(c) Water and sanitary sewer connection fees shall be calculated and  
collected at the time of application for connection to the utility system; except that  
payment of sanitary sewer fees may be deferred pursuant to section 6-465.5 of Article  
18D of this chapter.

(d) All other development fees shall be calculated and collected at the time of issuance of a building permit; except that payment may be deferred to final inspection request subject to the subdivider, developer or builder entering into an agreement with the City, approved by the City Attorney and recorded, which will provide for the deferment of the payment of said fees to a date established by the City, not to exceed one year from building permit issuance. The calculation of deferred development fees due shall be based on the development fee schedule in effect at the time of payment. Development fees required as mitigation measures may be deferred only in accordance with the mitigation monitoring and reporting program.

(e) No building permit shall be issued until all development fees due for the development project have been paid or secured through a recorded agreement with the City. No temporary or final certificate of occupancy or permanent connection to utilities may be granted until all development fees have been paid in full. Procedures to implement fee deferral may be amended from time to time by City Council Resolution.

(f) Procedures to implement fee deferrals, development fee amounts and fee benefit areas shall be established, and may be amended from time to time by City Council Resolution. (Ord. No. 89-12, § 2, 4-12-89; Ord. No. 89-25, § 2, 6-7-89; Ord. No. 89-50, § 1, 10-11-89; Ord. No. 91-30, § 1, 8-7-91; Ord. No. 2003-16, § 1, 6-4-03)

SECTION 3. That the Escondido Municipal Code Chapter 6, Article 18A, Section 6-450.8 is amended as follows:

**Sec. 6-450.8. Collection of traffic fee.**

The building official shall be responsible for the collection of the traffic fee pursuant to section 6-438 of Article 17 of this chapter unless:

(a) The applicant is entitled to a full credit pursuant to section 6-442 of Article 17 of this chapter; or

(b) The applicant is exempt pursuant to section 6-444.3 of Article 17 of this chapter; or

(c) The applicant has taken an appeal pursuant to section 6-444.2 of Article 17 of this chapter and a bond or other surety in the amount of the fee, as calculated by the building official, and approved by the City Attorney, has been posted with the City. (Ord. No. 89-13, §§ 1, 2, 4-12-89)

SECTION 4. That the Escondido Municipal Code Chapter 6, Article 18B, Section 456.8 is amended as follows:

**Sec. 6-456.8. Collection of public facility fee.**

The building official shall be responsible for the collection of the public facility fee pursuant to section 6-438 of Article 17 of this chapter unless:

(a) The applicant is entitled to a full credit pursuant to section 6-442 of Article 17 of this chapter; or

(b) The applicant is exempt pursuant to section 6-444.3 of Article 17 of this chapter; or

(c) The applicant is exempt pursuant to section 6-444.2 of Article 17 of this chapter and a bond or other surety in the amount of the fee, as calculated by the building official, and approved by the City Attorney has been posted with the City. (Ord. No. 89-14, § 1, 4-12-89)

SECTION 5. That the Escondido Municipal Code Chapter 6, Article 18C, Section 460.8 is amended as follows:

**Sec. 6-460.8. Collection of park fee.**

The building official shall be responsible for the collection of the park fee pursuant to section 6-438 of Article 17 of this chapter unless:

(1) The applicant is entitled to a full credit pursuant to section 6-442 of Article 17 of this chapter; or

(2) The applicant is exempt pursuant to section 6-444.3 of Article 17 of this chapter; or

(3) The applicant has taken an appeal pursuant to section 6-444.2 of Article 17 of this chapter and a bond or other surety in the amount of the fee, as calculated by the building official, and approved by the City Attorney, has been posted with the City. (Ord. No. 89-15, § 1, 4-12-89)

SECTION 6. That the Escondido Municipal Code Chapter 6, Article 18D, Section 465.5 is amended as follows:

**Sec. 6-465.5. Payment of fees.**

No final map, final parcel map or building permit shall be approved by the City until the drainage fees or sanitary sewer fees required by this article have been paid in full. Final maps, final parcel maps and building permits may be approved prior to the full payment of the drainage and sanitary sewer fees, subject to the subdivider, developer or builder entering into an agreement with the City, secured by money, a bond by one (1) or more duly authorized corporate sureties, or instrument of credit, approved by the

City Attorney, which will provide for the deferment of the payment of said fees to a date established by the City, not to exceed one year from the date of connection or building permit issuance. The calculation of deferred fees due shall be based on the development fee schedule in effect at the time of payment. The City may accept other considerations in lieu of payment of fees. (Ord. No. 97-14, § 12, 7-2-97)

SECTION 7. That the Escondido Municipal Code Chapter 6, Article 21 is deleted.

SECTION 8. That the Escondido Zoning Code Chapter 33, Article 37, Section 33-734 is amended as follows:

**Sec. 33-734. Fees.**

(a) By resolution, the City Council shall establish a schedule of construction requiring building permits from the City which shall pay a fee for art in public places or provide art in public places pursuant to subsection (b) of this section. There shall be no fee for the following:

(1) Individual tenant improvements in a commercial or industrial building and all residential improvements to existing residential structures (such as room additions) except for work which results in an additional dwelling unit.

(2) The first two thousand (2,000) square feet of any structure. This exception shall not apply on an individual basis to commercial structures which are part of a larger integrated commercial center, but shall apply only to the first two thousand (2,000) square feet of the entire center.

(b) Prior to issuance of a building permit, the applicant or developer for projects identified in subsection (a) of this section shall be required to either:

(1) Pay the art fee which shall be established from time to time by City Council Resolution; or

(2) Enter into to an agreement with the City to defer payment to a date established by the City, not to exceed one year from building permit issuance, with the calculation of such fee due based on the fee schedule in effect at the time of payment; or

(3) In lieu of the fee, donate art which shall have been approved by the public art partnership panel and have a minimum value determined by the panel based upon the fee schedule which shall be established by City Council Resolution; or

(4) A combination of the above.

(c) If art has been provided in lieu of a fee for construction requiring building permits, the art shall be installed, maintained and operated at all times in substantial conformance with the manner in which the art was originally approved by the panel.

(d) Following approval of the project, the applicant shall record a document with the county recorder setting forth a description of the art and stating the obligation of the property owner to repair and maintain the art project. This document and the underlying land shall be in form to run with the land and provide notice to future property owners of the obligation to repair and maintain the art project.

(e) At any time the panel has determined that project has not been maintained in substantial conformance to the manner in which it was originally approved, the panel shall require the current property owner to either:

(1) Repair or maintain the art; or

(2) Pay the art fee required by subsection (b) of this section, based upon the current fee schedule and the square footage of the building, structure or improvement for which the art was required. (Zoning Code, Ch. 107, § 1074.40; Ord. No. 90-26, § 1, 6-13-90; Ord. No. 97-10, § 1, 6-4-97)

SECTION 9. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 10. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

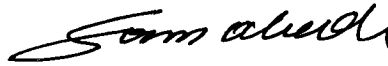
PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 20th day of June, 2012 by the following vote to wit:

AYES : Councilmembers: GALLO, MORASCO, WALDRON, ABED

NOES : Councilmembers: DIAZ

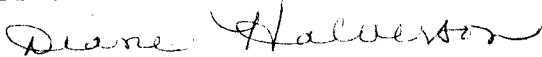
ABSENT : Councilmembers: NONE

APPROVED: 4/1



SAM ABED, Mayor of the  
City of Escondido, California

ATTEST:

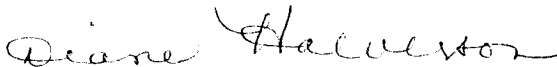


DIANE HALVERSON, City Clerk of the  
City of Escondido, California

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STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2012-12 passed at a regular meeting of the City Council of the City of Escondido held on the 20th day of June 2012, after having been read at the regular meeting of said City Council held on the 13th day of June, 2012.



DIANE HALVERSON, City Clerk of the  
City of Escondido, California

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