

ORDINANCE NUMBER O- **16176** (New Series)

Adopted on MAR 5 1984

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 102.0406.06.6 RELATING TO PARK FEES IN THE PENASQUITOS EAST COMMUNITY PLANNING AREA.

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

Section 1. That Chapter X, Article 2, Division 4 of the San Diego Municipal Code be, and it is hereby amended by adding Section 102.0406.06.6 to read as follows:

SEC. 102.0406.06.6 PARK FEES IN THE PENASQUITOS EAST COMMUNITY PLANNING AREA.

A. PURPOSE AND INTENT

The Council hereby finds that the PENASQUITOS EAST Community Plan area has conditions regarding financing 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 PENASQUITOS EAST Community Planning area, it is necessary for anyone who obtains building permits within the PENASQUITOS EAST Community Plan area for residential dwelling units to contribute fees identified in this

ordinance in lieu of those fees presently assessed generally within the City of San Diego.

The PENASQUITOS EAST Community Planning area to which this ordinance applies is more completely described in the Community Plan Map, a copy of which is on file in the office of the City Clerk as Document #RR-222051.

At the discretion of the City Council, anyone who obtains building permits may contribute land designated for park acquisition and/or contribute complete park development on land acquired for that purpose in the PENASQUITOS EAST Community Planning area. Valuation of land contributions will be in accordance with the procedures in Section 102.0406.06.

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 and community.

If sufficient funds are not generated by these park fees to provide needed park and recreation facilities, the Council will schedule any remaining needed facilities in the City Capital Improvements Program as funds are available.

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 subdivided property within the PENASQUITOS EAST Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the PENASQUITOS EAST Community Planning area shall be assessed a fee of \$787.00 per single family dwelling unit and \$550.90 per unit of multi-family construction. These fees shall be increased annually on July 1st at a rate of 9 percent per year beginning July 1, 1984.

The provisions of this section shall apply to all residential development including that on property zoned for commercial use which allows residential development as well.

1. Method of Computation: The assessment amount shall be determined initially by multiplying \$787.00 times the total number of single family dwelling units and \$550.90 times the total number of dwelling units of multi-family construction for which building permits are requested.

2. Time for Collection: The assessed fees, pursuant to this subsection shall be paid in cash prior to, and as a condition of, obtaining building permits. If any park fees have been paid in conjunction with subdivision map approval, those

amounts will be credited against the full fee amounts set for collection during the building permit request process.

3. Special Park Fund: All park fees collected shall be deposited in a special park fund for the PENASQUITOS EAST Community. These funds and their interest earnings may be expended only for park and recreation projects identified for this community in its approved Financing Plan.

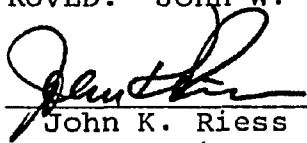
4. Review and Modification: As the result of periodic reviews, at intervals decided by Council and as a consequence of inflation and interest earning factor variations, the actual rates of development occurring in the PENASQUITOS EAST Community and the park facilities experience, the City Council may exercise its authority to modify the park fee structure.

C. The fees collected pursuant to this ordinance shall be applicable only to building permit applications which are initially filed after the effective date of this ordinance.

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:mem:645  
2/2/84 REV.3/2/84  
O-84-171  
Or.Dept:E&D  
Form=o.none

MAR 5 1984

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
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"/>
Bill Cleator	<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"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge, Deputy.

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

FEB 21 1984

MAR 5 1984

\_\_\_\_\_, and on \_\_\_\_\_

~~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 Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16176

Adopted MAR 5 1984

RECEIVED  
CITY CLERK'S OFFICE  
1984 MAR -2 PM 4:46  
SAN DIEGO, CALIF.

JCLM

MAR 2 1984

MAR 2 1984

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MAR 2 1984

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1984 MAR 21 AM 10:56  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
ATTN: BARBARA BERRIDGE  
202 C St., 12th Floor  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16176

**ORDINANCE NO. O-16176**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 102.0408.06 RELATING TO PARK FEES IN THE PENASQUITOS EAST COMMUNITY PLANNING AREA.

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

Section 1. That Chapter X, Article 2, Division 4 of the San Diego Municipal Code be, and it is hereby amended by adding Section 102.0408.06 to read as follows:

SEC. 102.0408.06.6 PARK FEES IN THE PENASQUITOS EAST COMMUNITY PLANNING AREA.

**A. PURPOSE AND INTENT**

The Council hereby finds that the PENASQUITOS EAST Community Plan area has conditions regarding financing 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 PENASQUITOS EAST Community Planning area, it is necessary for anyone who obtains building permits within the PENASQUITOS EAST Community Plan area for residential dwelling units to contribute fees identified in this ordinance in lieu of those fees presently assessed generally within the City of San Diego.

The PENASQUITOS EAST Community Planning area to which this ordinance applies is more completely described in the Community Plan Map, a copy of which is on file in the office of the City Clerk as Document #RR-222051.

At the discretion of the City Council, anyone who obtains building permits may contribute land designated for park acquisition and/or contribute complete park development on land acquired for that purpose in the PENASQUITOS EAST Community Planning area. Valuation of land contributions will be in accordance with the procedures in Section 102.0406.06.

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 and community.

If sufficient funds are not generated by these park fees to provide needed park and recreation facilities, the Council will schedule any remaining needed facilities in the City Capital Improvements Program as funds are available.

**B. ASSESSMENT**

I, Carrie Gedeon, 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 NO. O-16176

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:

March 19, 1984

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

Dated at San Diego, California this 19th day of Mar., 1984

*Carrie Gedeon*

(Signature)

17 1/8" X 8.87 = 157.44

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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 subdivided property within the PENASQUITOS EAST Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the PENASQUITOS EAST Community Planning area shall be assessed a fee of \$787.00 per single family dwelling unit and \$550.00 per unit of multi-family construction. These funds shall be increased annually on July 1st at a rate of 9 percent per year beginning July 1, 1984.

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1. Method of Computation: The assessment amount shall be determined initially by multiplying \$787.00 times the total number of single family dwelling units and \$550.00 times the total number of dwelling units of multi-family construction for which building permits are requested.

2. Time for Collection: The assessed fees, pursuant to this subsection shall be paid in cash prior to, and as a condition of, obtaining building permits. If any park fees have been paid in conjunction with subdivision map approval, those amounts will be credited against the full fee amounts set for collection during the building permit request process.

3. Special Park Fund: All park fees collected shall be deposited in a special park fund for the PENASQUITOS EAST Community. These funds and their interest earnings may be expended only for park and recreation projects identified for this community in its approved Financing Plan.

4. Review and Modification: As the result of periodic reviews, at intervals decided by Council and as a consequence of inflation and interest earning factor variations, the actual rates of development occurring in the PENASQUITOS EAST Community and the park facilities experience, the City Council may exercise its authority to modify the park fee structure.

D. The fees collected pursuant to this ordinance shall be applicable only to building permit applications which are initially filed after the effective date of this ordinance.

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

Introduced as amended FEBRUARY 21, 1984

Passed and adopted by the Council of The City of San Diego  
MARCH 5, 1984

AUTHENTICATED BY:

ROGER HEDGECOCK,

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California

(SEAL)

By BARBARA BERRIDGE, Deputy

Publish Mar. 19, 1984

60-3347