

ORDINANCE NO. _____
(New Series)

12627

O.79-215

APR 16 1979

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2,
DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY
ADDING SECTION 102.0406.06.1 REGARDING ADDITIONAL
PARK FEES IN THE SCRIPPS MIRAMAR RANCH COMMUNITY
PLANNING AREA.

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

SEC. 102.0406.06.1 ADDITIONAL PARK FEES IN THE SCRIPPS
MIRAMAR RANCH COMMUNITY PLANNING AREA.

A. PURPOSE AND INTENT

The Council hereby finds that the Scripps Ranch
Community Plan area has unusual conditions regarding
the need for park and recreational facilities which
do not reflect circumstances in the City as a whole.
This ordinance is, therefore, not intended as a
precedent for the application of the terms of this
ordinance to the balance of the City of San Diego.

In order to furnish adequate park and recreational
facilities needed to serve new development in the
Scripps Miramar Ranch Community Planning area, it is
necessary for every subdivider who subdivides land
located within the Scripps Miramar Ranch Community
Planning area to contribute fees in excess of those
presently assessed generally within the City of San
Diego or pay an additional fee and contribute land
designated for park acquisition in the Scripps Miramar

Ranch Community Planning area. The fees in this section are assessed in lieu of the fees required in Section 102.0406.06 and Section 96.0403. The fees set forth in this section are assessed in order to recover the cost of acquiring land and developing population-based park and recreational facilities to serve the future inhabitants of the subdivision.

B. ASSESSMENT

Notwithstanding any other section of the Municipal Code to the contrary, no park fees other than those provided in this section shall be assessed against property within the Scripps Miramar Ranch Community Planning area. A subdivider subdividing land in the Scripps Miramar Ranch Community Planning area shall be assessed a fee of \$800 per dwelling unit, which is to be increased annually on January 1st at a rate of 8 percent per year beginning January 1, 1980. The annual increase of 8 percent will be applicable to any final map filed after January 1, 1980.

1. Method of Computation: The total assessment shall be determined by multiplying \$800 times the total number of dwelling units planned in the subdivision. The total number of dwelling units shall not exceed the maximum number of dwelling units designated in the Scripps Miramar Ranch Community Plan, and the maximum number of dwelling units shall be designated on the final subdivision map or maps for said subdivision.

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a. The fair market value of parkland contributed shall be credited against the fees required by this section. "Fair Market Value" shall be determined as of the time of filing the final map in accordance with the following:

i. The fair market value as determined by the City Council based upon the then assessed value, modified to equal market value in accordance with the current practice of the County Assessor; or

ii. 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.

b. If parkland designated for park acquisition in the Scripps Miramar Ranch Community Plan does not exist within the subdivision, the City shall collect the fee in cash.

c. If the fair market value of the property to be acquired exceeds the fees assessed against the subdivision, the City shall pay the difference.

2. Exception: Low-Income Housing - No assessment shall be made, pursuant to this division, for any dwelling unit which is affordable by households earning below 65 percent of the median city income and is restricted by deed at low-income housing.

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3. Time for Collection: The total assessed fee for a subdivision of land located in the Scripps Miramar Ranch Community Planning area shall be paid either in cash or by dedication of land, upon filing of the final subdivision map.

C. VALUATION OF LAND TO BE PURCHASED.

Fair market value of land which is not included within a tentative map, and is to be purchased for park purposes pursuant to this section and the Scripps Miramar Ranch Community Plan, shall be determined as of the date the owner of property which is to be acquired first obtains the filing of a final subdivision map on any property which he owns in the Scripps Miramar Ranch Community Planning area. The value of the land shall be increased at the rate of 8 percent per year beginning at the date of appraisal. To this value shall be added taxes and interest paid on any deed of trust applicable to the property until the time of purchase.

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 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
3/22/79
Or.Dept.:Park & Rec.

12627

Passed and adopted by the Council of The City of San Diego on APR 16 1979,
 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"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

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

(Seal)

By Rita Andrews, 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

APR 2 1979, and on APR 16 1979.

~~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.

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

(Seal)

By Rita Andrews, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>12627</u>	Adopted <u>APR 16 1979</u>

ATTORNEY:

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101

Attn: Rita Andrews

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SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No. _____

IN THE MATTER OF

Additional Park Fees in the Scripps Miramar Ranch
Community Planning area.

ORDINANCE NO. 12627

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 102.0406.06.1 REGARDING ADDITIONAL PARK FEES IN THE SCRIPPS MIRAMAR RANCH COMMUNITY PLANNING AREA.

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B. ASSESSMENT

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a. The fair market value of parkland contributed shall be credited against the fees required by this section. "Fair Market Value" shall be determined as of the time of filing the final map in accordance with the following:

I, Patricia M. Spaulding, am a citizen of the United States and a resident of the County aforesaid; I am over the age of 21 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, upon its date of January 23, 1909, Decree No. 14894; and the

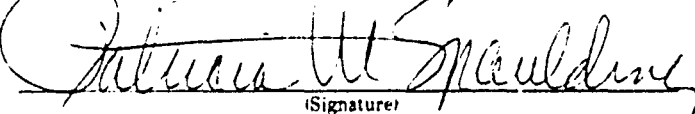
ORDINANCE NO. 12627

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:

May 1, 1979

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

Dated at San Diego, California this 9th day of May, 1979.


(Signature)

17 $\frac{3}{4}$ " - \$107.74

...the City of San Diego, California, and the County of San Diego, California, shall be deemed to be the City and County of San Diego, California, for all purposes...

SECTION 2. THE CITY OF SAN DIEGO, CALIFORNIA, SHALL BE DEEMED TO BE THE CITY AND COUNTY OF SAN DIEGO, CALIFORNIA, FOR ALL PURPOSES...

SECTION 3. THE CITY OF SAN DIEGO, CALIFORNIA, SHALL BE DEEMED TO BE THE CITY AND COUNTY OF SAN DIEGO, CALIFORNIA, FOR ALL PURPOSES...

Introduced on April 2, 1978.
Passed and adopted by the Council of The City of San Diego on April 2, 1978.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. AMIELNOUS,
City Clerk of The City of San Diego, California.
BY: [Signature]

Printed May 1, 1978.

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