

(O-88-147)

ORDINANCE NUMBER O- 17094 (NEW SERIES)

ADOPTED ON MAY 16 1988

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 102.0406.06, 102.0406.06.1, 102.0406.06.2, 102.0406.06.4, 102.0406.06.5, 102.0406.06.6, 102.0406.06.7, 102.0406.06.8, 102.0406.06.10 AND 102.0406.06.11 RELATING TO PARK FEES IN COMMUNITY PLANNING AREAS.

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 Sections 102.0406.06, 102.0406.06.1, 102.0406.06.2, 102.0406.06.4, 102.0406.06.5, 102.0406.06.6, 102.0406.06.7, 102.0406.06.8, 102.0406.06.10 and 102.0406.06.11, to read as follows:

SEC. 102.0406.06 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 developing new or rehabilitating existing park and recreational facilities to serve residents of such subdivisions, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

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. If, in the judgement of the City, needed and acceptable land does not exist within the subdivision, 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. 102.0406.06.1 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 and community and to provide for the rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

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.

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.

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.

SEC. 102.0406.06.2 PARK FEES IN THE SOUTH BAY TERRACES COMMUNITY PLANNING AREA

A. PURPOSE AND INTENT

The Council hereby finds that the South Bay Terraces 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 South Bay Terraces Community Planning area, it is necessary for anyone who obtains building permits within the South Bay Terraces 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 South Bay Terraces 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 No. 765014.

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 South Bay Terraces 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 and to provide for the

rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

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 SOUTH BAY TERRACES Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the SOUTH BAY TERRACES Community Planning area shall be assessed a fee of \$447.00 per single family dwelling unit and \$312.90 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 \$447.00 times the total number of single family dwelling units and \$312.90 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 SOUTH BAY TERRACES 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 SOUTH BAY TERRACES Community 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.

**SEC. 102.0406.06.4 PARK FEES IN THE RANCHO
BERNARDO COMMUNITY PLANNING
AREA**

A. PURPOSE AND INTENT

The Council hereby finds that the Rancho Bernardo Community Planning 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 Rancho Bernardo Community Planning area, it is necessary for anyone who obtains building permits within the Rancho Bernardo Community Planning 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 Rancho Bernardo 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 No. 767589.

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 Rancho Bernardo 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 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 and to provide for the rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

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 Rancho Bernardo Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the Rancho Bernardo Community Planning area shall be assessed a fee of \$454.00 per single family dwelling unit and \$317.80 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 \$454.00 times the total number of single family dwelling units and \$317.80 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 Rancho Bernardo 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 Rancho Bernardo Community 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.

SEC. 102.0406.06.5 PARK FEES IN THE MIRA MESA COMMUNITY PLANNING AREA

A. PURPOSE AND INTENT

The Council hereby finds that the Mira Mesa Community Planning 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 Mira Mesa Community Planning area, it is necessary for anyone who is not participating in its Council adopted Facilities Benefit Assessment and who obtains building permits within the Mira Mesa Community Planning 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 Mira Mesa 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 No. RR-16746.

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 Mira Mesa Community Planning 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 Mira Mesa

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 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 and to provide for the rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

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 Mira Mesa Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the Mira Mesa Community Planning area and not participating in the

Council adopted Facilities Benefit Assessment shall be assessed a fee of \$1,133.37 per single family dwelling unit and \$793.36 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 \$1,133.37 times the total number of single family dwelling units and \$793.36 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 Mira Mesa Community Planning 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 Mira Mesa Community Planning 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.

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 Planning 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 is not participating in its Council adopted Facilities Benefit Assessment and who obtains building permits within the Penasquitos East Community Planning 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 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 Planning 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 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 and to provide for the rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

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 Planning area. A party pursuing building permits for residential dwelling unit purposes in the Penasquitos East Community Planning 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. 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.

**SEC. 102.0406.06.7 PARK FEES IN THE MID-CITY
COMMUNITY PLANNING AREA**

A. PURPOSE AND INTENT

The Council hereby finds that the Mid-City Community Planning 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 Mid-City Community Planning area, it is necessary for anyone who obtains building permits within the Mid-City Community Planning 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 Mid-City Community Planning area to which this ordinance applies is more completely described in the Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-687681 as amended by Documents RR-733783 and RR-746880.

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 Mid-City 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 and to provide for the rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

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 Mid-City Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the Mid-City Community Planning area shall be assessed a fee of \$880.00 per single family dwelling unit and \$660.00 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, 1985.

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 \$880.00 times the total number of single family dwelling units and \$660.00 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 Mid-City Community. These funds and their interest earnings may be expended only for park and recreation projects for this community.

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 Mid-City Community 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.

**SEC. 102.0406.06.8 PARK FEES IN THE PARK -
NORTHEAST COMMUNITY PLANNING
AREA**

A. PURPOSE AND INTENT

The Council hereby finds that the Park - Northeast Community Planning 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 Park - Northeast Community Planning area, it is necessary for anyone who obtains building permits within the Park - Northeast 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 Park - Northeast Community Planning area to which this ordinance applies is more completely described in the Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-733783 as amended by Document No. RR-766214.

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

Park - Northeast 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 and to provide for the rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

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 Park - Northeast Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the

Park - Northeast Community Planning area shall be assessed a fee of \$880.00 per single family dwelling unit and \$660.00 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, 1985.

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 \$880.00 times the total number of single family dwelling units and \$660.00 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 Park - Northeast Community. These funds and their interest earnings may be expended only for park and recreation projects for this community.

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 Park - Northeast Community 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.

SEC. 102.0406.06.10 PARK FEES IN THE CARMEL MOUNTAIN RANCH COMMUNITY PLANNING AREA

A. PURPOSE AND INTENT

The Council hereby finds that the Carmel Mountain Ranch Community Planning 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 Carmel Mountain Ranch Community Planning area, it is necessary for anyone who obtains building permits within the Carmel Mountain Ranch Community Planning 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 Carmel Mountain Ranch 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 No. RR-261374.

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 Carmel Mountain Ranch 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 and to provide for the rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park. 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 Carmel Mountain Ranch Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the Carmel Mountain Ranch Community Planning area shall be assessed a fee of \$199.73 per single family dwelling unit and \$139.81 per unit of multi-family construction. These fees shall be increased July 1, 1986 by 9 percent and annually on July 1st at a rate of 9 percent 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 \$199.73 times the total number of single family dwelling units and \$139.81 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 Carmel Mountain Ranch 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 Carmel Mountain Ranch Community 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.

**SEC. 102.0406.06.11 PARK FEES IN THE SORRENTO
HILLS COMMUNITY PLANNING AREA**

A. PURPOSE AND INTENT

The Council hereby finds that the Sorrento Hills Community Planning area has conditions regarding financing for park and recreational facilities which do not reflect circumstances in the City as a whole.

In order to furnish adequate park and recreational facilities needed to serve new development and to provide for the rehabilitation of existing park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park in the Sorrento Hills Community Planning area, it is necessary for anyone who is not subject to a Council adopted development agreement and who obtains building permits within the Sorrento Hills Community Planning area for residential dwelling units to contribute fees identified in Sections 96.0403 and 102.0406.06 as presently assessed generally within the City of San Diego.

The Sorrento Hills Community Plan area to which this ordinance applies is more completely described in the Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-258076.

At the discretion of the 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 Sorrento Hills Community Planning area. Valuation of land contributions will be in accordance with the procedures in Section 102.0406.06.

All properties within the Sorrento Hills Community Planning area which are subject to a Council adopted development agreement, which was approved before final map approval, shall be relieved of the requirement to pay the park fees required by Sections 96.0403 and 102.0406.06. All properties already mapped and not subject to development agreements shall be required to pay the park fees in accordance with these sections.

If sufficient funds are not generated by these park fees and development agreement conditions 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 San Diego Municipal Code to the contrary, no park fees other than those provided in this section shall be assessed against subdivided property within the Sorrento Hills Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the Sorrento Hills Community Planning area and not subject to Council adopted development agreements shall be assessed fees in accordance with Sections 96.0403 and 102.0406.06.

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.

All park fees collected shall be deposited in a special park fund for the Sorrento Hills Community Planning 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.

As the result of reviews, at intervals decided by Council and as a consequence of inflation and interest earning factor variations, and the park facilities experience, Council may exercise its authority to modify the park fee structure.

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 Mary Kay Jackson
Mary Kay Jackson
Deputy City Attorney

MKJ:mrh
03/24/88
Or.Dept:Pk.&Rec.
O-88-147
Form=o.none

21 B

MAY 16 1988

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
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

MAY 2 1988

MAY 16 1988

~~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 *0-17094* Adopted MAY 16 1988

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1968 APR 21 AM 11:16

SAN DIEGO, CALIF.

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CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: ELLEN BOVARD

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2,
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 102.0406.06, 102.0406.06.1,
et al . . . RELATING TO PARK FEES IN COMMUNITY
PLANNING AREAS.

NO.

ORDINANCE NUMBER O-17094 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 102.0406.06, 102.0406.06.1, 102.0406.06.2, 102.0406.06.4, 102.0406.06.5, 102.0406.06.8, 102.0406.06.7, 102.0406.06.9, 102.0406.06.10 AND 102.0406.06.11 RELATING TO PARK FEES IN COMMUNITY PLANNING AREAS.
This amendment would allow expenditures of park fees on rehabilitation of existing park or recreational facilities only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new equipment allowing expanded use of the park.
Complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
Ordinance adopted on May 2, 1988.
Approved and adopted by the Council of the City of San Diego on May 16, 1988.
TESTIFIED AND SIGNED BY:
MAUREEN O'CONNOR
Mayor of the City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of the City of San Diego, California
ELLEN BOVARD, Deputy
City Clerk
MAY 30 1988

THOMAS D. KELLEHER

I, _____, 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-17094 (NEW SERIES)

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 30

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

Dated at San Diego, California this 30 day of MAY, 1988.



(Signature)

27 lines x .99 = \$52.72

2 1/2" x 2 x 10.78 = \$53.90