

(O-86-179)

ORDINANCE NUMBER O- **16680** (NEW SERIES)

ADOPTED ON JUN 30 1986

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0406.06.6 RELATING TO PARK FEES IN THE PENASQUITOS EAST COMMUNITY PLAN 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 the same is hereby amended by amending section 102.0406.06.6 to read as follows:

SEC. 102.0406.06.6 PARK FEES IN THE PENASQUITOS EAST
COMMUNITY PLAN 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 Plan Area, it is necessary for anyone who is not participating in its Council adopted Facilities Benefit Assessment and 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 Plan 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 No. 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 Plan Area. Valuation of land contributions will be in accordance with the procedures in section 102.0406.06.

All properties required to participate in a Council adopted Facilities Benefit Assessment shall be relieved of the requirement to pay the park fees required by this section. All properties not part of the Penasquitos East Facilities Benefit Assessment shall be required to pay the park fees in accordance with this section.

The fees in this section are assessed in lieu of the fees required in sections 102.0406.06 and 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 and Facilities Benefit Assessments 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 Plan Area. A party pursuing building permits for residential dwelling unit purposes in the Penasquitos East Community Plan Area and not participating in the Council adopted Facilities Benefit Assessment shall be assessed a fee of \$823.10 per single family dwelling unit and \$576.17 per unit of multi-family construction. These fees shall be increased July 1, 1985 by five percent (5%), July 1, 1986 by seven percent (7%) and annually on July 1st at a rate of nine percent (9%) per year beginning July 1, 1987.

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 \$823.10 times the total number of single family dwelling units and \$576.17 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 Plan Area. 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 Plan Area and the park facilities experience, the City Council may exercise its authority to modify the park fee structure.

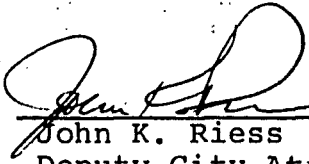
C. FEE COLLECTION

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
04/18/86
Or.Dept:E&D
O-86-179
Form=o.code

Passed and adopted by the Council of The City of San Diego on JUN 30 1986
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ED STRUIKSMA
 Deputy Mayor of The City of San Diego, California.

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

(Seal)

By Ellen Board, 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

JUN 17 1986

JUN 30 1986

~~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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California		
Ordinance Number	<u>0-16680</u>	Adopted <u>JUN 30 1986</u>

00825

RECEIVED
CITY CLERK'S OFFICE
1936 APR 30 AM 3:49
SAN DIEGO, CALIF.

00826

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET 12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION
4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0406.06
RELATING TO PARK FEES IN THE PENASQUITOS EAST COMMUNITY PLAN AREA

**ORDINANCE NUMBER O-16680 (NEW SERIES)
ADOPTED ON JUN 30 1986**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0406.06 RELATING TO PARK FEES IN THE PENASQUITOS EAST COMMUNITY PLAN AREA.

This ordinance makes technical amendments to the park fee ordinance of the Penasquitos East Community Plan to exempt the properties in that plan area from the park fees when the property will be subject to a Facilities Benefit Assessment. The ordinance also adjusts the fee schedule for inflationary changes.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on June 17, 1986.
Passed and adopted by the Council of The City of San Diego on June 30, 1986.

AUTHENTICATED BY: ED STRUIKEMA
Deputy Mayor of The City of San Diego, California.
CHARLES ABDELNOUR
City Clerk of The City of San Diego, California.

(SEAL)
By ELLEN BOVARD, Deputy.
Pub. July 14

54534

I, Thomas D. Kelleher, 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 NUMBER O-16680

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:

July 14

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

Dated at San Diego, California this 14 day of July, 19 86.

Thomas D. Kelleher

(Signature)

$2\frac{3}{8} \times 2 \times 9.76 = 46.36$

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