

OFFICE OF CITY CLERK  
SAN DIEGO, CALIFORNIA

May 27, 1971

Population--Based Park Service Districts of the City of  
San Diego, mentioned on page 2 (Sec. 102.0801) of the  
following Ordinance No. 10239 (New Series) is Tag No.  
10501, Document No. 730958.

ch

ORDINANCE NO. 10239  
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE, BY ADDING DIVISION 8 AND SECTIONS 102.0800 THROUGH 102.0810, RELATING TO THE ESTABLISHMENT OF REGULATIONS FOR CONTRIBUTION OF LANDS AND/OR PAYMENT OF FEES FOR PARK AND RECREATIONAL FACILITIES IN SUBDIVISIONS.

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

Section 1. That Chapter X, Article 2, of the San Diego Municipal Code be amended by adding Division 8, and Sections 102.0800 through 102.0810, to read as follows:

DIVISION 8

ACQUISITION AND DEVELOPMENT OF PARK AND RECREATIONAL FACILITIES

SEC. 102.0800 PURPOSE AND INTENT

In 1965, the Legislature of the State of California amended the Subdivision Map Act (Section 11500 et seq. of the Business and Professions Code) so as to enable cities and counties to require either the contribution of land, the payment of fees, or a combination of both, for park or recreational purposes, as a condition of approval of a subdivision map.

Before a city or county may avail itself of said Act, it must have adopted a general plan containing a recreational element with definite principles and standards for the park and recreational facilities to serve the residents of the city or county.

The City Council of The City of San Diego has adopted a general plan containing such recreational element.

It is the intent of this Division to provide for the implementation of those provisions of the Subdivision Map

Act referred to above, and it is further the intent of this Division that the cost of land and improvements for population-based parks to serve the future inhabitants of subdivisions shall be borne by such subdivisions.

It is also the intent of this Division to provide that neighborhood parks shall be developed before community parks are developed.

SEC. 102.0801    ADOPTION OF PARK SERVICE  
                      DISTRICTS MAP

The City Council does hereby adopt a map entitled, "Population-Based Park Service Districts of the City of San Diego." Lands contributed by, and fees collected from subdividers of land within a given park service district delineated on this map shall be allocated for park and recreational purposes within the said district.

SEC. 102.0802    APPLICATION

The provisions of this Division shall apply to all subdivisions and parcel maps which increase the number of permissible dwelling units as such are defined in Chapter X, Article 2 of the San Diego Municipal Code, except industrial subdivisions and subdivisions for which tentative subdivision maps have been filed within thirty (30) days after the effective date of this Division.

SEC. 102.0803    RELATION OF LAND REQUIRED  
                      TO POPULATION DENSITY

The Progress Guide and General Plan for the City of San Diego adopted on July 20, 1967 by the San Diego City Council states:

The standards for population-based parks discussed previously require a total of approximately 2.8 acres per 1,000 residents. In terms of actual land procurement, however, this figure could be reduced to approximately 1.5 acres per 1,000 residents if all parks are located adjacent to schools.

SEC. 102.0804 POPULATION DENSITY

Population density for the purpose of this division shall be determined in accordance with the 1960 census of population and housing for the City of San Diego, as follows:

1. Single family dwelling units and duplexes contain 3.7 persons per dwelling unit.
2. Multiple family dwelling units contain 2.5 persons per dwelling unit.

R-1 lands shall be computed at one dwelling unit per lot. R-2 zoned lands shall be estimated at 10 dwelling units per acre. All other residentially-zoned land shall be estimated at 22 dwelling units per acre and all commercially-zoned land permitting residential development shall be computed at 25 dwelling units per acre.

SEC. 102.0805 SUBDIVIDERS MUST PROVIDE PARK AND RECREATIONAL FACILITIES

Every subdivider who subdivides lands shall contribute lands or pay a fee or contribute lands and pay a fee as set forth in this Division for the purpose of providing park and recreational facilities to serve residents of such subdivisions.

1. The subdivider shall be assessed a fee of \$100 per dwelling unit for R-1 and R-2 development and a fee of \$75 per dwelling unit for all other units as provided in Section 102.0804. These fees are intended to substantially represent the cost of acquiring land and developing population-based park and recreation facilities to

serve the future inhabitants of this subdivision. The fair market value of acceptable park lands contributed shall be credited against these fees.

"Fair market value" shall be determined as of the time of filing the final map in accordance with the following:

- a. The fair market value as determined by the City Council based upon the then assessed value, modified to equal market value in accordance with current practice of the County Assessor; or
- b. If the subdivider objects to such evaluation he may, at his expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the City, which appraisal may be accepted by the City Council if found reasonable.

2. Park land required in accordance with the terms of this Division shall be as follows:

R-1 Lots	242 sq. ft. of usable park land per lot.
R-2 Zoned Land	2,420 sq. ft. of usable park land per residential acre.
All Other Residentially-Zoned Land	3,594 sq. ft. of usable park land per residential acre.
Commercially-Zoned Land Permitting Residential	4,074 sq. ft. of usable park land per commercial acre.

These amounts of land shall be contributed at the time of filing of the final map. If, in the judgment of the City, suitable land does not exist within the subdivision, or for subdivisions containing 50 lots or less, the City will collect the fee in cash.

3. Costs, population density, age distribution and local conditions change over the years and the specified formula for the payment of fees for acquisition of park sites as stated herein is subject to periodic review and amendment by the City Council.

SEC. 102.0806 CREDIT FOR PRIVATE PARK AND RECREATION FACILITIES

Where private usable land is provided for park and recreational purposes, such areas may be credited against the requirement for the payment of fees for park and recreation purposes or contribution of land and payment of fees as provided in Section 102.0805 hereof, provided the City Council, applying such criteria as usability, public access, proposed improvements and permanency, finds it is in the public interest to do so.

SEC. 102.0807 LIMITATIONS ON USE OF LAND AND FEES

The fees received under this Division, together with earned interest thereon, shall be used only for the purpose of providing park and recreational facilities to serve subdivisions within the boundaries of the population-based park service district in which the subject developments are located.

**SEC. 102.0808 TIME OF PARK COMMENCEMENT**

The City will acquire the land as soon as possible, and start improvements on population-based park sites at or before the time building permits have been issued covering at least 80% of the available residential building sites within a park service district.

**SEC. 102.0809 COLLECTION AND DISTRIBUTION OF FEES - MAINTENANCE OF PARK SERVICE DISTRICTS MAP**

1. Prior to the acceptance of a final map, any required fees shall have been paid to the City. Any land to be contributed for purposes outlined in this section shall be deeded to the City and shown on such map.
2. The City Manager shall be responsible for the following:
  - a. Distribution of fees as set forth in Section 102.0805 herein; and
  - b. Maintenance of and revisions to the map entitled, "Population-Based Park Service Districts of the City of San Diego," which map shall be presented to the City Council at least annually for review and ratification.

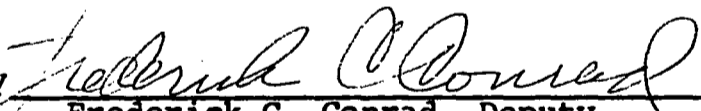
**SEC. 102.0810 SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Division or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of this Division or the application of such provisions to other persons or circumstances shall not be affected thereby.

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

RECEIVED  
CITY CLERK'S OFFICE  
1970 FEB 13 AM 8:50  
SAN DIEGO, CALIF. 27

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad, Deputy

FCC:s1  
Page 2 Rev. 2/12/70



Passed and adopted by the Council of The City of San Diego on FEB 19 1970,  
by the following vote:

RECEIVED  
CITY CLERK'S OFFICE  
1970 JAN 30 PM 12:07

SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

**FRANK CURRAN**  
Mayor of The City of San Diego, California.

(Seal)

**JOHN LOCKWOOD**  
City Clerk of The City of San Diego, California.

By Elfa J. Hamel Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until six calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on FEB 5 1970, and on FEB 19 1970.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

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.

(Seal)

**JOHN LOCKWOOD**  
City Clerk of The City of San Diego, California.

By Elfa J. Hamel Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on \_\_\_\_\_, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the final reading of said ordinance was in full.

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.

(Seal)

**JOHN LOCKWOOD**  
City Clerk of The City of San Diego, California.

By \_\_\_\_\_, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <b>10239</b>	Adopted <u>FEB 19 1970</u>

98

ATTORNEY (S)

\* City of San Diego  
City Clerk  
202 West C Street  
San Diego, California

**CERTIFICATE OF PUBLICATION**

No.

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF  
THE SAN DIEGO MUNICIPAL CODE, BY ADDING,  
DIVISION 8 AND SECTIONS 102.0800 THROUGH  
102.0810, RELATING TO THE ESTABLISHMENT  
OF REGULATIONS FOR CONTRIBUTION OF LANDS  
AND/OR PAYMENT OF FEES FOR PARK AND  
RECREATIONAL FACILITIES IN SUBDIVISIONS.

RECEIVED  
CITY CLERK'S OFFICE  
1970 MAR -3 AM 10:11  
SAN DIEGO, CALIF.

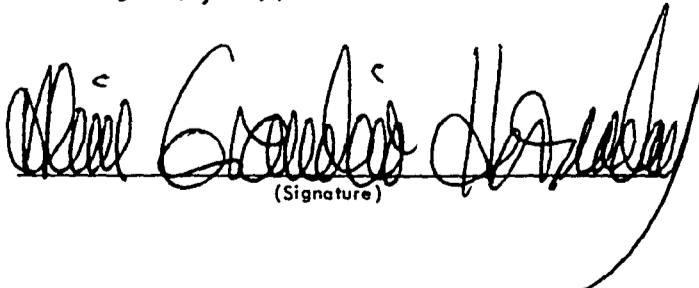
I, Aline Grandier Hornaday hereby certify that The Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the ~~principal clerk of the~~ printer of said newspaper; that the

ORDINANCE NO. 10239  
(NEW SERIES)

to a true and correct copy of which this certificate is annexed was published in said newspaper on

February 27, 1970

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California,  
on February 27, 1970

  
(Signature)

30" \$120.00

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(NEW SERIES)

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**ACQUISITION AND DEVELOPMENT OF PARK**  
**AND RECREATIONAL FACILITIES**

**SEC. 102.0800 PURPOSE AND INTENT**

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The City Council of The City of San Diego has adopted a general plan containing such recreational element.

It is the intent of this Division to provide for the implementation of those provisions of the Subdivision Map Act referred to above, and it is further the intent of this Division that the cost of land and improvements for population-based parks to serve the future inhabitants of subdivisions shall be borne by such subdivisions.

It is also the intent of this Division to provide that neighborhood parks shall be developed before community parks are developed.

**SEC. 102.0801 ADOPTION OF PARK SERVICE**

**DISTRICTS MAP**

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3. Costs, population density, age distribution and local conditions change over the years and the specified formula for the payment of fees for acquisition of park sites as stated herein is subject to periodic review and amendment by the City Council.

**SEC. 102.0806. CREDIT FOR PRIVATE PARK AND RECREATION FACILITIES**

Where private usable land is provided for park and recreational purposes, such areas may be credited against the requirement for the payment of fees for park and recreation purposes or contribution of land and payment of fees as provided in Section 102.0805 hereof, provided the City Council, applying such criteria as usability, public access, proposed improvements and permanency, finds it is in the public interest to do so.

**SEC. 102.0807. LIMITATIONS ON USE OF LAND AND FEES**

The fees received under this Division, together with earned interest thereon, shall be used only for the purpose of providing park and recreational facilities to serve subdivisions within the boundaries of the population-based park service district in which the subject developments are located.

**SEC. 102.0808. TIME OF PARK COMMENCEMENT**

The City will acquire the land as soon as possible, and start improvements on population-based park sites at or before the time building permits have been issued covering at least 80% of the available residential building sites within a park service district.

**SEC. 102.0809. COLLECTION AND DISTRIBUTION OF FEES—MAINTENANCE OF PARK SERVICE DISTRICTS MAP**

1. Prior to the acceptance of a final map, any required fees shall have been paid to the City. Any land to be contributed for purposes outlined in this section shall be deeded to the City and shown on such map.
2. The City Manager shall be responsible for the following:
  - a. Distribution of fees as set forth in Section 102.0805 herein; and
  - b. Maintenance of and revisions to the map entitled, "Population-Based Park Service Districts of the City of San Diego," which map shall be presented to the City Council at least annually for review and ratification.

**SEC. 102.0810. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Division or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of this Division or the application of such provisions to other persons or circumstances shall not be affected thereby.

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

Introduced on February 5, 1970.

Passed and adopted by the Council of The City of San Diego on February 19, 1970.

**AUTHENTICATED BY:**

**FRANK CURRAN,**  
Mayor of The City of San Diego, California.  
**JOHN LOCKWOOD,**  
City Clerk of The City of San Diego, California.  
By **ELFA F. HAMEL,** Deputy.