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ORDINANCE NO. _____
(New Series)

MAY 11 1977

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISIONS 1, 2, 3, 4, AND 8 AND ADOPTING NEW DIVISIONS 1 THROUGH 7 REGARDING SUBDIVISIONS.

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

Section 1. That Chapter X, Article 2 of the San Diego Municipal Code, be, and it is hereby amended by repealing Divisions 1, 2, 3, 4, and 8 and adopting new Divisions 1 through 7, to read as follows:

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ARTICLE 2

SUBDIVISION

DIVISION 1

GENERAL PROVISIONS AND DEFINITIONS

SEC. 102.0100 TITLE

This Article shall be known as the "Subdivision Ordinance," and may be cited as such.

SEC. 102.0101 PURPOSE AND INTENT

The purpose of this Article and any rules, regulations, and specifications adopted pursuant thereto is to control and regulate the design and improvements of the division of lands within the City of San Diego, and to provide an expeditious processing of subdivisions and to protect the public and purchaser. The provisions of this Article are in addition to the regulations of the Subdivision Map Act of the State of California, and are supplementary thereto.

SEC. 102.0102 DEFINITIONS

Words used herein that are defined in the Subdivision Map Act, but not specifically defined in this chapter, shall have the same meaning as is given to them in said Subdivision Map Act. Whenever the following words are used in this Article, they shall have the meaning ascribed to them in this Division:

CITY COUNCIL - The City Council of The City of San Diego.

CITY ENGINEER - The City Engineer of The City of San Diego or his duly authorized representative.

CITY MANAGER - The City Manager of The City of San Diego or his duly authorized representative.

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LOT - A lot or parcel of real property as defined in Chapter X, Article 1, Division 1 of this Code.

DEPOSIT - A sum to be determined by the Planning Director or City Engineer in accordance with Division 3 of this Code from which shall be deducted charges made for the processing of tentative and/or final subdivision maps and/or improvement plans. Any unused portion of this deposit will be refunded when the subdivision has been accepted by the City.

FINAL MAP - A map of any number of lots prepared in accordance with this Article and the Subdivision Map Act of the State of California and amendments thereto.

PARCEL MAP - A map containing less than five (5) lots or parcels prepared in accordance with this Article and the Subdivision Map Act of the State of California and any amendments thereto.

PLANNING COMMISSION - The Planning Commission of The City of San Diego.

PLANNING DIRECTOR - The Planning Director of The City of San Diego or his duly authorized representative.

PROCESSING FEE - Unrefundable amount charged subdivider to defray in part the costs of the City processing parcel maps and miscellaneous matters.

SUBDIVISION BOARD - A board consisting of the Planning Director, City Manager, and City Engineer or their duly authorized representatives.

SUBDIVISION MAP - A Subdivision Map is any map that is filed for the purpose of subdividing property as defined by the Subdivision Map Act. It may be either a "Final Map" or a "Parcel Map."

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SUBDIVISION MAP ACT - The Subdivision Map Act as set forth in Division 2 of Title 7 of the Government Code of the State of California.

SUBDIVISION REVIEW COMMITTEE - A Committee composed of representatives of the Planning, and other City departments and public utility companies.

TENTATIVE MAP - A map prepared for the purpose of showing the design and improvements of a subdivision and the conditions in and around the property filed with the Planning Director precedent to the approval of the final map.

TENTATIVE PARCEL MAP - A map containing less than five (5) lots or parcels prepared for the purpose of showing the design and improvements of a subdivision and the conditions in and around the property filed with the Planning Director precedent to the approval of a parcel map.

SEC. 102.0103 APPLICATION

The provisions of this Article shall not apply to those tentative maps and tentative parcel maps approved prior to the effective date of this Article.

DIVISION 2

MAPS

SEC. 102.0200 MAPS REQUIRED

All subdivision of lands shall require the filing of a map as specified in Chapter 2 of the Subdivision Map Act and this Article, except for the conveyance or transfer of land or any interest therein by or to the United States, State of California, County of San Diego, City of San Diego, school districts, public utilities, or

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any other agency having the power of condemnation; nor shall a map be required before a parcel may be sold, leased or financed if such property has been altered in configuration by a conveyance or transfer to any of the agencies listed herein.

Determination of whether a final map or parcel map shall be required for a subdivision shall be in accordance with Chapter 2, Article 1 of the Subdivision Map Act, or as otherwise specified herein.

SEC. 102.0201 TENTATIVE MAPS

The subdivider shall file with the Planning Department a tentative map or tentative parcel map for each subdivision of land except for a parcel map submitted for "Lot Consolidation."

SEC. 102.0202 FINAL MAPS

The content and form of final maps shall conform to Chapter 2, Article 2 of the Subdivision Map Act.

SEC. 102.0203 FINAL MAP CERTIFICATES

Certificates shall appear on the title sheet(s) of the final map in accordance with Chapter 2, Article 2 of the Subdivision Map Act, except that where public right of way is being dedicated on the map over an existing public utility easement or right of way used for transmission facilities, a joint use certificate must be executed thereon.

There shall appear on the title sheet(s) certification by appropriate City and County officials:

1. That there are no unpaid taxes,

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- special assessments or bonds against the property.
2. That the map has been approved by the City Attorney and City Planning Director.
 3. That the map has been approved for name and accepted for recordation and filing by the County Recorder.

A certificate of title executed by a title company shall appear on the title sheet(s) or a subdivision guarantee duly executed shall accompany the final map.

SEC. 102.0204 PARCEL MAPS

The preparation, content and form of parcel maps shall conform to Chapter 2, Article 3 of the Subdivision Map Act.

Outstanding assessment bonds against the property must be paid in full or the bond split in accordance with the new lots. A letter from the bond holder indicating his satisfaction and consent to any bond split will be required.

Easements of record within the property being subdivided shall be shown on the map together with applicable recording data.

If dedications or offers of dedication are required, they will be made by separate instrument.

Except as otherwise provided in this Article, all parcel maps shall be based upon a field survey made in conformity with the Land Surveyors Act.

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New parcel lines created by the parcel map are to be monumented in a manner pursuant to Section 102.0412. These monuments are to be shown on the parcel map, together with their relationship to all existing monuments in the area that were used to establish the new monument locations.

SEC. 102.0205 PARCEL MAP CERTIFICATIONS

Certificates shall appear on a parcel map as specified in Chapter 2, Article 3 of the Subdivision Map Act.

A certificate signed and acknowledged by all owners of record of the real property subdivided consenting to the preparation and recordation of the parcel map is required to be on the parcel map.

Letters of consent from any trustee and/or beneficiaries of any outstanding trust deed, and Lessees that are not otherwise exempted according to Section 66412 of the Subdivision Map Act indicating approval of the filing of the parcel map shall be submitted with the map.

SEC. 102.0206 PARCEL MAP - LOT CONSOLIDATION

A parcel map may be used for the purpose of consolidating lots or parcels provided no new parcel lines are being created and all parcels are satisfactory to the Planning Director in regard to street frontage, lot depth and area. Such a map may be compiled from record data provided sufficient survey information exists on recorded maps to accurately locate and retrace the exterior boundary lines of the parcel map. All other information and certificates to be included on the map shall be the same as applicable to other parcel maps.

DIVISION 3

PROCEDURE

SEC. 102.0300 PROCEDURE - GENERAL

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The City will make available to the subdivider or his representative informational material outlining the detailed procedures for the filing and processing of maps and associated documents. Such information may be obtained from the Planning Department with regard to tentative maps and tentative parcel maps and from the City Engineer with regard to final maps and parcel maps.

SEC. 102.0301 TENTATIVE MAPS AND TENTATIVE PARCEL MAPS - FILING

Tentative maps and tentative parcel maps shall be filed with the Planning Department. The Planning Director shall make available to the subdivider and public instructional material which will define the requirements for submittal of tentative maps or tentative parcel maps.

The content and form for such maps and the data to be submitted therewith shall be as specified by Sections 66418 and 66419 of the Subdivision Map Act, and to the satisfaction of the Planning Director and the City Engineer.

SEC. 102.0302 TENTATIVE MAP AND TENTATIVE PARCEL MAP - DEPOSIT SCHEDULE

Prior to, or in conjunction with, the submission of a tentative map or tentative parcel map to the Planning Department for processing, the subdivider shall pay to the City a deposit or fee to cover City costs therefor. The amount of the deposit shall be in accordance with the following schedule; provided, however, that if said deposit as designated herein is insufficient to cover the actual costs, the subdivider shall be required to make additional deposits with the City, which, in the opinion of the Planning Director, will be sufficient to cover such costs, and provided further that any portion of said deposits not used to cover the actual costs of the City in processing a tentative map will be returned to the subdivider.

SIZE OF SUBDIVISION

1 -	5 Lots	Flat charge of \$50*
6 -	25 Lots	Deposit \$300. plus \$10. per lot
26 -	50 Lots	Deposit \$350. plus \$5. per lot
51 -	100 Lots	Deposit \$400. plus \$2. per lot
over 100	Lots	Deposit \$500. plus \$1. per lot

*A \$500.00 Deposit or an amount necessary to cover City costs as estimated by the Planning Director is required for commercial, industrial, or multiple residential developments.

In determining the actual costs incurred by the City in connection with the processing of a tentative map, the costs as recorded by the City Auditor shall be prima facie evidence of the actual costs of service performed by the City.

SEC. 102.0303 FINAL MAP DEPOSIT SCHEDULES

Prior to the submission of a final map or improvement plans to the City Engineer, the subdivider shall pay to the City a deposit to cover City costs for processing and filing the final subdivision map, verifying the field surveys, checking improvement plans, acquiring rights of way, making improvement inspection, recording the final map, and other normal incidental engineering costs. This deposit shall be in accordance with the schedule listed below. However, if said deposit as designated herein is insufficient to cover the actual cost to said City, the subdivider shall be required to make such additional deposits with the City as, in the opinion of the City Engineer, will be sufficient to cover such costs.

Any portion of said deposit not used to cover the actual costs to the City will be returned to the subdivider; but no funds will be released until all billings are in, and until 30 days after a notice of completion is recorded by the City.

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In determining the actual costs incurred by the City in connection with the processing of final maps and improvement plans, the costs as recorded by the City Auditor shall be prima facie evidence of actual costs of services performed by the City.

One half of the deposit shall be collected at the time of initial submission of the map to the City Engineer. The remaining half of the deposit, adjusted to cover all estimated remaining costs, shall be paid in full prior to submission of the final map to City Council for approval.

DEPOSITS

FINAL MAPS

a. No Improvements Required.

\$500 plus \$50 per lot. If the final map is associated with a PRD, the deposit shall be \$400 plus \$50 per dwelling unit.

b. Improvements Required (Based on approved estimates of improvement costs, including grading).

Up to \$10,000	\$500 plus 10% of improvement cost
\$10,000 - \$30,000	\$1,500 plus 5% of improvement cost over \$10,000
\$30,000 and above	\$2,500 plus 2% of improvement cost over \$30,000

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Prior to an extension or renewal of the subdivision agreement, the subdivider may be required to make an additional deposit as may be determined by the City Engineer to cover anticipated remaining City expenditures.

SEC. 102.0304 PARCEL MAP PROCESSING FEE

A fee of \$110.00 shall accompany each parcel map when sub-

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mitted to the City Engineer.

SEC. 102.0305 SUBDIVISION REVIEW COMMITTEE

The Subdivision Review Committee previously defined shall have no official function other than to meet regularly for the primary purpose of affording subdividers and their consultants and the public a convenient opportunity to exchange information with those public officials assigned the responsibilities of conducting investigations and making recommendations on tentative maps and tentative parcel maps.

SEC. 102.0306 SUBDIVISION BOARD

The Subdivision Board, previously defined, is the advisory agency referred to in the Subdivision Map Act and shall elect its own chairman and establish its own rules and procedures necessary and convenient for the conduct of its business. The board is authorized to approve, conditionally approve, or disapprove tentative maps or tentative parcel maps and to perform other functions as may be authorized by this Article and the Subdivision Map Act. The affirmative vote of two members of the Board shall be necessary for any action of the Board.

SEC. 102.0307 TENTATIVE MAPS AND TENTATIVE PARCEL MAPS -
APPROVAL PROCEDURES AND TIME LIMITS

Time limits and procedures for action on tentative maps are as defined in Chapter 3, Article 2 of the Subdivision Map Act and shall also be applicable to processing of tentative parcel maps.

The Subdivision Board shall approve, conditionally approve or disapprove the tentative map or tentative parcel map within 50 days after the filing thereof with the Planning Department and report its action to the subdivider.

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If no action is taken upon a tentative map or tentative parcel map by the Subdivision Board or by the Planning Commission or City Council to approve, conditionally approve or disapprove the tentative map or tentative parcel map within the time limits specified in this section or any authorized extension thereof the tentative map or tentative parcel map as filed, shall be deemed to be approved insofar as it complies with other applicable requirements of this Article and Chapter X, Article 1 of this Code, and it shall be the duty of the Planning Director to certify such approval.

SEC. 102.0308 APPEAL PROCEDURES

Appeal procedures shall be as outlined in Chapter 3, Article 2 of the Subdivision Map Act with the Planning Commission functioning as the appeals board.

The subdivider or any interested person adversely affected may appeal from the action of the Subdivision Board with respect to a tentative map or tentative parcel map to the Planning Commission. Any such appeal shall be in writing and shall be filed with the Planning Department within 15 days after the action of the Board. Upon the filing of an appeal, the Planning Commission shall set the matter for a public hearing within 30 days after the date of filing of the appeal. Within 10 days following the conclusion of the hearing, the Planning Commission shall render its decision on the appeal.

The subdivider, the Subdivision Board or any interested person adversely affected may appeal from the action of the Planning Commission with respect to a tentative map or tentative parcel map to the City

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Council. Any such appeal shall be in writing and filed with the City Clerk within 15 days after the action of the Planning Commission. Upon the filing of the appeal, the City Clerk shall set the matter for public hearing within 30 days after the date of filing of the appeal. Within 10 days following the conclusion of the hearing, the City Council shall render its decision on the appeal.

SEC. 102.0309 PUBLIC HEARING

Whenever a public hearing is held pursuant to this Division, notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given at least 10 days before the hearing. Such notice shall be given by publication once in the City Official Newspaper and by depositing in the United States mail, postage prepaid, at least 10 days prior to the day of such hearing, a notice addressed to the owner of each parcel of land lying within the subject property and within 300 ft. of the exterior boundaries of the subject property. The last known name and address of each owner as shown in the records of the County Assessor may be used for this notice. Any interested person may appear at the hearing and shall be heard.

SEC. 102.0310 TENTATIVE MAPS - EXPIRATION

Expiration and time extension of approved or conditionally approved tentative maps or tentative parcel maps shall be in accordance with Chapter 3, Articles 2 and 3 of the Subdivision Map Act except that the time for expiration of the initial approval shall not exceed 24 months, and with consideration of time extensions not to exceed an additional two years.

SEC. 102.0311 FINAL MAPS

After the approval or conditional approval of the tentative

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map, the subdivider may cause the land to be surveyed and a final map prepared and presented to the City Engineer. Such presentation must occur far enough in advance of the expiration of the tentative map approval to allow sufficient time for processing and recording. Maps submitted shall be accompanied by such other data as are required by the Subdivision Map Act, this Article or the conditions of approval of the tentative map.

SEC. 102.0312 FINAL MAP - CHECKING PROCEDURE

The City Engineer shall check the final map for conformance to the approved tentative map, for compliance with the requirements of this Article and the Subdivision Map Act, for correctness of mathematical data and computations and shall verify the setting of monuments.

The City Attorney shall examine the title sheet and the map for sufficiency of affidavits, legal description and other details to insure compliance with the applicable provisions of law.

The Planning Director shall make such examinations and checks of the final map as are required by the Planning Commission.

Final map checking will be coordinated by the City Engineer and will include survey checks of the required monuments in accordance with Chapter 4, Article 9 of the Subdivision Map Act.

SEC. 102.0313 PRESENTING FINAL MAP TO COUNCIL FOR APPROVAL

When the final map, together with any required improvement

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plans, agreements, easements, dedications, vacations, etc. are acceptable, required fees and deposits have been paid and all other conditions of the tentative map have been met, the map will be presented to the City Council as outlined in Chapter 3, Article 4, of the Subdivision Map Act.

SEC. 102.0314 FINAL MAPS NOT REQUIRING IMPROVEMENTS

Final maps which do not require improvements or other work requiring a subdivision agreement are considered to be complete upon recording of the final map and any surplus portion of the deposit will be returned in accordance with Section 102.0303.

SEC. 102.0315 COMMENCING WORK RELATED TO A FINAL MAP

Except for surveying and required testing or as otherwise authorized in Section 102.0318 of this Code, no improvements or land development work related to a final map shall be started until the final map has been filed, the related subdivision agreement has been executed, and a notice to proceed has been issued.

SEC. 102.0316 PROCEDURE FOR FINAL ACCEPTANCE - IMPROVEMENTS

Upon completion of improvements the City will record a Notice of Completion and release the improvement securities in accordance with the terms of the agreement, this Code and the Subdivision Map Act.

SEC. 102.0317 PROCEDURE FOR FINAL ACCEPTANCE - SURVEY

When the final monuments are set as certified on the final map and are accepted by the City Engineer, the monument security shall be released in accordance with Chapter 4, Article 9 of the Subdivision Map Act.

SEC. 102.0318 SPECIAL PERMITS REQUIRED TO DO WORK PRIOR TO FILING FINAL MAP

Should the subdivider desire to do all or part of the

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work required within the subdivision prior to filing the final map and entering into the associated agreement, application may be made to do such work under a special permit.

This application shall be accompanied by detailed plans describing the proposed work. Except in the case of an HR project, the City Engineer may issue a special permit to accomplish this work provided a bond has been posted in an amount which would assure the rehabilitation of the land, including grading and planting, in the event the subdivision map is not filed and all required improvements installed.

The performance bond and contractor's qualifications shall be as provided in Chapter VI, Article 2 of this Code.

SEC. 102.0319 PARCEL MAPS

After the approval or conditional approval of the tentative parcel map, the subdivider may cause the land to be surveyed and a parcel map prepared and presented to the City Engineer. Such presentation must occur far enough in advance of the expiration of the tentative parcel map approval to allow sufficient time for processing and recording. Maps submitted shall be accompanied by such other data as are required by the Subdivision Map Act, this Article or the conditions of approval of the tentative parcel map.

SEC. 102.0320 PARCEL MAP - SATISFYING CONDITIONS

Any conditions imposed by the approval of the tentative parcel map must be satisfied before the City Engineer executes the parcel map certificate.

SEC. 102.0321 PARCEL MAP - LOT CONSOLIDATION - PROCEDURE

Procedures for filing a parcel map used for the purpose

of consolidating lots or parcels where a tentative parcel map is not required will be the same as for other parcel maps with the following exceptions:

1. Such maps may be compiled solely from data shown on recorded maps.
2. Such maps shall be corrected and ready for the City Engineer's certification within 6 months of initial submittal or the action shall be considered to be abandoned and a new submittal with a new fee will be required.

SEC. 102.0322 FINAL MAP RECORDING

Upon approval by the Council, the final map will be forwarded to the Clerk of the County Board of Supervisors and the County Recorder in accordance with Chapter 3, Article 6 of the Subdivision Map Act.

SEC. 102.0323 RECORDING OF PARCEL MAP

After signing the certificate on the parcel map, the City Engineer shall present the map to the County Recorder for filing. Upon acceptance by the Recorder, the subdivider shall be notified that the parcel map is of public record.

SEC. 102.0324 CORRECTION AND AMENDMENT OF MAPS

Chapter 3, Article 7 of the Subdivision Map Act provides for the correction and amendment of maps and it is the intent of the following to clarify the application of these measures when their need is detected:

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1. A Certificate of Correction or an amending map shall be the only documents used to correct errors on a final map or a parcel map.
2. A Certificate of Correction may be used to correct the character of a monument.
3. When, in the opinion of the City Engineer, significant corrections are necessary, an amending map shall be required.

DIVISION 4

REQUIREMENTS

SEC. 102.0400 GENERAL REQUIREMENTS AND DESIGN

The proposed subdivision shall meet all of the requirements of the Subdivision Map Act and the requirements of this Code unless specific waiver is granted in accordance with the provisions of this Code.

The design of new subdivisions shall make adequate provision for the proper development of adjacent lands, shall be consistent with the indicated approved use of the property and shall be subject to such redesign as will benefit the community and provide adequate and reasonable subdivision of the property, including service thereto.

SEC. 102.0401 MAP APPROVAL OR DENIAL

No map shall be approved unless the Subdivision Board, Planning Commission or City Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the

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Progress Guide and General Plan, Community or Area Plans or any specific plan adopted by the Planning Commission or the City Council.

The Subdivision Board, Planning Commission or City Council shall deny approval of a final or tentative map or tentative parcel map if it makes any of the following findings:

1. That the proposed map is not consistent with the applicable general and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or the type of improvement is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision.

SEC. 102.0402 LOT DESIGN

All lots shall have frontage upon a street which shall

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be open to and usable by vehicular traffic; and all lots shall have a minimum 15-foot wide direct vehicular access to such street.

All lots shall meet the area, frontage, width, and depth requirements of the prevailing or approved use zone within which said lots are located.

Where improvements exist on the property and are proposed to be retained, lots shall be designed so as not to cause said improvements to become nonconforming in respect to building area, setbacks, side yard or rear yard regulations.

SEC. 102.0403 RIGHT OF WAY IMPROVEMENTS AND LAND DEVELOPMENT

Subdivider shall improve public rights of way and perform land development work as required in this Article and in accordance with the conditions of the resolution approving the tentative map and the current City Engineering Standards, particularly those prescribed in Chapter VI, Article 2 of this Code.

Masonry walls or fences shall be required adjacent to rights of way of flood control channels, railroads, freeways, expressways, major streets and other streets where necessary or desirable from the standpoint of public health and safety.

Any private improvements existing or to be installed in public rights of way shall require encroachment permits in accordance with the provisions of Chapter VI, Article 2 of this Code.

1. STREETS

Streets in and adjacent to all lots within the subdivision

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shall be improved in accordance with policies established by the City Council.

2. SIDEWALKS

Sidewalks shall be constructed on both sides of all streets and adjacent to all lots within the subdivision in accordance with policies established by the City Council.

3. STREET TREES

The subdivider shall either plant street trees within the subdivision as required by the City, or else post an approved bond with the City, or make a cash payment in an amount sufficient to cover the cost of planting trees at an appropriate later date.

4. STORM DRAINS

Storm drains and drainage channels shall be constructed in accordance with policies established by the City Council to adequately control storm waters originating on or upstream from the subdivision and convey these storm waters to a suitable discharge satisfactory to the City Engineer.

SEC. 102.0404 UTILITIES

Where utilities already exist, the design of new subdivisions shall be such as to place such utilities in proper locations or else provide for their reconstruction in locations approved by the utility agencies concerned.

1. Sewer and Water

Provision shall be made for sewer and water services for each lot connecting to the City or City-approved sewer and water systems. Water systems shall provide for fire flow required to service the entire subdivision. Individual sewer or water systems may be recommended by the City Engineer in subdivisions of five lots

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or less where the installation or extension mains to connect to the existing City systems would be impractical. In such cases, contracts shall be executed for installation of future permanent facilities.

2. Privately Owned Public Utilities

All privately owned public utility systems and service facilities necessary to serve the subdivision shall be installed underground.

Subdivider shall make the necessary cost and other arrangements with each of the public utility companies for the installation of all new underground facilities and relocation to an underground position of existing facilities that exist within the boundary of the subdivision or within the abutting halves of the peripheral public street or alley right of way in conformance with the respective operating company's rules and regulations then on file with and approved by the State of California Public Utilities Commission. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities necessarily appurtenant to such underground utilities may be placed above ground.

The provisions of this Section shall not require undergrounding of power transmission lines of 60,000 volts or more.

The subdivider or public utility company may apply to the Public Facilities and Recreation Committee of the Council for special permission to vary from the requirements of this section. Any such application must be filed with the City Clerk after the approval of the tentative map or tentative parcel map. The City Clerk shall immediately transmit the application to the Committee Consultant, who shall place the matter on the Committee docket for a hearing within fifteen (15) days, or at the next succeeding regular Committee meeting unless applicant consents to a continuance. The action of the Public Facilities and Recreation Committee of the Council shall be final unless a hearing is set before the City Council pursuant to Section 22.0101.

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After the public hearing, the Committee may direct that the conditions of the resolution approving the tentative map or tentative parcel map contain allowance for overhead utility facilities if the Committee finds from the evidence presented at the hearing, that all of the following facts exist:

a. That such special permission will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the neighborhood.

b. That extraordinary conditions exist to the extent that enforcement of this section would result in unnecessary hardship.

3. Street Lights

Street lights shall be installed at each street intersection and at mid-block locations where the distance between intersections exceeds 850 feet in length. Such lights shall be required on both interior streets and on boundary streets. Whenever a dangerous condition is created by sharp curves or irregularities in street alignment, additional lights shall be required. The street light and mounting pole shall be of a type approved by the City Engineer and shall be wired for underground service.

SEC. 102.0405 DEDICATIONS AND EASEMENTS

Subdivisions shall connect to a dedicated and improved street and shall make provision for dedication of necessary public rights of way, including streets, pedestrian ways, separate bicycle ways as provided in Chapter 4, Article 3 of the Subdivision Map Act, and utility easements, within or adjacent to the subdivision. An unimproved street covered by a bonded agreement or permit assuring its improvement may be treated as an improved street in assessing compliance with this section.

A street or alley lying along the boundary of a subdivision may be dedicated less than the full required width if it is practical to require the dedication of the remaining width when the adjoining property

is subdivided. Such portion of a street shall be distinctly designated upon the map or plat as being a portion only of a street, and not the street in full width.

Access shall be provided to adjacent undeveloped areas via streets, alleys, or other public ways as may be necessary to provide for future use and public safety.

Subdivisions shall make provision for the continuation of existing streets in adjoining or adjacent subdivisions insofar as these may be necessary for public access requirements. Streets shall be extended to the boundary of the subdivision to provide suitable access to adjoining property.

Public rights of way and improvements shall conform to the current standard design requirements as approved by the Council.

Where it is in the interest of public safety or welfare to limit the access to any street, highway, or easement, the subdivider may be required to waive direct access rights to any such street, highway, or easement from any property shown on the final map as abutting thereon.

Whenever any subdivision of land is bounded on any side, or in any way by the Bay of San Diego, or by any public body of water in the City of San Diego, or by the Pacific Ocean, there shall be dedicated upon and by such map or plat, a street along said bay, body of water, or ocean front; and all such streets, and those streets leading to said bay, body of water, or ocean front shall run and be open to the mean high tide line.

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SEC. 102.0406 ACQUISITION AND DEVELOPMENT OF PARK AND RECREATIONAL FACILITIES

The acquisition and development of park and recreational facilities shall be governed by this section and subsections.

SEC. 102.0406.01 PURPOSE AND INTENT

In 1965, the Legislature of the State of California amended the Subdivision Map Act (Section 11500 et seq. of the Business and Professions Code) so as to enable cities and counties to require either the contribution of land, the payment of fees, or a combination of both, for park or recreational purposes, as a condition of approval of a subdivision map.

Before a city or county may avail itself of said Act, it must have adopted a general plan containing a recreational element with definite principles and standards for the park and recreational facilities to serve the residents of the City or County.

The City Council of The City of San Diego has adopted a general plan containing such recreational element.

It is the intent of this Division to provide for the implementation of those provisions of the Subdivision Map Act referred to above, and it is further the intent of this Division that the cost of land and improvements for population-based parks to serve the future inhabitants of subdivision shall be borne by such subdivision.

It is also the intent of this Division to provide that neighborhood parks shall be developed before community parks are developed.

SEC. 102.0406.02 ADOPTION OF PARK SERVICE DISTRICTS MAP

The City Council does hereby adopt a map entitled, "Population-Based Park Service Districts of the City of San Diego." Lands contributed by,

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and fees collected from subdividers of land within a given park service district delineated on this map shall be allocated for park and recreational purposes within the said district.

SEC. 102.0406.03 APPLICATION

The provisions of this Division shall apply to all subdivision maps and said provisions shall also apply to those parcel maps which increase the number of permissible dwelling units as such are defined in Chapter X, Article 1, of the San Diego Municipal Code, except industrial subdivisions and subdivisions for which tentative subdivision maps have been filed within 30 days after the effective date of this Division.

SEC. 102.0406.04 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.

SEC. 102.0406.05 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

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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.

SEC. 102.0406.06 SUBDIVIDERS MUST PROVIDE PARK AND RECREATIONAL FACILITIES

Every subdivider who subdivides lands shall contribute lands or pay a fee or contribute lands and pay a fee as set forth in this Division for the purpose of providing park and recreational facilities to serve residents of such subdivisions.

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

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estate appraiser approved by the City, which appraisal may be accepted by the City Council if found reasonable.

2. If, in the judgement of the City, needed and acceptable land does not exist within the subdivision, the City will collect the fee in cash.

3. Costs, population density, age distribution and local conditions change over the years and the specified formula for the payment of fees for acquisition of park sites as stated herein is subject to periodic review and amendment by the City Council.

SEC. 102.0406.07 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.

SEC. 102.0406.08 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 park and recreational facilities to serve subdivisions within the boundaries of the population-based park service district in which the subject developments are located.

When neighborhood park requirements have been met in any neighborhood park district, and remaining funds and future funds collected may be transferred to the appropriate community park district funds for the acquisition and/or improvement of community park land and/or improvement

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of community park land and/or facilities.

A proportional share of each neighborhood park district's funds are intended to accordingly contribute toward the completion of the related community park.

SEC. 102.0406.09 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.

SEC. 102.0406.10 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 at least annually for review and ratification.

SEC. 102.0406.11 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Division or the application thereof to any person or circumstance is for

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any reason held invalid, the validity of the remainder of this Division of the application of such provisions to other persons or circumstances shall not be affected thereby.

SEC. 102.0406.12 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.

SEC. 102.0406.13 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.

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.

SEC. 102.0408 FEES - SEWER OR DRAINAGE FACILITIES

There may be required the payment of fees for the purpose

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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.

SEC. 102.0409 FEES - BRIDGES OR MAJOR THOROUGHFARES

There may be required the payment of fees for the purpose of defraying the cost of constructing bridges or major thoroughfares in accordance with the conditions stipulated in Chapter 4, Article 5 of the Subdivision Map Act. Such facilities shall be consistent with the General Plan or such other community plans as have been adopted by the City Council pursuant thereto.

SEC. 102.0410 REIMBURSEMENT

Improvements with subsequent partial reimbursement of the cost thereof as described in Chapter 4, Article 6 of the Subdivision Map Act may be required.

SEC. 102.0411 SOILS REPORTS

A preliminary soils report is required for all subdivisions and a more detailed soils investigation may be required by the City Engineer under the conditions described in Chapter 4, Article 7 of the Subdivision Map Act. The requirement for a preliminary soils report may be waived by the City Engineer after a determination that additional information regarding soils of the subdivision is not needed.

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SEC. 102.0412 MONUMENTS AND MONUMENT SECURITY

Monuments shall be set in accordance with Chapter 4, Article 9 of the Subdivision Map Act to the satisfaction of the City Engineer.

When the setting of monuments is deferred, a cash deposit in the amount of the estimated cost as provided by the engineer or land surveyor shall be placed with the City to guarantee payment of the cost of setting such monuments.

SEC. 102.0413 SUSPENSION OR REQUIREMENTS - VARIANCE

In approving a tentative map or tentative parcel map, the Subdivision Board, Planning Commission or City Council may grant a suspension of any of the subdivision requirements set forth or referred to in this Article except that:

1. Only the Planning Commission or City Council may grant a suspension of the lot area requirements of the various zones described in Chapter X, Article 1 of this Code.
2. Only the City Council may grant a suspension of the requirements for undergrounding of existing or proposed new public utilities in connection with a tentative map.
3. Only the City Council may grant a suspension of the requirement for the dedication of street right of way adjacent to the Bay of San Diego, Pacific Ocean or any other public body of water in connection with a tentative map or a tentative parcel map.

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Any such suspension or variance shall be based on written finding that there are special circumstances or conditions affecting the property in question and that such suspension or variance, if granted, will not be materially detrimental to the general welfare of adjacent persons or property and is consistent with state law.

DIVISION 5

IMPROVEMENT SECURITY

SEC. 102.0500 IMPROVEMENT SECURITY REQUIRED

Whenever an agreement providing for the construction of public improvements and the undergrounding of existing private utilities in conjunction with a subdivision is required, an improvement security shall be provided by the subdivider. Such improvement security shall be one of the types specified by Chapter 5 of the Subdivision Map Act and shall be subject to approval as to type and form by the City.

Whenever the subdivider presents evidence satisfactory to the City of an executed agreement with a private utility company for the undergrounding of existing overhead facilities, the improvement securities need not include such work.

Security to guarantee performance of any act or agreement shall be in the following amounts:

1. An amount equal to 100 percent of the total estimated cost of public improvement plus the amount equal to that required by Sec. 62.0111 of the Municipal Code for land

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- development to be performed, conditioned upon faithful performance of the act or agreement; and
2. An additional amount equal to 50 percent of the total estimated cost of public improvement and land development to be performed, securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act.

DIVISION 6

REVERSION AND EXCLUSION

SEC. 102.0600 REVERSION TO ACREAGE

Subdivided real property may be reverted to acreage in the manner outlined and subject to the conditions of Chapter 6, Article 1 of the Subdivision Map Act. Petitions shall be in a form approved by the City Attorney. The final map or parcel map and supporting data shall be filed with the City Engineer and shall be accompanied by a deposit to cover City costs computed in the same manner as a final map without improvements in accordance with Division 3 of this article.

DIVISION 7

ENFORCEMENT AND JUDICIAL REVIEW

SEC. 102.0700 FAILURE TO COMPLY - ILLEGAL LOT SPLIT

Those parcels of land which are subdivided, contrary to the provisions of this Article, shall not constitute legal building sites, and no permit shall be issued for the installation of fixtures or equipment or for the erection, construction, conversion, establishment, alteration or enlargement of any building, structure or improvement thereon

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unless and until a map as required by this Article shall have been filed, in accordance with Chapter 7, Article 1 of the Subdivision Map Act, or as otherwise specified herein and recorded; and any person who subdivides or causes to be subdivided land without complying in all respects with the provisions of this Article shall be subject to prosecution for a misdemeanor pursuant to Section 11.12 of the San Diego Municipal Code.

SEC. 102.0701 CONVEYANCE OF ILLEGALLY SUBDIVIDED LAND VOIDABLE

Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of this Article, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of the provisions of this Article; but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or advisee.

Any grantee or his successor in interest of real property which has been divided or which has resulted from a division in violation of the provisions of this Article, may within one year of the date of discovery of such violation, bring an action in the Superior Court to recover any damages he has suffered by reason of such division of such property. The action may be brought against the person who divided the property in violation of the provisions of this Article and against any successors

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in interest who have actual or constructive knowledge of such division of property.

The provisions of this section shall not apply to the conveyance of any real property identified in a certificate of compliance filed pursuant to this Division or identified in a recorded final map or parcel map, from and after the date of recording.

The provisions of this section shall not limit or effect in any way the rights of a grantee or his successor in interest under any other provisions of law.

The City shall not issue any permit or grant any approval necessary to development of any real property which has been divided or which has resulted from a division in violation of the provisions of this Article or Chapter X, Article 1 of the Municipal Code if it finds that development of such real property is contrary to the public health or public safety in accordance with Chapter 7, Article 2 of the Subdivision Map Act.

SEC. 102.0702 CERTIFICATE OF COMPLIANCE

Any person owning real property may request, and the Planning Director shall determine, whether such real property complies with the provisions of this Article and Section 101.0101.34 of the San Diego Municipal Code-Lot Definition. Upon making such a determination the City shall cause a certificate of compliance to be filed for record with the Recorder of San Diego County. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the applicable provisions of this Article and Article 1, Chapter X of this Code. The applicant requesting a certificate of compliance shall

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submit to the Planning Department adequate legal description facts and maps, together with a fee of \$25.00, which will permit the Planning Director to issue the certificate of compliance in accordance with Chapter 7, Article 2 of the Subdivision Map Act.

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

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

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MAY 11 1977

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

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, 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

APR 27 1977

MAY 11 1977

, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

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CITY CLERK'S OFFICE
1976 DEC 31 AM 10:50
SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California

Ordinance
Number

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Adopted

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