

(O-89-32)

ORDINANCE NUMBER O- 17142 (NEW SERIES)

ADOPTED ON SEP 19 1988

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0406.06.9, RELATING TO PARK FEES AND RENUMBERING SECTIONS 102.0406.1 THROUGH 102.0406.13.

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 102.0406.06.9, relating to park fees, by adding Miramar Ranch North Community, to read as follows:

SEC. 102.0406.06.9 PARK FEES IN NORTH CITY WEST PHASE I, NORTH UNIVERSITY CITY, SABRE SPRINGS AND MIRAMAR RANCH NORTH COMMUNITIES

A. PURPOSE AND INTENT

The Council hereby finds that the North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Community Plan areas have conditions regarding financing for park and recreation facilities which do not reflect circumstances in the City as a whole. This section is, therefore, not intended as a precedent for application of the terms of this section to the balance of the City of San Diego.

The Council has approved and adopted Facilities Benefit Assessments or Financing Plans in North City

West Phase I, North University City, Sabre Springs and Miramar Ranch North by Resolution Nos. R-255771, R-256462, R-257424 and R-271792, respectively. These Facilities Benefit Assessments and Financial Plans include the park requirements previously required in Section 102.0406.06 and Section 96.0403. It is no longer necessary to require park fee payments in accordance with Section 102.0406 and Section 96.0403 in North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facility Benefit Assessment or Financial Planning areas.

The North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facility Benefit Assessment or Financial Planning areas to which this section applies are more completely described in the respective Community Financing Plans, copies of which are on file in the office of the City Clerk as Document Nos. RR-256291-1, RR-255515, RR-257106-1 and RR-271792 , respectively.

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 North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facilities Benefit Assessment or Financial Planning areas.

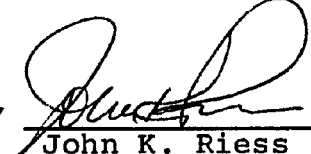
Section 2. That Chapter X, Article 2, Division 4, of the San Diego Municipal Code be and the same are hereby amended by renumbering the following sections:

<u>CURRENT SECTION NUMBERS</u>		<u>NEW SECTION NUMBERS</u>
102.0406.01	to	102.0406.0001
102.0406.02	to	102.0406.0002
102.0406.03	to	102.0406.0003
102.0406.04	to	102.0406.0004
102.0406.05	to	102.0406.0005
102.0406.06	to	102.0406.0601
102.0406.06.1	to	102.0406.0611
102.0406.06.2	to	102.0406.0621
102.0406.06.3	to	102.0406.0631
102.0406.06.4	to	102.0406.0641
102.0406.06.5	to	102.0406.0651
102.0406.06.6	to	102.0406.0661
102.0406.06.7	to	102.0406.0671
102.0406.06.8	to	102.0406.0681
102.0406.06.9	to	102.0406.0691
102.0406.06.10	to	102.0406.0701
102.0406.06.11	to	102.0406.0711
102.0406.07	to	102.0406.0801
102.0406.08	to	102.0406.0901
102.0406.09	to	102.0406.1001
102.0406.10	to	102.0406.1101
102.0406.11	to	102.0406.1201
102.0406.12	to	102.0406.1301
102.0406.13	to	102.0406.1401

The text of each renumbered section remains the same.

Section 3. 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:wk
 08/30/88
 Or.Dept:E&D
 O-89-32
 Form=o.none

SEP 19 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
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 *Rhonda R. Baines* 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

SEP 6 1988

SEP 19 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 *Rhonda R. Baines* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17142

SEP 19 1988

RECEIVED

88 AUG 31 PM 4:09

CITY CLERKS OFFICE
SAN DIEGO, CA

254 4878

#52

208-(b)

File w/0-19. OKD.

Office of
The City Attorney
City of San Diego

RECEIVED
CITY CLERK'S OFFICE
89 MAR 17 AM 9:41
SAN DIEGO, CALIF. *ES*

MEMORANDUM

236-6220

DATE: March 13, 1989
TO: Dennis Gibson, City Clerk's Office
FROM: City Attorney
SUBJECT: Ordinance No. 0-17142 (N.S.), Adopted 9/19/88

By hand-written memo dated February, 22, 1989, you referred to me a memorandum dated February 6, 1989, from Deputy City Attorney Rudy Hradecky (copy attached).

Since the changes Mr. Hradecky requested are of a ministerial nature, they may be made without returning to Council. Please refer to Mr. Hradecky's memo and attachments for the precise changes to be made. If you have any questions, please do not hesitate to call.

JOHN W. WITT, City Attorney

By *Cristie C. McGuire*
Cristie C. McGuire
Deputy City Attorney

CCM:jrl:645
Attachments
cc Rudy Hradecky, Deputy City Attorney

Paul *Dennis Alky*

Office of
The City Attorney
City of San Diego

AC
RECEIVED
CITY CLERK
89 FEB-9 PM 2:32
SAN DIEGO, CALIF.

MEMORANDUM

236-6220

DATE: February 6, 1989
TO: City Clerk
FROM: City Attorney
SUBJECT: Ordinance No. O-17142 (New Series) Adopted on September 19, 1988 - Revision to Text of San Diego Municipal Code

It was brought to our attention that when the Municipal Code was amended by ordinance number O-17142, and sections 102.0406.01 through 102.0406.13 were renumbered, the text within those sections was not changed. Within the text of the renumbered sections is a reference to section 102.0406.06, which was itself renumbered to 102.0406.0601. Therefore, we would request that you cause certain pages of the Municipal Code to be reprinted, inserting the correct section number (as renumbered as 102.0406.0601) within the text of the section.

Specifically, we refer to the following sections:

- Section 102.0406.0611 (as renumbered) - in the text, change section 102.0406.06, whenever appearing, to read 102.0406.0601.
- Section 102.0406.0621 (as renumbered) - same.
- Section 102.0406.0641 (as renumbered) - same.
- Section 102.0406.0651 (as renumbered) - same.
- Section 102.0406.0661 (as renumbered) - same.
- Section 102.0406.0671 (as renumbered) - same.
- Section 102.0406.0681 (as renumbered) - same.
- Section 102.0406.0691 (as renumbered) - same.
- Section 102.0406.0701 (as renumbered) - same.
- Section 102.0406.0711 (as renumbered) - same.
- Section 102.0406.0801 (as renumbered) - same.
- Section 102.0406.1101 (as renumbered) - same.
- Section 102.0406.1301 (as renumbered) - same.

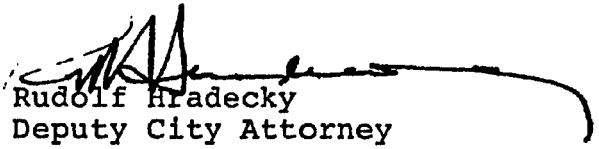
We are attaching a copy of the revised reprinted pages of the Municipal Code and highlighted those sections and portions of the text that are affected by this memorandum.

City Clerk
February 7, 1989
Page 2

In the event you should have any further questions, please contact the undersigned or John Riess.

JOHN W. WITT, City Attorney

By


Rudolf Hradecky
Deputy City Attorney

RH:mrh:645
Attachments
cc Ed Firkins
Wilbur Smith

SEC. 102.0406.0004 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.

(Added 5-11-77 by O-12066 N.S.)

(Renumbered from 102.0406.04 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0005 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. Planned residential developments shall be computed at the number of dwelling units appearing in the PRD permit, but not to exceed 25 dwelling units per acre.

(Added 5-11-77 by O-12066 N.S.)

(Renumbered from 102.0406.05 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0601 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.

(Added 5-11-77 by O-12066 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0611 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.

D. 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.

(Added 4-16-79 by O-12627 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.1 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0621 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.

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 expanded 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.

(Added 1-23-84 by O-16129 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.2 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0631 PARK FEES IN THE TIERRASANTA COMMUNITY PLANNING AREA

(Added 1-23-84 by O-16130 N.S.)

(Repealed 8-18-86 by O-16699 N.S.)

(Renumbered from 102.0406.06.3 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0641 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.

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.

(Added 1-23-84 by O-16128 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.4 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0651 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

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.

(Added 3-5-84 by O-16177 N.S.)

(Amended 8-6-84 by O-16258 N.S.)

(Amended 11-10-86 by O-16746 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.5 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0661 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 recreation 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.

(Added 3-5-84 by O-16176 N.S.)

(Amended 8-6-84 by O-16257 N.S.)

(Amended 6-30-86 by O-16680 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.6 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0671 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.

(Added 4-23-84 by O-16192 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.7 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0681 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 expanded 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.

(Added 4-23-84 by O-16193 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.8 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0691 PARK FEES IN NORTH CITY WEST PHASE I, NORTH UNIVERSITY CITY, SABRE SPRINGS AND MIRAMAR RANCH NORTH COMMUNITIES

A. PURPOSE AND INTENT

The Council hereby finds that the North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Community Plan areas have conditions regarding financing for park and recreation facilities which do not reflect circumstances in the City as a whole. This section is, therefore, not intended as a precedent for application of the terms of this section to the balance of the City of San Diego.

The Council has approved and adopted Facilities Benefit Assessments or Financing Plans in North City West Phase I, North University City, Sabre Springs and Miramar Ranch North by Resolution Nos. R-255771, R-256462, R-257424 and R-271792, respectively. These Facilities Benefit Assessments and Financial Plans include the park requirements previously required in Section 102.0406.06 and Section 96.0403. It is no longer necessary to require park fee payments in accordance with Section 102.0406 and Section 96.0403 in North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facility Benefit Assessment or Financial Planning areas.

The North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facility Benefit Assessment or Financial Planning areas to which this section applies are more completely described in the respective Community Financing Plans, copies of which are on file in the office of the City Clerk as Document Nos. RR-256291-1, RR-255515, RR-257106-1 and RR-271792, respectively.

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 North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facilities Benefit Assessment or Financial Planning areas.

(Added 2-25-85 by O-16375 N.S.)

(Amended & Renumbered from 102.0406.06.9 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0701 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.

(Added 6-3-85 by O-16437 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.10 on 9-19-88 by O-17142 N.S.)

**SEC. 102.0406.0711 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 this 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.

(Added 10-6-86 by O-16722 N.S.)

(Amended 5-16-88 by O-17094 N.S.)

(Renumbered from 102.0406.06.11 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0801 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 102.0406.06 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.

(Added 5-11-77 by O-12066 N.S.)

(Renumbered from 102.0406.07 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0901 LIMITATIONS OF 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 neighborhood and community park and recreational facilities to serve subdivisions within the boundaries of the population-based community park service district in which the subject developments are located or for the swimming pool planned to serve the residents of the subdivision as described in the Progress Guide and General Plan of The City of San Diego.

(Added 5-11-77 by O-12066 N.S.)

(Amended 9-22-80 by O-15347 N.S.)

(Renumbered from 102.0406.08 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.1001 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.

(Added 5-11-77 by O-12066 N.S.)

(Renumbered from 102.0406.09 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.1101 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 ~~102.0406.06~~ 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 for review and ratification whenever changes are proposed by the City Manager.

(Added 5-11-77 by O-12066 N.S.)

(Amended 4-4-88 by O-17049 N.S.)

(Renumbered from 102.0406.10 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.1201 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.

(Added 5-11-77 by O-12066 N.S.)

(Renumbered from 102.0406.11 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.1301 APPLICABILITY OF PROVISIONS TO CHANGE OF ZONE

A. If a request for a change of zone is filed pursuant to the provisions of Article 1, Division 2, a fee shall become due and payable which shall be calculated according to the provisions of Section ~~102.0406.06~~.

B. No ordinance to change an existing zone shall be considered for adoption by the Council until the fee provided for herein has been deposited with the City of San Diego.

C. The provisions of this section shall not be applicable when the ordinance changing the zone requires that a subdivision map be filed in order to make the zone change effective.

(Added 5-11-77 by O-12066 N.S.)

(Renumbered from 102.0406.12 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.1401 USE OF CAPITAL OUTLAY FUNDS

Capital Outlay Funds may be advanced to finance acquisition or development of a population-based park before sufficient funds are made available through the provisions of this Division. If so, the City Council may require any such advance to be repaid from the first monies available from cash collections of park fees from that population-based park district.

(Added 5-11-77 by O-12066 N.S.)

(Renumbered from 102.0406.13 on 9-19-88 by O-17142 N.S.)

SEC. 102.0407 RESERVATIONS FOR PUBLIC FACILITIES SITES

Sites needed for public facilities, including school sites, within a proposed new subdivision shall be reserved to the City or other responsible public agency in accordance with the provisions of Chapter 4, Article 4 of the Subdivision Map Act.

(Added 5-11-77 by Ord. 12066 N.S.)

SEC. 102.0408 FEES — SEWER OR DRAINAGE FACILITIES

There may be required the payment of fees for the purpose of defraying the cost of planned drainage facilities or planned sewer facilities in accordance with the conditions stipulated in Chapter 4, Article 5 of the Subdivision Map Act. The plan for such facilities within the local drainage or sewer service area in which the subdivision is located shall be adopted by the City Council at least 30 days prior to the imposition of the requirement for payment of fees.

(Added 5-11-77 by Ord. 12066 N.S.)

KENNEY

FYI -
Fill-ins

(O-89-32)

ORDINANCE NUMBER O- 17142 (NEW SERIES)

ADOPTED ON SEP 19 1988

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0406.06.9, RELATING TO PARK FEES AND RENUMBERING SECTIONS 102.0406.1 THROUGH 102.0406.13.

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 102.0406.06.9, relating to park fees, by adding Miramar Ranch North Community, to read as follows:

SEC. 102.0406.06.9 PARK FEES IN NORTH CITY WEST PHASE I, NORTH UNIVERSITY CITY, SABRE SPRINGS AND MIRAMAR RANCH NORTH COMMUNITIES

A. PURPOSE AND INTENT

The Council hereby finds that the North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Community Plan areas have conditions regarding financing for park and recreation facilities which do not reflect circumstances in the City as a whole. This section is, therefore, not intended as a precedent for application of the terms of this section to the balance of the City of San Diego.

The Council has approved and adopted Facilities Benefit Assessments or Financing Plans in North City

West Phase I, North University City, Sabre Springs and Miramar Ranch North by Resolution Nos. R-255771, R-256462, R-257424 and R- 271792, respectively. These Facilities Benefit Assessments and Financial Plans include the park requirements previously required in Section 102.0406.06 and Section 96.0403. It is no longer necessary to require park fee payments in accordance with Section 102.0406 and Section 96.0403 in North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facility Benefit Assessment or Financial Planning areas.

The North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facility Benefit Assessment or Financial Planning areas to which this section applies are more completely described in the respective Community Financing Plans, copies of which are on file in the office of the City Clerk as Document Nos. RR-256291-1, RR-255515, RR-257106-1 and RR- 271792 , respectively.

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 North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Facilities Benefit Assessment or Financial Planning areas.

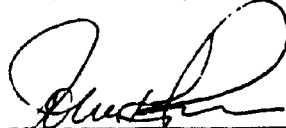
Section 2. That Chapter X, Article 2, Division 4, of the San Diego Municipal Code be and the same are hereby amended by renumbering the following sections:

<u>CURRENT SECTION NUMBERS</u>		<u>NEW SECTION NUMBERS</u>
102.0406.01	to	102.0406.0001
102.0406.02	to	102.0406.0002
102.0406.03	to	102.0406.0003
102.0406.04	to	102.0406.0004
102.0406.05	to	102.0406.0005
102.0406.06	to	102.0406.0601
102.0406.06.1	to	102.0406.0611
102.0406.06.2	to	102.0406.0621
102.0406.06.3	to	102.0406.0631
102.0406.06.4	to	102.0406.0641
102.0406.06.5	to	102.0406.0651
102.0406.06.6	to	102.0406.0661
102.0406.06.7	to	102.0406.0671
102.0406.06.8	to	102.0406.0681
102.0406.06.9	to	102.0406.0691
102.0406.06.10	to	102.0406.0701
102.0406.06.11	to	102.0406.0711 ✓
102.0406.07	to	102.0406.0801
102.0406.08	to	102.0406.0901
102.0406.09	to	102.0406.1001
102.0406.10	to	102.0406.1101 ✓
102.0406.11	to	102.0406.1201
102.0406.12	to	102.0406.1301 ✓
102.0406.13	to	102.0406.1401

The text of each renumbered section remains the same.

Section 3. 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:wk
08/30/88
Or.Dept:E&D
O-89-32
Form=o.none

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: RHONDA R. BARNES

RECEIVED
CITY OF SAN DIEGO
1988 OCT -6 PM 2:37
SAN DIEGO, CALIF.

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION
4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 102.0406.9 RELATING TO PARK FEES AND RENUMBERING
SECTIONS 102.0406.1 THROUGH 102.0406.13.

NO.

ORDINANCE NUMBER 0-17142 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0406.9 RELATING TO PARK FEES AND RENUMBERING SECTIONS 102.0406.1 THROUGH 102.0406.13.
This ordinance adds Miramar Ranch North to the list of communities that have been exempted from the park fee requirements of San Diego Municipal Code sections 96.0403 and 102.0406. It also numbers San Diego Municipal Code sections 102.0406.1 through 102.0406.13 to a standard numbering format.
A 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.
INTRODUCED ON Sept. 6, 1988
Passed and Adopted by the Council of The City of San Diego on Sept. 19, 1988
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of the City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By RHONDA R. BARNES, Deputy
Pub. October 3, 1988

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 0-17142 (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:

OCT. 3

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

Dated at San Diego, California this 3 day of OCT., 19 88.

Thomas D. Kelleher
(Signature)

2 1/4" x 2 x 25.49 = \$51.50