

ORDINANCE NO. **10268**  
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE, BY REPEALING SECTIONS 101.0901 THROUGH 101.0919, AND AMENDING DIVISION 9, PLANNED DEVELOPMENTS AND SECTION 101.0900, RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS.

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

Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be, and it is hereby amended by repealing the following Sections:

|               |  |
|---------------|--|
| SEC. 101.0901 | SAME - CONDITIONAL USE PERMIT THEREFOR - CHARACTERIZATION                            |
| SEC. 101.0902 | SAME - APPLICATION   |
| SEC. 101.0903 | SAME - HEARING ON APPLICATION  |
| SEC. 101.0904 | SAME - DECISION OF PLANNING COMMISSION   |
| SEC. 101.0905 | SAME - MINIMUM AREA  |
| SEC. 101.0906 | SAME - DESIGN CRITERIA   |
| SEC. 101.0907 | SAME - MINIMUM REQUIREMENTS  |
| SEC. 101.0908 | SAME - DEVIATION FROM MINIMUM REQUIREMENTS   |
| SEC. 101.0909 | SAME - COMBINED PROCEEDINGS  |
| SEC. 101.0910 | SAME - TENTATIVE MAP TO SHOW RESERVATION FOR OPEN SPACE                              |
| SEC. 101.0911 | SAME - SUBDIVISION - TENTATIVE MAP - CONDITIONS TO WAIVER OF SUBDIVISION REGULATIONS |
| SEC. 101.0912 | SAME - FINAL MAP - CONDITIONS TO APPROVAL - AMENDED MAP                              |
| SEC. 101.0913 | SAME - CERTIFICATE OF OCCUPANCY  |
| SEC. 101.0914 | SAME - FAILURE TO MAINTAIN   |
| SEC. 101.0915 | SAME - REPAIR BY CITY ENGINEER - ASSESSMENT - NOTICE                                 |

SEC. 101.0916 SAME - CONTENTS OF NOTICE

SEC. 101.0917 SAME - ASSESSMENT REPORT -  
HEARING

SEC. 101.0918 SAME - NOTICE OF LIEN -  
RECORDATION

SEC. 101.0919 SAME - ASSESSMENT LIEN -  
INTEREST - PRIORITY -  
CONSTRUCTIVE NOTICE

Section 2. That Chapter X, Article 1, of the San Diego Municipal Code be amended by amending Division 9 and Section 101.0900 to read as follows:

#### DIVISION 9

#### PLANNED DEVELOPMENTS

SEC. 101.0900 PLANNED RESIDENTIAL  
DEVELOPMENTS

##### A. PURPOSE AND INTENT

The purposes of the Planned Residential Development regulations are to facilitate development of areas designated for residential use in adopted community plans; to encourage imaginative and innovative planning of residential neighborhoods offering a wide variety of dwelling unit types and site arrangements with well-integrated community facilities and services; and to permit greater flexibility in design of residential neighborhoods than is possible through strict application of conventional zoning and subdivision regulations.

##### B. DEFINITION

A Planned Residential Development is a predominantly residential development improved in accordance with an overall project plan and is characterized by the following:

1. The density regulations of the zone in which the Planned Residential Development is located are

applied to the total area of the Planned Residential Development rather than separately to individual lots or building sites.

2. The right to use and enjoy any privately owned common open areas and recreational facilities provided on the site of the Planned Residential Development shall be coupled with the severality interests of the owners of the dwelling units. Ownership may be of lots or condominiums or both.
3. A Planned Residential Development may include accessory commercial, office and recreational facilities limited in size and capacity to the needs of the occupants of the development and their guests.

C. PLANNED RESIDENTIAL DEVELOPMENT PERMIT

The Planning Commission may permit, by Planned Residential Development Permit, a Planned Residential Development in any residential zone including interim residential zones. Such permit shall be subject to all the conditions and regulations set forth in this Section.

D. APPLICATION

Application for a permit for a Planned Residential Development shall be made to the Planning Commission through the Planning Department in accordance with the procedures set forth in this Section, as follows:

1. Application for a Planned Residential Development Permit may be made by the record owner or owners of the property on which the development is proposed to be

constructed. Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans and a legal description of the property involved and an explanation and description of the proposed use.

2. A deposit equal to that charged for a conditional use permit under Section 101.0204.1 shall be paid when application for a Planned Residential Development Permit is made.
3. The application shall be filed with the Planning Commission through the Planning Department in accordance with the procedures set forth in Division 5 of this Article.
4. The application shall be accompanied by a tentative map which shall be filed with the Planning Department in accordance with procedures set forth in Article 2 of this Chapter.
5. The application shall be accompanied by a plot plan showing the following:
  - a. Location, name and width of existing and proposed streets, alleys, easements and interior pedestrian ways, including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.
  - b. Location of existing and proposed buildings and structures.
  - c. General plan for proposed landscaping and permanent watering system.

- d. Proposed off-street parking facilities including the location, number and dimensions of private and public parking spaces, aisles and driveways.
  - e. Height, type and location of proposed walls and fences.
  - f. Grading plan showing existing topography and proposed finished grades.
  - g. A tabulation of the various dwelling types proposed, showing the average site area for each type of dwelling and the overall average dwelling site area.
  - h. A tabulation of all open spaces shown on the plot plan indicating the square footage and the various grades thereof.
- 6. The application shall be accompanied by drawings in sufficient detail to indicate the design of proposed buildings.
  - 7. If the applicant contemplates the construction of a Planned Residential Development in increments, the application shall so state and shall include a proposed construction schedule.
  - 8. If the applicant proposes to provide open areas and recreational facilities to be used by the occupants of two or more dwelling units he shall so state in his application and the application shall include a plan, acceptable to the City, for the preservation and maintenance of the common elements of the property, until said project is terminated by either the Planning Commission, the City Council, or both.

E. HEARING ON APPLICATION

If the Planning Director determines that the application is complete, the Planning Commission shall set the matter for public hearing at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of this Section. Notice of time and place and purpose of such hearing shall be given as follows:

1. By at least one publication in the official newspaper of The City of San Diego, not less than 10 days prior to the date of the hearing.
2. By mailing notices at least 10 days prior to the date of such hearing to all record owners of property within 300 feet of the exterior boundaries of the property involved. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice. Where property within 300 feet of the exterior boundaries of the property involved in the application is contiguous to and under the same ownership as the subject property, the owners of the property adjoining and within 300 feet of the exterior boundaries of the additional property owned by the applicant shall be notified in the same manner as herein provided.

F. DECISION OF THE PLANNING COMMISSION

1. After the public hearing, the Planning Commission may, by resolution, grant a Planned Residential

Development Permit if it finds from the evidence presented at the hearing that all the following facts exist:

- a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.
  - b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
  - c. That all design criteria set forth in paragraph J and all minimum standards set forth in paragraph K of this Section will be met.
  - d. That the granting of this Permit will not adversely affect the Progress Guide and General Plan for the City of San Diego or any adopted Community Plan or the adopted plan of any governmental agency.
2. In granting such Permit, the Planning Commission may impose such conditions as it deems necessary and desirable to protect the public health, safety or welfare in accordance with the purpose and intent of the zoning regulations.
  3. In granting or denying a Permit, the Planning Commission shall make a written finding which shall

specify facts relied upon by said Planning Commission in rendering its decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this Section.

4. A copy of this written finding of fact shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Director of Building Inspection and shall be mailed to the applicant.
5. The decision of the Planning Commission shall be final on the eleventh day following its filing with the City Clerk, except when appeal is taken to the City Council, as provided in this Section.

G. APPEAL FROM DECISION OF THE PLANNING COMMISSION

1. An appeal from any decision of the Planning Commission regarding a Planned Residential Development Permit may be taken to the City Council within ten days after the decision of the Planning Commission has been filed with the City Clerk. The appeal may be taken by the applicant, any governmental body or agency, or any person receiving notice of the public hearing pursuant to paragraph E.2. of this Section. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by him, and shall specify wherein there was error in the decision of the Planning Commission. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the City Council.
2. Upon the filing of the appeal, the City Clerk shall set the matter for public hearing. He shall give



notice of the time, place and purpose of such hearing in the manner as provided in this Section. In addition, the City Clerk shall send the Planning Commission a duplicate copy of the appeal and request the Commission to transmit to the City Council a copy of its decision, findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Planning Commission made its decision.

3. Upon the hearing of the appeal, the City Council may by resolution affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the same limitations as are placed upon the Planning Commission by law and the provisions of this Code. The resolution must contain a finding of fact showing wherein the the proposed Planned Residential Development meets or fails to meet the requirements herein. The Clerk shall transmit a copy of the resolution and finding of fact to the Planning Director and the Zoning Administrator, and shall mail a copy to the applicant.

H. FAILURE TO UTILIZE PLANNED RESIDENTIAL DEVELOPMENT PERMIT

Any Planned Residential Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof. Failure to utilize such Permit within this 18-month period, will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in paragraph I of this Section. Construction must actually

be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been no construction substantial in character performed under said Permit, or that there has been a lapse of work for six months, the Permit shall be void.

I. EXTENSION OF TIME TO A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

The Planning Commission may, by resolution, grant an extension of time up to two years on the time limit contained in a currently valid Planned Residential Development Permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning Commission in the office of the Planning Department, prior to the expiration of the Planned Residential Development Permit. The Planning Commission shall hear the request at a noticed public hearing in accordance with procedures set forth in paragraph E of this Section and may grant the extension of time if it finds from the evidence submitted during the public hearing that there has been no material change of circumstances since the permit was originally granted.

The decision of the Planning Commission may be appealed as provided in paragraph G of this Section.

J. DESIGN CRITERIA

The Planned Residential Development shall observe the following design criteria:

1. The overall plan shall be comprehensive, embracing land, buildings, landscaping and their inter-relationships and shall conform in all respects

to all adopted plans of all governmental agencies for the area in which the proposed development is located.

2. The plan shall provide for adequate open space, circulation, off-street parking, and pertinent amenities. Buildings, structures and facilities in the parcel shall be well integrated, oriented and related to the topographic and natural landscape features of the site.
3. The proposed development shall be compatible with existing and planned land use, and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood and community.
4. The internal street system shall not be a dominant feature in the overall design, rather it should be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any common areas and facilities.
5. Common areas and recreational facilities (if provided) shall be located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided.
6. Architectural harmony within the development and within the neighborhood and community shall be obtained so far as practicable.

K. MINIMUM DEVELOPMENTAL STANDARDS

A Planned Residential Development shall comply with all the following developmental standards:

1. Density. The number of dwelling units to be built on the property shall not exceed that set forth in the following table:

| <u>ZONE</u> | <u>MAXIMUM PERMITTED DWELLING UNITS</u>       |
|-------------|---|
| R-1-40      | <u>Sq. Ft. of Land Area</u><br>40,000 sq. ft. |
| R-1-20      | <u>Sq. Ft. of Land Area</u><br>20,000 sq. ft. |
| R-1-15      | <u>Sq. Ft. of Land Area</u><br>15,000 sq. ft. |
| R-1-10      | <u>Sq. Ft. of Land Area</u><br>10,000 sq. ft. |
| R-1-8       | <u>Sq. Ft. of Land Area</u><br>8,000 sq. ft.  |
| R-1-6       | <u>Sq. Ft. of Land Area</u><br>6,000 sq. ft.  |
| R-1-5       | <u>Sq. Ft. of Land Area</u><br>5,000 sq. ft.  |
| R-2         | <u>Sq. Ft. of Land Area</u><br>3,000 sq. ft.  |
| R-2A        | <u>Sq. Ft. of Land Area</u><br>1,500 sq. ft.  |
| R-3         | <u>Sq. Ft. of Land Area</u><br>1,000 sq. ft.  |
| RV          | <u>Sq. Ft. of Land Area</u><br>1,000 sq. ft.  |
| R-3A        | <u>Sq. Ft. of Land Area</u><br>600 sq. ft.    |
| R-4         | <u>Sq. Ft. of Land Area</u><br>400 sq. ft.    |
| R-4C        | <u>Sq. Ft. of Land Area</u><br>200 sq. ft.    |

If the property involved is composed of land falling in two or more residential zones, the number of dwelling units permitted in the development shall be the sum of the dwelling units permitted in each of the residential zones. Within a Planned Residential Development, the

permitted number of dwelling units may be distributed without regard to the underlying zoning.

2. Open Space. The open space provided on the property shall not be less than that shown in the following table:

| <u>ZONE</u> | <u>TOTAL REQUIRED O.S.<br/>PER D.U. (sq. ft.)</u> | <u>REQUIRED USABLE O.S.<br/>PER D.U. (sq. ft.)</u> |
|-------------|---|--|
| R-1-40      | 28,000  | 14,000   |
| R-1-20      | 12,000  | 6,000  |
| R-1-15      | 9,000   | 4,500  |
| R-1-10      | 6,000   | 3,000  |
| R-1-8       | 4,800   | 2,400  |
| R-1-6       | 3,600   | 1,800  |
| R-1-5       | 3,000   | 1,500  |
| R-2         | 1,800   | 900  |
| R-2A        | 900   | 450  |
| R-3         | 500   | 250  |
| RV          | 500   | 250  |
| R-3A        | 300   | 150  |
| R-4         | 200   | 100  |
| R-4C        | 100   | 50   |

If the property involved is composed of land falling in two or more residential zones, the amount of open space required in the development shall be the sum of the open space required in each of the residential zones. Within a Planned Residential Development, the required open space may be distributed without regard to the underlying zoning.

The usable open space as determined from the above table shall be composed of moderately level land having an overall grade not exceeding 10 percent and shall not include land occupied by buildings, structures, streets, driveways or parking areas. The usable open space may, however, be occupied by recreational facilities, excluding buildings, including the following:

Swimming pools, golf courses, tennis, basketball, volley ball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic and barbeque facilities and any other use which the Planning Commission may find to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of this Section.

That portion of the required total open space not designated as usable open space may be occupied by any improvement except buildings. Areas not occupied by improvements may be landscaped or left in their natural state. Areas left in a natural state shall be kept free of litter and debris and shall at no time constitute a health, safety or fire hazard.

All or any part of the required total open space may be owned in common by the occupants of the development. If open space is to be owned in common, provision acceptable to the City shall be made for its preservation and maintenance.

3. Utilities. Public utility systems and service facilities shall be located underground within the boundaries of the development as provided for in Section 102.0221 of this Code.
4. Antennas. Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the development shall be permitted.
5. Landscaping. All usable open space not occupied by recreational facilities shall be landscaped and provided with a permanent underground watering system.
6. Private Streets, Alleys, Walkways and Parking Areas. All streets, alleys, walkways and parking areas within the development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways, and parking areas.

L. DEVIATIONS FROM MINIMUM STANDARDS

Deviation from the requirements of this Section may be granted by the Planning Commission or City Council as follows:

1. Deviations from any of the design criteria in paragraph J and standards set forth in paragraph K, of this Section, except the minimum standards regarding density and total required open space, may be granted by either the Planning Commission, or by the City Council on appeal, upon a written finding that facts set forth in paragraph L.2. below exist. No deviations shall be granted from the minimum requirements for density or total open space.
2. The Planning Commission, or the City Council on appeal, may grant a deviation only when it shall appear from the applicant's statement or from the evidence presented at the public hearing that all the following facts exist:
  - a. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification.



b. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is situated because of the conditions imposed.

c. That the granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted plan of any governmental agency.

3. No deviation from the requirements that utilities be located underground shall be granted except as provided in Section 102.0221 of this Code.

M. COMBINED PROCEEDINGS

All proceedings with regard to a tentative map submitted with an application for a Planned Residential Development Permit shall be combined with the proceedings for the Permit.

N. TENTATIVE MAP TO SHOW RESERVATION FOR OPEN SPACE

The tentative map submitted with the application for a Planned Residential Development Permit shall show land reserved as an open space easement if such open space is to be provided for the common use of the occupants of the Planned Residential Development.

O. SUBDIVISION - TENTATIVE MAP - CONDITIONS TO WAIVER OF SUBDIVISION REGULATIONS

The Planning Commission may approve a tentative map which provides for a division of the parcel into two or more

lots though the map may not comply with the provisions of Chapter X, Article 2 of this Code pertaining to minimum requirements for streets, lots and block design and the provisions of this Code requiring that each lot be connected directly to the City sewer system. If common open spaces are reserved in accordance with the provisions of paragraph N of this Section, approval of the tentative map shall be conditioned upon The City of San Diego being granted an easement in a form acceptable to the City, limiting the future use of common open spaces and preserving them as open spaces.

P. FINAL MAP - CONDITIONS TO APPROVAL - AMENDED MAP

Building permits shall not be issued for any construction within the proposed Planned Residential Development unless a final approved map has been recorded or waiver of such recordation has been granted by the Planning Commission or City Council. A final map which deviates from the conditions imposed by the Permit issued for the Planned Residential Development shall not be approved.

A final map which provides for common open spaces shall not be approved unless the special requirements of paragraph O of this Section have been fulfilled and the provisions of Chapter X, Article 2 of this Code, which are consistent with the provisions of this Section, have been satisfied.

Q. CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued for any structure in a Planned Residential Development until all improvements required by the permit have been completed to the satisfaction of the City Engineer and the Department of Building Inspection.

R. FAILURE TO MAINTAIN

1. All commonly owned land, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to so maintain shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.
2. In addition to any other remedy provided by law for the abatement, removal and enjoinder of such public nuisance, the City Engineer, may, after giving notice, cause the necessary work of maintenance or repair to be done, and the costs thereof shall be assessed against the owner or owners of the project.
3. The notice shall be in writing and mailed to all persons whose names appear on the last equalized assessment roll as owners of real property within the project, at the address shown on said assessment roll. Notice shall also be sent to any person known to the City Engineer to be responsible for the maintenance or repair of the common areas and facilities of the project under an indenture or agreement. The City Engineer shall also cause at least one copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or mail or correctly address any notice if this Section has been substantially complied with.

4. The notice shall particularly specify the work required to be done and shall state that if said work is not commenced within five days after receipt of such notice and diligently and without interruption prosecuted to completion, The City of San Diego shall cause such work to be done, in which case the cost and expense of such work, including incidental expenses incurred by the City, will be assessed against the property or against each separate lot and become a lien upon such property.
5. If upon the expiration of the five-day period provided for in paragraph R.4. above, the work has not been done, or having been commenced, is not being prosecuted with diligence, the City Engineer shall proceed to do such work or cause such work to be done. Upon completion of such work, the City Engineer shall file a written report with the Council setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property against which the cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work. The City Engineer or the City Clerk, if so directed by the Council, shall thereafter give notice in writing to the owners of the project in the manner provided in paragraph R.3. above of the hour and place that the Council will pass upon said City Engineer's report and will hear protests against said assessments. Such notice shall also set forth the amount of the proposed assessment.

6. Upon the date and hour set for the hearing of protests the Council shall hear and consider the City Engineer's report and all protests, if there be any, and then proceed to confirm, modify or reject the assessments.
7. A list of assessments as finally confirmed by the Council shall be sent to the City Treasurer for collection. If any assessment is not paid within ten days after its confirmation by the Council, the City Clerk shall cause to be filed in the office of the County Recorder of the County of San Diego a Notice of Lien, substantially in the following form:

NOTICE OF LIEN

Pursuant to Chapter X, Article 1, Division 9, of the San Diego Municipal Code, (Ordinance No. \_\_\_\_\_, New Series, as amended) The City of San Diego did on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, cause maintenance and repair work to be done in the Planned Residential Development project known as \_\_\_\_\_, which was constructed under a Planned Residential Development Permit No. \_\_\_\_\_, for the purpose of abating a public nuisance and enforcing compliance with the terms of said Permit and the Council of The City of San Diego, did, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its Resolution No. \_\_\_\_\_ assess the cost or portion of the cost thereof upon the real property hereinafter described, and the same has not been paid nor any part thereof, and The City of San Diego does hereby claim a lien upon said real property

until the said sum with interest thereon at the rate of 6% per annum from the date of the recordation of this instrument has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is hereby claimed is that certain parcel of land in The City of San Diego, County of San Diego, State of California, particularly described as follows:

(Description of Property)

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_

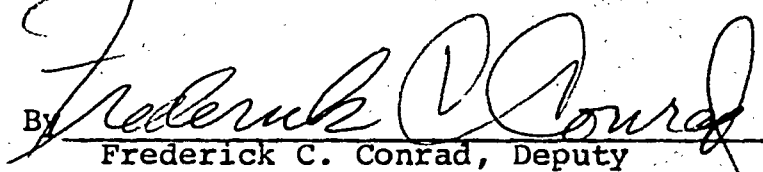
\_\_\_\_\_  
City Clerk, The City of San Diego

8. From and after the date of the recordation of such Notice of Lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the rate of 6% per annum until paid in full. Said lien shall continue until the amount of the assessment and all interest thereon shall have been paid. The lien shall be subordinate to tax liens and all fixed special assessment items previously imposed upon the same property, but shall have priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the property. From and after the date of recordation of such Notice of Lien, All persons shall be deemed to have notice of the contents thereof.

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

  
Frederick C. Conrad, Deputy

FCC:mk  
Rev. page 8  
3-24-70

108 a  
Passed and adopted by the Council of The City of San Diego on APR 7 1970,  
by the following vote:

| Councilmen         | Yeas                                | Nays                     | Excused                  | Absent                   |
|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Helen Cobb         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sam T. Loftin      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Henry L. Landt     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Leon L. Williams   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Floyd L. Morrow    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bob Martinet       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Allen Hitch        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Schaefer      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Frank Curran | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RECEIVED  
CITY CLERK'S OFFICE  
APR 20 PM 4:31  
SAN DIEGO, CALIF.

AUTHENTICATED BY:

FRANK CURRAN  
Mayor of The City of San Diego, California.

JOHN LOCKWOOD  
City Clerk of The City of San Diego, California.

(Seal)

By Elfa N. Hamel, 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

MAR 24 1970

APR 7 1970

~~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.

JOHN LOCKWOOD  
City Clerk of The City of San Diego, California.

(Seal)

By Elfa N. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Ordinance  
Number

**10268**

Adopted APR 7 1970



ATTORNEY (S)

\* CITY OF SAN DIEGO  
202 C Street  
Community Concourse  
San Diego, California 92101

**CERTIFICATE OF PUBLICATION**

No.

IN THE MATTER OF

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF  
THE SAN DIEGO MUNICIPAL CODE, BY REPEALING  
SECTIONS 101.0901 THROUGH 101.0919, AND  
AMENDING DIVISION 9, PLANNED RESIDENTIAL  
DEVELOPMENTS

RECEIVED  
CITY CLERK'S OFFICE  
1970 APR 21 AM 10:43  
SAN DIEGO, CALIF.

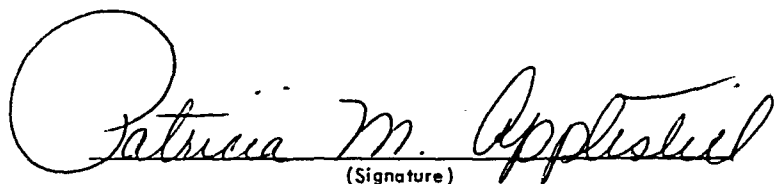
I, Patricia M. Applestill hereby certify  
that The Daily Transcript is a daily newspaper of general  
circulation within the provisions of the Government Code of  
the State of California, printed and published in the City of  
San Diego, County of San Diego, State of California; that  
I am the principal clerk of the printer of said newspaper;  
that the

ORDINANCE NO. 10268 (NEW SERIES)

to a true and correct copy of which this certificate is annexed  
was published in said newspaper on

April 16, 1970

I certify under penalty of perjury that the foregoing is  
true and correct, at San Diego, California,  
on April 16, 1970

  
(Signature)

95 1/2" \$382.00

**ORDINANCE NO. 10268**  
(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE, BY REPEALING SECTIONS 101.0901 THROUGH 101.0919, AND AMENDING DIVISION 9, PLANNED DEVELOPMENTS AND SECTION 101.0900, RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows: Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be, and it is hereby amended by repealing the following Sections:

- SEC. 101.0901 SAME—CONDITIONAL USE PERMIT THEREFOR—CHARACTERIZATION
- SEC. 101.0902 SAME—APPLICATION
- SEC. 101.0903 SAME—HEARING ON APPLICATION
- SEC. 101.0904 SAME—DECISION OF PLANNING COMMISSION
- SEC. 101.0905 SAME—MINIMUM AREA
- SEC. 101.0906 SAME—DESIGN CRITERIA
- SEC. 101.0907 SAME—MINIMUM REQUIREMENTS
- SEC. 101.0908 SAME—DEVIATION FROM MINIMUM REQUIREMENTS
- SEC. 101.0909 SAME—COMBINED PROCEEDINGS
- SEC. 101.0910 SAME—TENTATIVE MAP TO SHOW RESERVATION FOR OPEN SPACE
- SEC. 101.0911 SAME—SUBDIVISION—TENTATIVE MAP—CONDITIONS TO WAIVER OF SUBDIVISION REGULATIONS
- SEC. 101.0912 SAME—FINAL MAP—CONDITIONS TO APPROVAL—AMENDED MAP
- SEC. 101.0913 SAME—CERTIFICATE OF OCCUPANCY
- SEC. 101.0914 SAME—FAILURE TO MAINTAIN
- SEC. 101.0915 SAME—REPAIR BY CITY ENGINEER—ASSESSMENT—NOTICE
- SEC. 101.0916 SAME—CONTENTS OF NOTICE
- SEC. 101.0917 SAME—ASSESSMENT REPORT—HEARING
- SEC. 101.0918 SAME—NOTICE OF LIEN—RECORDATION
- SEC. 101.0919 SAME—ASSESSMENT LIEN—INTEREST—PRIORITY—CONSTRUCTIVE NOTICE

Section 2. That Chapter X, Article 1, of the San Diego Municipal Code be amended by amending Division 9 and Section 101.0900 to read as follows:

DIVISION 9  
PLANNED DEVELOPMENTS

SEC. 101.0900 PLANNED RESIDENTIAL DEVELOPMENTS

A. PURPOSE AND INTENT

The purposes of the Planned Residential Development regulations are to facilitate development of areas designated for residential use in adopted community plans; to encourage imaginative and innovative planning of residential neighborhoods offering a wide variety of dwelling unit types and site arrangements with well-integrated community facilities and services; and to permit greater flexibility in design of residential neighborhoods than is possible through strict application of conventional zoning and subdivision regulations.

B. DEFINITION

A Planned Residential Development is a predominantly residential development improved in accordance with an overall project plan and is characterized by the following:

1. The density regulations of the zone in which the Planned Residential Development is located are applied to the total area of the Planned Residential Development rather than separately to individual lots or building sites.
2. The right to use and enjoy any privately owned common open areas and recreational facilities provided on the site of the Planned Residential Development shall be coupled with the severality interests of the owners of the dwelling units. Ownership may be of lots or condominiums or both.
3. A Planned Residential Development may include accessory commercial, office and recreational facilities limited in size and capacity to the needs of the occupants of the development and their guests.

C. PLANNED RESIDENTIAL DEVELOPMENT PERMIT

The Planning Commission may permit, by Planned Residential Development Permit, a Planned Residential Development in any residential zone including interim residential zones. Such permit shall be subject to all the conditions and regulations set forth in this Section.

D. APPLICATION

Application for a permit for a Planned Residential Development shall be made to the Planning Commission through the Planning Department in accordance with the procedures set forth in this Section, as follows:

1. Application for a Planned Residential Development Permit may be made by the record owner or owners of the property on which the development is proposed to be constructed. Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans and a legal description of the property involved and an explanation and description of the proposed use.
2. A deposit equal to that charged for a conditional use permit under Section 101.0204.1 shall be paid when application for a Planned Residential Development Permit is made.
3. The application shall be filed with the Planning Commission through the Planning Department in accordance with the procedures set forth in Division 5 of this Article.
4. The application shall be accompanied by a tentative map which shall be filed with the Planning Department in accordance with procedures set forth in Article 2 of this Chapter.
5. The application shall be accompanied by a plot plan showing the following:
  - a. Location, name and width of existing and proposed streets, alleys, easements and interior pedestrian ways, including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.
  - b. Location of existing and proposed buildings and structures.
  - c. General plan for proposed landscaping and permanent watering system.
  - d. Proposed off-street parking facilities including the location, number and dimensions of private and public parking spaces, aisles and driveways.
  - e. Height, type and location of proposed walls and fences.
  - f. Grading plan showing existing topography and proposed finished grades.
  - g. A tabulation of the various dwelling types proposed, showing the average site area for each type of dwelling and the overall average dwelling site area.
  - h. A tabulation of all open spaces shown on the plot plan indicating the square footage and the various grades thereof.
6. The application shall be accompanied by drawings in sufficient detail to indicate the design of the proposed buildings.
7. If the applicant contemplates the construction of a Planned Residential Development in increments, the application shall so state and shall include a proposed construction schedule.
8. If the applicant proposes to provide open areas and recreational facilities to be used by the occupants of two or more dwelling units he shall so state in his application and the application shall include a plan, acceptable to the City, for the preservation and maintenance of the common elements of the property, until said project is terminated by either the Planning Commission, the City Council, or both.

**E. HEARING ON APPLICATION**

If the Planning Director determines that the application is complete, the Planning Commission shall set the matter for public hearing at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of this Section. Notice of time and place and purpose of such hearing shall be given as follows:

1. By at least one publication in the official newspaper of The City of San Diego, not less than 10 days prior to the date of the hearing.
2. By mailing notices at least 10 days prior to the date of such hearing to all record owners of property within 300 feet of the exterior boundaries of the property involved. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice. Where property within 300 feet of the exterior boundaries of the property involved in the application is contiguous to and under the same ownership as the subject property, the owners of the property adjoining and within 300 feet of the exterior boundaries of the additional property owned by the applicant shall be notified in the same manner as herein provided.

**F. DECISION OF THE PLANNING COMMISSION**

1. After the public hearing, the Planning Commission may, by resolution, grant a Planned Residential Development Permit if it finds from the evidence presented at the hearing that all the following facts exist:

- a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.
- b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- c. That all design criteria set forth in paragraph J and all minimum standards set forth in paragraph K of this Section will be met.
- d. That the granting of this Permit will not adversely affect the Progress Guide and General Plan for the City of San Diego or any adopted Community Plan or the adopted plan of any governmental agency.

2. In granting such Permit, the Planning Commission may impose such conditions as it deems necessary and desirable to protect the public health, safety or welfare in accordance with the purpose and intent of the zoning regulations.

3. In granting or denying a Permit, the Planning Commission shall make a written finding which shall specify facts relied upon by said Planning Commission in rendering its decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill, or fail to fulfill the requirements of this Section.

4. A copy of this written finding of fact shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Director of Building Inspection and shall be mailed to the applicant.

5. The decision of the Planning Commission shall be final on the eleventh day following its filing with the City Clerk, except when appeal is taken to the City Council, as provided in this Section.

**G. APPEAL FROM DECISION OF THE PLANNING COMMISSION**

1. An appeal from any decision of the Planning Commission regarding a Planned Residential Development Permit may be taken to the City Council within ten days after the decision of the Planning Commission has been filed with the City Clerk. The appeal may be taken by the applicant, any governmental body or agency, or any person receiving notice of the public hearing pursuant to paragraph E.2. of this Section. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by him, and shall specify wherein there was error in the decision of the Planning Commission. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the City Council.

2. Upon the filing of the appeal, the City Clerk shall set the matter for public hearing. He shall give notice of the time, place and purpose of such hearing in the manner as provided in this Section. In addition, the City Clerk shall send the Planning Commission a duplicate copy of the appeal and request the Commission to transmit to the City Council a copy of its decision, findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Planning Commission made its decision.

3. Upon the hearing of the appeal, the City Council may by resolution affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the same limitations as are placed upon the Planning Commission by law and the provisions of this Code. The resolution must contain a finding of fact showing wherein the proposed Planned Residential Development meets or fails to meet the requirements herein. The Clerk shall transmit a copy of the resolution and finding of fact to the Planning Director and the Zoning Administrator, and shall mail a copy to the applicant.

**H. FAILURE TO UTILIZE PLANNED RESIDENTIAL DEVELOPMENT PERMIT**

Any Planned Residential Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof. Failure to utilize such Permit within this 18-month period, will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in paragraph I of this Section. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been no construction substantial in character performed under said Permit, or that there has been a lapse of work for six months, the Permit shall be void.

**I. EXTENSION OF TIME TO A PLANNED RESIDENTIAL DEVELOPMENT PERMIT**

The Planning Commission may, by resolution, grant an extension of time up to two years on the time limit contained in a currently valid Planned Residential Development Permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning Commission in the office of the Planning Department, prior to the expiration of the Planned Residential Development Permit. The Planning Commission shall hear the request at a noticed public hearing in accordance with procedures set forth in paragraph E of this Section and may grant the extension of time if it finds from the evidence submitted during the public hearing that there has been no material change of circumstances since the permit was originally granted.

The decision of the Planning Commission may be appealed as provided in paragraph G of this Section.

**J. DESIGN CRITERIA**

The Planned Residential Development shall observe the following design criteria:

1. The overall plan shall be comprehensive, embracing land, buildings, landscaping and their inter-relationships and shall conform in all respects to all adopted plans of all governmental agencies for the area in which the proposed development is located.
2. The plan shall provide for adequate open space, circulation, off-street parking, and pertinent amenities. Buildings, structures and facilities in the parcel shall be well integrated, oriented and related to the topographic and natural landscape features of the site.
3. The proposed development shall be compatible with existing and planned land use, and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood and community.
4. The internal street system shall not be a dominant feature in the overall design, rather it should be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any common areas and facilities.
5. Common areas and recreational facilities (if provided) shall be located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided.
6. Architectural harmony within the development and within the neighborhood and community shall be obtained so far as practicable.

**K. MINIMUM DEVELOPMENTAL STANDARDS**

A. Planned Residential Development shall comply with all the following developmental standards:

1. Density. The number of dwelling units to be built on the property shall not exceed that set forth in the following table:

| ZONE   | MAXIMUM PERMITTED DWELLING UNITS       |
|--------|--|
| R-1-40 | Sq. Ft. of Land Area<br>40,000 sq. ft. |
| R-1-20 | Sq. Ft. of Land Area<br>20,000 sq. ft. |
| R-1-15 | Sq. Ft. of Land Area<br>15,000 sq. ft. |
| R-1-10 | Sq. Ft. of Land Area<br>10,000 sq. ft. |
| R-1-8  | Sq. Ft. of Land Area<br>8,000 sq. ft.  |
| R-1-6  | Sq. Ft. of Land Area<br>6,000 sq. ft.  |
| R-1-5  | Sq. Ft. of Land Area<br>5,000 sq. ft.  |
| R-2    | Sq. Ft. of Land Area<br>3,000 sq. ft.  |
| R-2A   | Sq. Ft. of Land Area<br>1,500 sq. ft.  |
| R-3    | Sq. Ft. of Land Area<br>1,000 sq. ft.  |
| RV     | Sq. Ft. of Land Area<br>1,000 sq. ft.  |
| R-3A   | Sq. Ft. of Land Area<br>600 sq. ft.    |
| R-4    | Sq. Ft. of Land Area<br>400 sq. ft.    |
| R-4C   | Sq. Ft. of Land Area<br>200 sq. ft.    |

If the property involved is composed of land falling in two or more residential zones, the number of dwelling units permitted in the development shall be the sum of the dwelling units permitted in each of the residential zones. Within a Planned Residential Development, the permitted number of dwelling units may be distributed without regard to the underlying zoning.

2. Open Space. The open space provided in the property shall not be less than that shown in the following table:

| ZONE   | TOTAL REQUIRED O.S.<br>PER D.U. (sq. ft.) | REQUIRED USABLE O.S.<br>PER D.U. (sq. ft.) |
|--------|---|--|
| R-1-40 | 28,000                                    | 14,000                                     |
| R-1-20 | 12,000                                    | 6,000                                      |
| R-1-15 | 9,000                                     | 4,500                                      |
| R-1-10 | 6,000                                     | 3,000                                      |
| R-1-8  | 4,800                                     | 2,400                                      |
| R-1-6  | 3,600                                     | 1,800                                      |
| R-1-5  | 3,000                                     | 1,500                                      |
| R-2    | 1,800                                     | 900  |
| R-2A   | 900                                       | 450  |
| R-3    | 500                                       | 250  |
| RV     | 500                                       | 250  |
| R-3A   | 300                                       | 150  |
| R-4    | 200                                       | 100  |
| R-4C   | 100                                       | 50   |

If the property involved is composed of land falling in two or more residential zones, the amount of open space required in the development shall be the sum of the open space required in each of the residential zones. Within a Planned Residential Development, the required open space may be distributed without regard to the underlying zoning.

The usable open space as determined from the above table shall be composed of moderately level land having an overall grade not exceeding 10 percent and shall not include land occupied by buildings, structures, streets, driveways or parking areas. The usable open space may, however, be occupied by recreational facilities, excluding buildings, including the following:

Swimming pools, golf courses, tennis, basketball, volley ball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic and barbecue facilities and any other use which the Planning Commission may find to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of this Section.

That portion of the required total open space not designated as usable open space may be occupied by any improvement except buildings. Areas not occupied by improvements may be landscaped or left in their natural state. Areas left in a natural state shall be kept free of litter and debris and shall at no time constitute a health, safety or fire hazard.

All or any part of the required total open space may be owned in common by the occupants of the development. If open space is to be owned in common, provision acceptable to the City shall be made for its preservation and maintenance.

3. Utilities. Public utility systems and service facilities shall be located underground within the boundaries of the development as provided for in Section 102.0221 of this Code.
4. Antennas. Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the development shall be permitted.
5. Landscaping. All usable open space not occupied by recreational facilities shall be landscaped and provided with a permanent underground watering system.
6. Private Streets, Alleys, Walkways and Parking Areas. All streets, alleys, walkways and parking areas within the development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways, and parking areas.

**L. DEVIATIONS FROM MINIMUM STANDARDS**

Deviation from the requirements of this Section may be granted by the Planning Commission or City Council as follows:

1. Deviations from any of the design criteria in paragraph J and standards set forth in paragraph K, of this Section, except the minimum standards regarding density and total required open space, may be granted by either the Planning Commission, or by the City Council on appeal, upon a written finding that facts set forth in paragraph L.2. below exist. No deviations shall be granted from the minimum requirements for density or total open space.
2. The Planning Commission, or the City Council on appeal, may grant a deviation only when it shall appear from the applicant's statement or from the evidence presented at the public hearing that all the following facts exist:
- a. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification.
- b. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is situated because of the conditions imposed.
- c. That the granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted plan of any governmental agency.
3. No deviation from the requirements that utilities be located underground shall be granted except as provided in Section 102.0221 of this Code.

**M. COMBINED PROCEEDINGS**

All proceedings with regard to a tentative map submitted with an application for a Planned Residential Development Permit shall be combined with the proceedings for the Permit.

**N. TENTATIVE MAP TO SHOW RESERVATION FOR OPEN SPACE**

The tentative map submitted with the application for a Planned Residential Development Permit shall show land reserved as an open space easement if such open space is to be provided for the common use of the occupants of the Planned Residential Development.

**O. SUBDIVISION—TENTATIVE MAP—CONDITIONS TO WAIVER OF SUBDIVISION REGULATIONS**

The Planning Commission may approve a tentative map which provides for a division of the parcel into two or more lots though the map may not comply with the provisions of Chapter X, Article 2 of this Code pertaining to minimum requirements for streets, lots and block design and the provisions of this Code requiring that each lot be connected directly to the City sewer system. If common open spaces are reserved in accordance with the provisions of paragraph N of this Section, approval of the tentative map shall be conditioned upon The City of San Diego being granted an easement in a form acceptable to the City, limiting the future use of common open spaces and preserving them as open spaces.

**P. FINAL MAP—CONDITIONS TO APPROVAL—AMENDED MAP**

Building permits shall not be issued for any construction within the proposed Planned Residential Development unless a final approved map has been recorded or waiver of such recordation has been granted by the Planning Commission or City Council. A final map which deviates from the conditions imposed by the Permit issued for the Planned Residential Development shall not be approved.

A final map which provides for common open spaces shall not be approved unless the special requirements of paragraph O of this Section have been fulfilled and the provisions of Chapter X, Article 2 of this Code, which are consistent with the provisions of this Section, have been satisfied.

**Q. CERTIFICATE OF OCCUPANCY**

A certificate of occupancy shall not be issued for any structure in a Planned Residential Development until all improvements required by the permit have been completed to the satisfaction of the City Engineer and the Department of Building Inspection.

**R. FAILURE TO MAINTAIN**

1. All commonly owned land, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to so maintain shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.
2. In addition to any other remedy provided by law for the abatement, removal and enjoinder of such public nuisance, the City Engineer, may, after giving notice, cause the necessary work of maintenance or repair to be done, and the costs thereof shall be assessed against the owner or owners of the project.
3. The notice shall be in writing and mailed to all persons whose names appear on the last equalized assessment roll as owners of real property within the project, at the address shown on said assessment roll. Notice shall also be sent to any person known to the City Engineer to be responsible for the maintenance or repair of the common areas and facilities of the project under an indenture or agreement. The City Engineer shall also cause at least one copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or mail or correctly address any notice if this Section has been substantially complied with.
4. The notice shall particularly specify the work required to be done and shall state that if said work is not commenced within five days after receipt of such notice and diligently and without interruption prosecuted to completion, The City of San Diego shall cause such work to be done, in which case the cost and expense of such work, including incidental expenses incurred by the City, will be assessed against the property or against each separate lot and become a lien upon such property.
5. If upon the expiration of the five-day period provided for in paragraph R.4. above, the work has not been done, or having been commenced, is not being prosecuted with diligence, the City Engineer shall proceed to do such work or cause such work to be done. Upon completion of such work, the City Engineer shall file a written report with the Council setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property against which the cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work. The City Engineer or the City Clerk, if so directed by the Council, shall thereafter give notice in writing to the owners of the project in the manner provided in paragraph R.3. above of the hour and place that the Council will pass upon said City Engineer's report and will hear protests against said assessments. Such notice shall also set forth the amount of the proposed assessment.
6. Upon the date and hour set for the hearing of protests the Council shall hear and consider the City Engineer's report and all protests, if there be any, and then proceed to confirm, modify or reject the assessments.
7. A list of assessments as finally confirmed by the Council shall be sent to the City Treasurer for collection. If any assessment is not paid within ten days after its confirmation by the Council, the City Clerk shall cause to be filed in the office of the County Recorder of the County of San Diego a Notice of Lien, substantially in the following form:

**NOTICE OF LIEN**

Pursuant to Chapter X, Article 1, Division 9, of the San Diego Municipal Code, (Ordinance No. —, New Series, as amended) The City of San Diego did on the — day of —, 19—, cause maintenance and repair work to be done in the Planned Residential Development project known as —

—, which was constructed under a Planned Residential Development Permit No. —, for the purpose of abating a public nuisance and enforcing compliance with the terms of said Permit and the Council of The City of San Diego, did, on the — day of —, 19—, by its Resolution No. — assess the cost or portion of the cost thereof upon the real property hereinafter described, and the same has not been paid nor any part thereof, and The City of San Diego does hereby claim a lien upon said real property until the said sum with interest thereof at the rate of 6% per annum from the date of the recordation of this instrument has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is hereby claimed is that certain parcel of land in The City of San Diego, County of San Diego, State of California, particularly described as follows:

(Description of Property)  
Dated this — day of —, 19—  
City Clerk, The City of San Diego

8. From and after the date of the recordation of such Notice of Lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the rate of 6% per annum until paid in full. Said lien shall continue until the amount of the assessment and all interest thereon shall have been paid. The lien shall be subordinate to tax liens and all fixed special assessment items previously imposed upon the same property, but shall have priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the property. From and after the date of recordation of such Notice of Lien, all persons shall be deemed to have notice of the contents thereof.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on March 24, 1970.

Passed and adopted by the Council of The City of San Diego on April 7, 1970.

**AUTHENTICATED BY:**

FRANK CURRAN,  
Mayor of The City of San Diego, California.  
JOHN LOCKWOOD,  
City Clerk of The City of San Diego, California.  
By ELFA F. HAMEL, Deputy.