

0.79-184
Revised

ORDINANCE NO. 12717

AUG 6 1979

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0900 REGARDING PLANNED RESIDENTIAL DEVELOPMENTS.

BE IT ORDAINED, by the Council of The City of San Diego, that Chapter X, Article 1, Division 9 of the San Diego Municipal Code be, and it is hereby amended by amending Sections 101.0900 and 101.0901 to read as follows:

SECTION 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; to use for development in areas which include steep slopes, particularly HR zoned properties, in such a manner to achieve minimum disturbance of the natural terrain and vegetation; to permit utilization of this concept in low-density development in agricultural zones; 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 of a Planned Residential Development shall not exceed the density as prescribed in an adopted community plan, any other adopted plan, or the underlying zone, whichever is less, and may be 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 Director may permit, by Planned Residential Development Permit, a Planned Residential Development in any zone in which residential uses are permitted.

D. APPLICATION

Application for a permit for a Planned Residential Development shall be made to the Planning Department in accordance with the procedures set forth below:

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.

12717

Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as ground 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 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

12717

provide primary access to the proposed development from a major street or freeway.

- b. Location of existing and proposed buildings and structures if development is not detached single-family.
- 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.

If development is to be detached single-family with no tandem parking it only needs statement as to how many 8.5 foot by 20 foot spaces will be furnished in garages and 8-foot by 23 foot spaces provided at curb.

- e. Height, type and location of proposed walls and fences.
- f. Grading plan showing existing topography and proposed tentative grading.

12717

E. DECISION OF THE PLANNING DIRECTOR

1. If the Planning Director determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, the Planning Director shall grant a Planned Residential Development Permit.

2. The Planning Director shall, by resolution, grant a Planned Residential Development Permit if it is found from the evidence presented that all of the following facts exist:
 - a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan, or the Community Plan.

 - b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and

12717

- c. The proposed use will comply with the relevant regulations in the Municipal Code.
3. The Planning Director shall not approve any Planned Residential Development Permit unless the proposed development, in conjunction with the Environmental Review process, was publicly noticed at least 30 days prior to the decision of the Planning Director in the official city newspaper and by mail to all property owners within 300 feet of the proposed development, to the affected community Planning groups and any other group or organization who has requested notification by written request to the Planning Department.
4. In granting a Planned Residential Development Permit, the Planning Director may impose such conditions as is necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the zoning regulations. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building height, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

5. In granting or denying a Permit, the Planning Director shall make a written finding in rendering its the decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth herein.
6. A copy of this written finding of facts shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Building Inspection Director, and shall be mailed to the applicant and to Community Planning Chairman.
7. The decision of the Planning Director shall be final on the 15th day following the decision except when appeal is taken to the Planning Commission as provided in paragraph "F." below.

F. APPEAL FROM DECISION OF THE PLANNING DIRECTOR

1. An appeal from any decision of the Planning Director regarding a Planned Residential Development Permit may be taken to the Planning Commission within fifteen days after the decision of the Planning Director. The appeal may be taken by the applicant, any governmental body or agency, any owner of real property located within the City or any resident of the City. The appeal shall be in writing and filed in duplicate with the

Planning Director. The appeal shall specify wherein there was error in the decision of the Planning Director. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the Planning Commission.

2. Upon the filing of the appeal, the Planning Director 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 Section 101.0900. Notice of time and place and purpose of such hearing shall be given as follows:

a. By at least one publication in the official newspaper of The City of San Diego, not less than ten days prior to the date of the hearing.

b. By mailing notices at least ten days prior to the date of such hearing to all record owners of property within 300 feet of the exterior to 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

12717

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.

3. Upon the hearing of the appeal, the Planning Commission may by resolution affirm, reverse or modify in whole or in part any determination of the Planning Director, subject to the same limitations as are placed upon the Planning Director by law and the provisions of this Code. The resolution must contain a finding of facts showing wherein the proposed Planned Residential Development meets or fails to meet the requirements herein are being met. The decision of the Planning Commission is final except when appealed to the City Council as provided in paragraph "G." below.

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.

12717

G. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 15th day following action by the Planning Commission unless an appeal is filed in the office of the City Clerk. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member or the Mayor.

When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal. The City Council will accept an appeal for hearing when any of the following situations are found to exist:

1. The appellant was denied the opportunity to make a full and complete presentation to the Planning Commission;
2. New evidence is now available that was not available at the time of the Planning Commission hearing;
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision;

4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance;
5. The decision of the Planning Commission is inconsistent with applicable Community Plans or the General Plan for those areas not having a Community Plan; or
6. The Planning Commission decision was in conflict with adopted Council Policy or the Municipal Code.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.

H. FAILURE TO UTILIZE PLANNED RESIDENTIAL DEVELOPMENT PERMIT OR
FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS.

1. Any Planned Residential Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 24 months after the effective date thereof. Failure to utilize such Permit within this 24-month period will automatically void the same, unless an extension of time has been granted by the Planning Director as set forth in paragraph "I." herein. 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.
2. During the 24-month period referred to in this paragraph, the property covered by the Planned Residential Development Permit granted by the Planning Director, or by the Planning Commission on appeal, or City Council on appeal, shall not be used for any purpose or use other than that authorized by the Permit.
3. The Planning Director shall determine whether the conditions and requirements of the Permit have been met by the permittee.

The determination by the Planning Director shall be final and conclusive on all affected parties.

I. EXTENSION OF TIME TO A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

1. The Planning Director 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 an extension of time, the property owner or owners shall file a written application with the Planning Director in the office of the Planning Department, prior to the expiration of the Planned Residential Development Permit. The Planning Director may grant the extension of time if it is found from the evidence submitted that there has been no material change of circumstances since the permit was originally granted.
2. The decision of the Planning Director may be appealed as provided in paragraphs "F." and "G." herein.

J. CANCELLATION OF A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

A valid Planned Residential Development Permit granted by the Planning Director, or by the Planning Commission on appeal, or by the City Council on appeal, may be cancelled at any time during the 24-

month period referred to in paragraph "H." herein. Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Planning Director in the office of the Planning Department. The permit becomes void 120 days after receipt of the communication in the office of the Planning Department.

K. DESIGN CRITERIA

The Planned Residential Development shall observe the following design criteria;

1. For all developments which are not detached single-family the overall plan shall be comprehensive, embracing land, buildings, landscaping and their interrelationships 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 should 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 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.

L. 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 either the following table or the adopted community plan or any other adopted plan, whichever is less.

<u>ZONE</u>	<u>MAXIMUM PERMITTED DWELLING UNITS</u>
A-1-10, A-1-5	<u>Sq. Ft. of Land Area</u> 174,240 sq. ft.
A-1-1	<u>Sq. Ft. of Land Area</u> 43,560 sq. ft.
R-1-40	<u>Sq. Ft. of Land Area</u> 40,000 sq. ft.
R-1-20	<u>Sq. Ft. of Land Area</u> 20,000 sq. ft.
R-1-15	<u>Sq. Ft. of Land Area</u> 15,000 sq. ft.
R-1-10	<u>Sq. Ft. of Land Area</u> 10,000 sq. ft.

12717

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

12717

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 OPEN SPACE PER D.U. (sq. ft.)</u>	<u>REQUIRED USABLE OPEN SPACE PER D.U. (sq. ft.)</u>
A-1-1, A-1-5, A-1-10	28,000	14,000
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

12717

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} and having an overall grade not exceeding ten 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, volleyball 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 Director may find to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of Section 101.0900. 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

12717

Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways and parking areas.

M. DEVIATIONS FROM MINIMUM STANDARDS

Deviations from the requirements of Section 101.0900 may be granted by the Planning Director, Planning Commission or City Council as follows:

1. Deviations from any of the design criteria in paragraph "K." and standards set forth in paragraph "L." above, except the minimum standards regarding density and total required open space, may be granted by either the Planning Director, or by the Planning Commission on appeal, or by the City Council on appeal upon a written finding of facts as set forth in paragraph "M.2." below. No deviations shall be granted from the minimum requirements for density or total open space.
2. The Planning Director, the Planning Commission on appeal, 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 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.

N. 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.

12717

O. 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.

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

The Subdivision Board 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 "O." above, 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.

Q. 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 Director, 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 open space shall not be approved unless the special requirements of paragraph "P." above have been fulfilled and the provisions of Chapter X, Article 2 of this Code, which are consistent with the provisions of Section 101.0900, have been satisfied.

R. 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 or a phasing plan has been approved by the Planning Director.

S. 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.

12717

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.

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 "S.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 "S.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.

12717

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 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

12717

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 six percent 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 six percent 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

12717

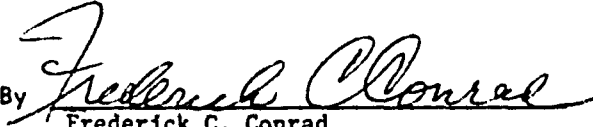
fixed special assessment items previously imposed upon the same property, but shall have priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the property. From and after the date of recordation of such Notice of Lien, all persons shall be deemed to have notice of the contents thereof.

SEC. 101.0901 RESTRICTION OR REAPPLICATION FOR A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

No application for a planned residential development permit on the same property or essentially the same property, for which a permit has been denied by the Planning Director, or Planning Commission, or City Council shall be accepted within twelve (12) months of such denial. This provision may be waived by the affirmative vote of a majority of the Planning Commission or City Council on appeal.

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

FCC:Word Proc.
1/25/79
Rev. 7/18/79
600
Or.Dept.:Planning

12717

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

AUG 6 1979

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

(Seal)

By *Barbara Benidge*, 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

2 1979

, and on

AUG 6 1979

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

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

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Benidge*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

12717

Adopted

AUG 6 1979

CERTIFICATE OF PUBLICATION

NO.

City of San Diego
10th fl., City Admin. Bldg.
100 D St.
San Diego, CA 92101
Attn: Barbara Berridge

D. H. VANDERBEEK

PLANNED RESIDENTIAL DEVELOPMENTS.

ORDINANCE NO. 12717
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0900 REGARDING PLANNED RESIDENTIAL DEVELOPMENTS

BE IT ORDAINED, by the Council of The City of San Diego, that Chapter X, Article 1, Division 9 of the San Diego Municipal Code be, and it is hereby amended by amending Sections 101.0900 and 101.0901 to read as follows:

SECTION 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; to use for development in areas which include steep slopes, particularly HR zoned properties, in such a manner to achieve minimum disturbance of the natural terrain and vegetation; to permit utilization of this concept in low-density development in agricultural zones; 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 of a Planned Residential Development shall not exceed the density as prescribed in an adopted community plan, any other adopted plan, or the underlying zone, whichever is less, and may be 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 Director may permit, by Planned Residential Development Permit, a Planned Residential Development in any zone in which residential uses are permitted.

D. APPLICATION

Application for a permit for a Planned Residential Development shall be made to the Planning Department in accordance with the procedures set forth below:

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 ground 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.

Paula J. Santonocito
I, Paula J. Santonocito, County Clerk of the County of San Diego, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears in the files of the County Clerk of the County of San Diego. Witness my hand and the seal of the County of San Diego at San Diego, California, this 24th day of August, 1979.

ORDINANCE NO. 12717
(New Series)

BE IT ORDAINED, by the Council of The City of San Diego, that Chapter X, Article 1, Division 9 of the San Diego Municipal Code be, and it is hereby amended by amending Sections 101.0900 and 101.0901 to read as follows:

August 20, 1979

I hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears in the files of the County Clerk of the County of San Diego.

Dated at San Diego, California, this 24th day of August, 1979.

Paula J. Santonocito
County Clerk

3757 05

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 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 firestreets proposed to provide primary access to the proposed development from a major street or freeway.
 - b. Location of existing and proposed buildings and structures if development is not detached single-family.
 - 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. If development is to be detached single-family with no tandem parking it only needs statement as to how many 8.5 foot by 20 foot spaces will be furnished in garages and 8-foot by 23 foot spaces provided at curb.
 - e. Height, type and location of proposed walls and fences.
 - f. Grading plan showing existing topography and proposed tentative grading.
 - 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 if the project is not detached single-family.
 - 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 location and design of proposed buildings. If project is to be detached single-family only a statement indicating number of total units is required.
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, the applicant shall so state in the 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 Director, the Planning Commission, or both.

E. DECISION OF THE PLANNING DIRECTOR

1. If the Planning Director determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, the Planning Director shall grant a Planned Residential Development Permit.
2. The Planning Director shall, by resolution, grant a Planned Residential Development Permit if it is found from the evidence presented that all of the following facts exist:
 - a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan, or the Community Plan.
 - b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity, and
 - c. The proposed use will comply with the relevant regulations in the Municipal Code.
3. The Planning Director shall not approve any Planned Residential Development Permit unless the proposed development, in conjunction with the Environmental Review process, was publicly noticed at least 30 days prior to the decision of the Planning Director in the official city newspaper and by mail to all property owners within 300 feet of the proposed development, to the affected community planning groups and any other group or organization who has requested notification by written request to the Planning Department.
4. In granting a Planned Residential Development Permit, the Planning Director may impose such conditions as is necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the zoning regulations. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building height, minimum yards, maximum building coverage and off-street parking may be increased or decreased.
5. In granting or denying a Permit, the Planning Director shall make a written finding 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 set forth herein.
6. A copy of this written finding of facts shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Building Inspection Director, and shall be mailed to the applicant and to Community Planning Chairman.
7. The decision of the Planning Director shall be final on the 15th day following the decision except when appeal is taken to the Planning Commission as provided in paragraph "F." below.

F. APPEAL FROM DECISION OF THE PLANNING DIRECTOR

1. An appeal from any decision of the Planning Director regarding a Planned Residential Development Permit may be taken to the Planning Commission within fifteen days after the decision of the Planning Director. The appeal may be taken by the applicant, any governmental body or agency, any owner of real property located within the City or any resident of the City. The appeal shall be in writing and filed in duplicate with the Planning Director. The appeal shall specify wherein there was error in the decision of the Planning Director. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the Planning Commission.

2. Upon the filing of the appeal, the Planning Director 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 Section 101.0900. Notice of time and place and purpose of such hearing shall be given as follows:
 - a. By at least one publication in the official newspaper of The City of San Diego, not less than ten days prior to the date of the hearing.
 - b. By mailing notices at least ten days prior to the date of such hearing to all record owners of property within 300 feet of the exterior to 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.
3. Upon the hearing of the appeal, the Planning Commission may by resolution affirm, reverse or modify in whole or in part any determination of the Planning Director, subject to the same limitations as are placed upon the Planning Director by law and the provisions of this Code. The resolution must contain a finding of facts showing wherein the proposed Planned Residential Development meets or fails to meet the requirements herein are being met. The decision of the Planning Commission is final except when appealed to the City Council as provided in paragraph "G." below. 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.

G. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 15th day following action by the Planning Commission unless an appeal is filed in the office of the City Clerk. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member or the Mayor.

When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal. The City Council will accept an appeal for hearing when any of the following situations are found to exist:

1. The appellant was denied the opportunity to make a full and complete presentation to the Planning Commission.
2. New evidence is now available that was not available at the time of the Planning Commission hearing.
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision.
4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance.
5. The decision of the Planning Commission is inconsistent with applicable Community Plans or the General Plan for those areas not having a Community Plan; or
6. The Planning Commission decision was in conflict with adopted Council Policy or the Municipal Code.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.

H. FAILURE TO UTILIZE PLANNED RESIDENTIAL DEVELOPMENT PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS

1. Any Planned Residential Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 24 months after the effective date thereof. Failure to utilize such Permit within this 24-month period will automatically void the same, unless an extension of time has been granted by the Planning Director as set forth in paragraph "I." herein. 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.
2. During the 24-month period referred to in this paragraph, the property covered by the Planned Residential Development Permit granted by the Planning Director, or by the Planning Commission on appeal, or City Council on appeal, shall not be used for any purpose or use other than that authorized by the Permit.
3. The Planning Director shall determine whether the conditions and requirements of the Permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

I. EXTENSION OF TIME TO A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

1. The Planning Director 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 an extension of time, the property owner or owners shall file a written application with the Planning Director in the office of the Planning Department, prior to the expiration of the Planned Residential Development Permit. The Planning Director may grant the extension of time if it is found from the evidence submitted that there has been no material change of circumstances since the permit was originally granted.
2. The decision of the Planning Director may be appealed as provided in paragraphs "F." and "G." herein.

12717



J. CANCELLATION OF A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

A valid Planned Residential Development Permit granted by the Planning Director, or by the Planning Commission on appeal, or by the City Council on appeal, may be cancelled at any time during the 24-month period referred to in paragraph "H." herein. Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Planning Director in the office of the Planning Department. The permit becomes void 120 days after receipt of the communication in the office of the Planning Department.

K. DESIGN CRITERIA

The Planned Residential Development shall observe the following design criteria:

1. For all developments which are not detached single-family the overall plan shall be comprehensive, embracing land, buildings, landscaping and their interrelationships 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 should 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 of 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 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.

L. 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 either the following table or the adopted community plan or any other adopted plan, whichever is less.

ZONE	MAXIMUM PERMITTED DWELLING UNITS
A-1-10, A-1-5	Sq. Ft. of Land Area 174,340 sq. ft.
A-1-1	Sq. Ft. of Land Area 43,580 sq. ft.
R-1-40	40,000 sq. ft.
R-1-20	Sq. Ft. of Land Area 20,000 sq. ft.
R-1-15	Sq. Ft. of Land Area 15,000 sq. ft.
R-1-10	Sq. Ft. of Land Area 10,000 sq. ft.
R-1-8	Sq. Ft. of Land Area 8,000 sq. ft.
R-1-6	Sq. Ft. of Land Area 6,000 sq. ft.
R-1-5	Sq. Ft. of Land Area 5,000 sq. ft.
R-2	Sq. Ft. of Land Area 3,000 sq. ft.
R-2A	Sq. Ft. of Land Area 1,500 sq. ft.
R-3	Sq. Ft. of Land Area 1,000 sq. ft.
RV	Sq. Ft. of Land Area 1,000 sq. ft.
R-3A	Sq. Ft. of Land Area 800 sq. ft.
R-4	Sq. Ft. of Land Area 400 sq. ft.
R-4C	Sq. Ft. of Land Area 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:

ZONE	TOTAL REQUIRED OPEN SPACE PER D.U. (sq. ft.)	REQUIRED USABLE OPEN SPACE PER D.U. (sq. ft.)
A-1-1		
A-1-5		
A-1-10	28,000	14,000
R-1-4	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	600	300
RV	600	300
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 ten 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, volleyball 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 Director may find to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of Section 101.0800. 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.

M. DEVIATIONS FROM MINIMUM STANDARDS

Deviations from the requirements of Section 101.0800 may be granted by the Planning Director, Planning Commission or City Council as follows:

1. Deviations from any of the design criteria in paragraph "K." and standards set forth in paragraph "L." above, except the minimum standards regarding density and total required open space, may be granted by either the Planning Director, or by the Planning Commission on appeal, or by the City Council on appeal upon a written finding of facts as set forth in paragraph "M.2." below. No deviations shall be granted from the minimum requirements for density or total open space.
2. The Planning Director, the Planning Commission on appeal, 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 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.

N. 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.

O. 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.

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

The Subdivision Board 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 "O." above, 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.

Q. 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 Director, 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 open space shall not be approved unless the special requirements of paragraph "P." above have been fulfilled and the provisions of Chapter X, Article 2 of this Code, which are consistent with the provisions of Section 101.0800, have been satisfied.

12/11/7

R. 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 or a phasing plan has been approved by the Planning Director.

S. 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 enjoyment 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.
- 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 "S.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 "S.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 6, 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 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 six percent 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____.

- 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 six percent 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.

SEC. 101.001 RESTRICTION OR REAPPLICATION FOR A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

No application for a planned residential development permit on the same property or essentially the same property, for which a permit has been denied by the Planning Director, or Planning Commission, or City Council shall be accepted within twelve (12) months of such denial. This provision may be waived by the affirmative vote of a majority of the Planning Commission or City Council on appeal.

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

Introduced on July 24, 1979.

Passed and adopted by the Council of The City of San Diego on August 6, 1979.

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California

(SEAL)

By BARBARA BERRIDGE,
Deputy.

Published August 20, 1979

80-8477

12717