

MAR 20 1978

O. 78-69

ORDINANCE NO. 12320  
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0413 BY DELETING SUBSECTION 2 AND RENUMBERING SUBSECTION 3 TO SUBSECTION 2 RELATING TO SUSPENSION OR REQUIREMENTS - VARIANCE IN SUBDIVISIONS, AND AMENDING SUBSECTION 2 OF SECTION 102.0404 RELATING TO UTILITIES IN SUBDIVISIONS.

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

Section 1. That Chapter X, Article 2, Division 4, of the San Diego Municipal Code be and it is hereby amended by deleting Subsection 2 of Section 102.0413 and renumbering Subsection 3 to Subsection 2.

Section 2. That Chapter X, Article 2, Division 4, of the San Diego Municipal Code be and it is hereby amended by amending Section 102.0404 to read as follows:

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

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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 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

Unless otherwise specified herein, all privately owned public utility systems and service facilities necessary to serve the subdivision shall be installed underground.

Subdivider shall make the necessary 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 rights of way. Such work shall be 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.

All subdivisions in agricultural and single-family residential zones which consist of four (4) lots or less


shall be exempt from the requirement to convert existing overhead utility facilities to an underground location provided that such conversion would not constitute an extension of an existing underground system. In no event shall this exemption apply to Planned Residential Development proposals.

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 for special permission to vary from the requirements of this Section. Such variance may be granted by the Subdivision Board. Appeals from any decision of the Subdivision Board with respect to this type of variance must be filed with the City Clerk within fifteen (15) days of the decision. The City Clerk shall immediately transmit the application to the Consultant of the Public Facilities and Recreation Committee of the Council 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.

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   
C. M. Fitzpatrick  
Senior Chief Deputy

CMF:vl  
10/7/77  
Or. Dept.: Eng. & Dev.

Passed and adopted by the Council of The City of San Diego on **MAR 20 1978**  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
<del>MICHELL</del>	<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"/>
<del>LOWERY</del>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<del>SCHWABERT</del>	<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"/>
<del>STIRLING</del>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: **PETE WILSON**  
 Mayor of The City of San Diego, California.

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

By Allyn D. Newitt 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 6 1978** and on **MAR 20 1978**.

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

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

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

By Allyn D. Newitt Deputy.

RECEIVED  
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 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Ordinance Number **12320** Adopted **MAR 20 1978**

ATTORNEY(S)

San Diego, City of  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101  
Attn: Allyn D. Nevitt

CERTIFICATE OF PUBLICATION

No. 12320

IN THE MATTER OF

UTILITIES IN SUBDIVISIONS

**ORDINANCE NO. 12320**

(New Section)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0413 BY DELETING SUBSECTION 2 AND RENUMBERING SUBSECTION 3 TO SUBSECTION 2 RELATING TO SUSPENSION OR REQUIREMENTS VARIANCE IN SUBDIVISIONS, AND AMENDING SUBSECTION 2 OF SECTION 102.0404 RELATING TO UTILITIES IN SUBDIVISIONS.

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

Section 1. That Chapter X, Article 2, Division 4, of the San Diego Municipal Code be and it is hereby amended by deleting Subsection 2 of Section 102.0413 and renumbering Subsection 3 to Subsection 2.

Section 2. That Chapter X, Article 2, Division 4, of the San Diego Municipal Code be and it is hereby amended by amending Section 102.0404 to read as follows:

**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 reconnected by the City Engineer in subdivisions of five lots or less where the installation or extension is in, or adjacent to, the existing City systems owned by the applicant. In multi-unit developments, shall be owned for installation of future permanent facilities.

I **PATRICIA M. SPAULDING**, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

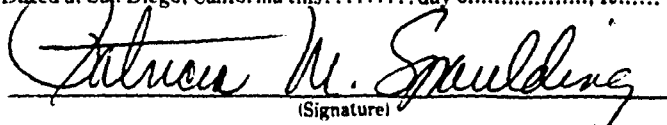
ORDINANCE NO. 12320

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

April 3, 1978

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

Dated at San Diego, California this 10th day of April, 1978.

  
(Signature)

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**2. Private Ground 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 arrangements with the public utility companies for the installation of all new underground facilities and relocation to an underground position of existing facilities that enter within the boundary of the subdivision or within the abutting halves of the proposed public rights of way. Such work shall be 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, overhead lines, meter cabinets, pole-tops, electrical signs and other facilities necessary or pertinent to such underground utilities may be placed above ground.

All subdivisions in agricultural and agricultural residential areas which consist of less than 10 lots or less shall be exempt from the requirement to install existing overhead utility lines into an underground location provided that such overhead lines do not constitute an obstruction of an existing underground system. In no event shall these provisions apply to Planned Residential Development projects.

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

The subdivider or public utility company may apply for special provisions to vary from the requirements of this Section. Such variances may be granted by the Subdivision Board. Appeals from any decision of the Subdivision Board with respect to this type of variance must be filed with the City Clerk within fifteen (15) days of the date of the City Clerk's decision. The City Clerk shall immediately transmit the application to the Chairman of the Public Facilities and Recreation Committee of the Council who shall place the matter on the Committee's agenda for a hearing within fifteen (15) days, or at the next succeeding regular Committee meeting unless a different date is a consensus. 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 92.020.

Section 92.020. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on March 6, 1976.

Passed and adopted by the Council of The City of San Diego on March 22, 1976.

**AUTHENTICATED BY:**  
**PETE WILSON,**  
 Mayor of The City of San Diego, California.  
**CHARLES G. ANDERSON,**  
 City Clerk of The City of San Diego, California.  
 By **ALLYN D. NEVITT,** Deputy.

**SEAL:**  
 City of San Diego, California

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