

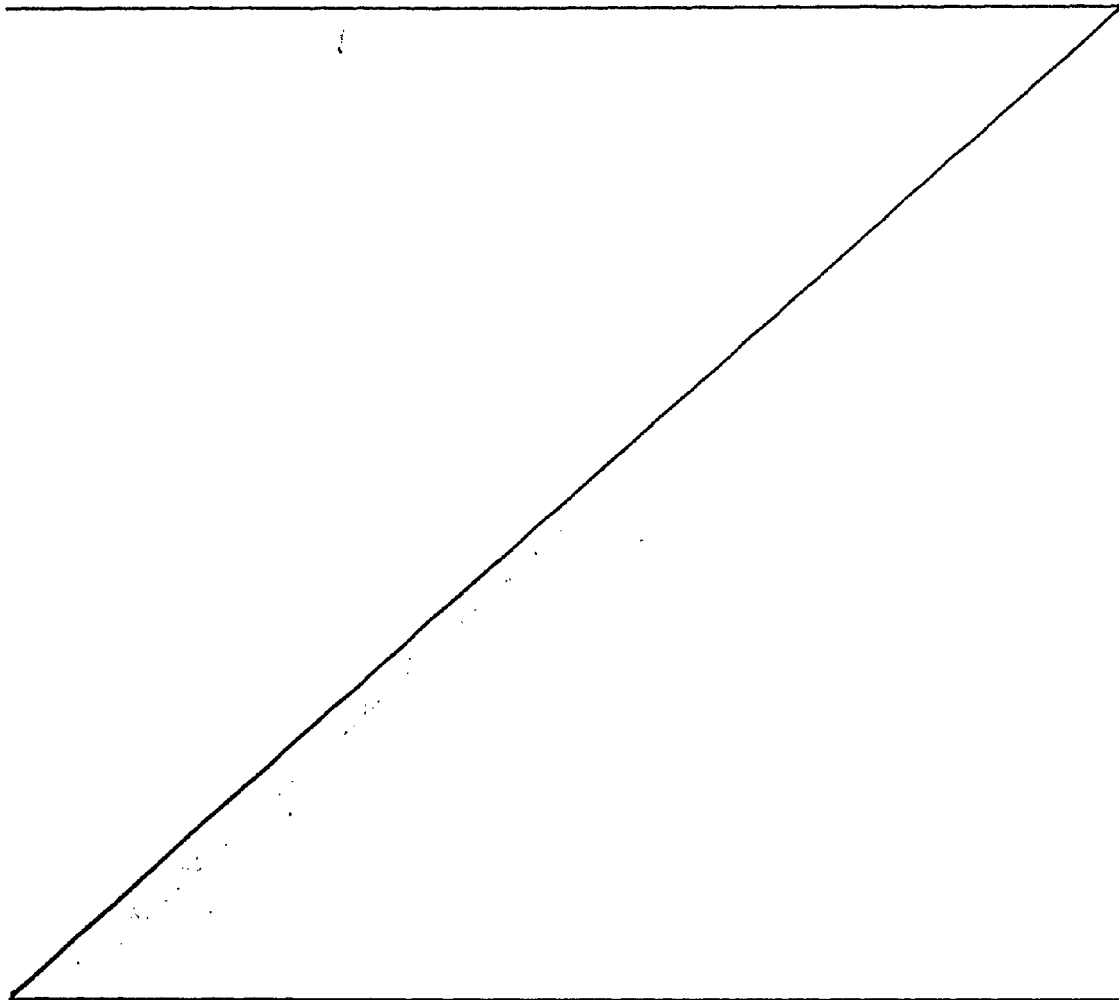
ORDINANCE NO. 0-15070
(New Series)

O.80-47
REV. 2

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, BY **NOV 5 1979**
ADDING DIVISION 6 REGARDING NORTH CITY WEST
PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3 of the San Diego
Municipal Code be, and it is hereby amended by adding
Division 6 to read as follows:



NORTH CITY WEST PLANNED DISTRICT

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DIVISION 6

NORTH CITY WEST PLANNED DISTRICT

SEC. 103.0600 PURPOSE AND INTENT

The public health, safety, and welfare necessitate distinctive development controls, and requirements for capital improvements and public facilities in order to systematically implement the phased growth of North City West. The regulations contained herein are in keeping with the objectives and proposals of the Progress Guide and General Plan for The City of San Diego, of the North City West Community Plan, and of precise plans adopted in accordance with the community plan. All development plans and subdivisions shall conform to the adopted precise plan.

SEC. 103.0601 AREA OF APPLICABILITY

The regulations contained herein shall apply in the North City West Planned District which is within the North City West area in The City of San Diego. The area to which the provisions of this division are applicable is shown on that certain Map Drawing No. C-656 and described in the appended boundary description filed in the office of the City Clerk under Document No. 767382 . Sections 103.0600 through 103.0606 shall apply

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to each precise plan within the North City West Community Plan area, when adopted by the City Council.

SEC. 103.0602 APPLICABLE REGULATIONS

Where not otherwise specified in this Division, the provisions of Chapter X, Article 1, Division 1 (Definitions and Interpretations), Chapter X, Article 2 (Subdivisions), Chapter X, Article 1, Division 4 (Home Occupation Permits), Chapter X, Article 1, Division 5 (Variance and Conditional Use Permit Procedures), Chapter X, Article 1, Division 8 (Off-street Parking), and Chapter X, Article 1, Division 9 (Planned Developments) shall apply. All other existing provisions of Chapter X, Article 1, of the Municipal Code are superceded by the regulations set forth herein.

SEC. 103.0603 FINANCING OF PUBLIC FACILITIES

A. PURPOSE AND INTENT

The public health, safety, and welfare require that residents in newly developing areas be adequately served with access, parks, schools, open space, libraries, fire stations, and other public facilities concurrent with the need.

B. FINANCIAL RESPONSIBILITY

In North City West such public facilities shall be exclusively financed by a charge against the area within the Planned District in accordance with the adopted North City West Community Plan.

C. FINANCIAL PROGRAM

1. Municipal Facilities

The Municipal Facilities required for the North City West community shall be financed through four distinct programs:

a. Facilities Impact Fee

The Facilities Impact Fee will finance facilities which are related to the entire North City West community. The facilities to be provided by this fee will be of four types:

- (1) Fees for facilities which already exist outside of the North City West community, but which require additions or expansions to

existing personnel-facilities to meet the requirements of the North City West community. (POLICE AND PUBLIC WORK FACILITIES)

(2) Fees for facilities to be built within the North City West community; the major need for such facilities being created by the North City West community, but which may include a service area beyond the limit of the North City community. (FIRE STATION AND LIBRARY FACILITIES)

(3) Fees for facilities which extend beyond the limit of the North City West community, whose service area is also greater than the North City West community and the need for which is not solely created by the North City West community. (MASTER WATER SYSTEM, a connection of the North City West Water System to the Penasquitos Pipeline to the east. Improvements so constructed will be subject to a reimbursement between The City of San Diego and the Trust Fund.)

- (4) Fees for facilities within the North City West community which are intended for the use of residents. (TWO COMMUNITY PARKS, OPEN SPACE RESERVE FUND, a fund for the acquisition of public access rights through open space areas, STREET SCENE IMPROVEMENTS, landscaping of the medians and right-of-way along major streets, and TRAFFIC SIGNALS at the intersection of major streets.)

The amount of the fee will be a cost per dwelling unit, or equivalent thereof, based on an estimate of the cost of the facilities as approved by a Resolution of the City Council. Such fee shall be subject to an annual review and may be adjusted from time to time by the Council to reflect changes in the cost of the facilities. The fee will be paid prior to the issuance of a building permit for each dwelling unit. A single trust fund will be established for all the above described facilities in an interest bearing account, and interest shall be credited to the trust fund. The City Manager will be responsible for the following:

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- (1) Administration of the trust fund including the maintaining of a separate budget therefore.
- (2) Planning for and scheduling of the construction of the facilities; and
- (3) Disbursement of trust funds for construction or acquisition of the facilities.

b. An Improvement District under the provisions of State law or local procedural ordinance shall be created covering each planned district area to create assessments against the land to generate funds to finance facilities which are related to each individual planned district area. The facilities to be provided by this improvement district may include, but not be limited to, major perimeter streets, both municipal and other public utilities and drainage facilities contained therein, the neighborhood park, siltation abatement structures and the public recreation facilities associated with school site improvements. The boundary of each improvement district will be the centerline of the bordering

perimeter streets, or other applicable limit, of each individual planned district area within the North City West community as the City shall determine.

c. On-Site Municipal Improvements

The on-site municipal facilities, those within the individual neighborhood and not provided by "a" or "b" above, such as streets, stormdrains, and sewer, water, gas, power, and telephone utilities, will be provided by the subdivider under the conventional bonded subdivision agreement.

d. Off-Site Municipal Improvements

The off-site municipal improvements, those outside of an individual planned district area at the time of its development and not provided under the conventional subdivision process for off-site improvements. The off-site improvements so constructed may be subject to a reimbursement agreement between the person who constructed the improvements and The City of San Diego.

Reimbursement pursuant to that agreement will be generated by the subdivider(s) of the subsequent planned district areas, where adjacent, and will be paid to the appropriate subdivider(s) as and when such funds are generated within the subareas covered by the reimbursement agreement.

2. School Facilities

- a. School facilities shall be provided concurrently with development in such a manner as to serve the primary and secondary educational needs of the community.
- b. Prior to the approval of a tentative subdivision map and approval of a tentative subdivision plan filed pursuant to Section 103.0606 A, the developer shall comply with the terms of a North City West Schools Facilities Master Plan, which shall have been adopted by the City Council.

D. IMPLEMENTATION

No development plan shall be considered as complying with the tentative approval by the Planning Commission, or the

City Council on appeal, unless and until the Planning Director shall advise and the Planning Commission shall concur that the following have been accomplished:

1. There has been established by ordinance a Municipal Facilities Impact Fee applicable to the property covered by the development plan and the City Council has by resolution set the amount per dwelling unit of such fee.
2. The City Council has awarded a contract for the acquisition and construction of improvements under the San Diego Improvement District Procedural Ordinance to provide utilities and public improvements necessary to serve the property covered by the development plan.
3. The City Council has (a) amended SEC. 102.0203 of the Municipal Code to permit the Council to authorize that unpaid special assessments may survive the filing of a final subdivision map and become a lien on the parcels created by the subdivision and (b) amended SEC. 61.0339 of the Municipal Code to permit Improvement District bonds to be issued subject to the right of The City of San Diego to permit the division of parcels securing such bonds and to issue two or more new bonds as

replacement for any outstanding bond without the consent of the bondholder.

4. The City Council has amended SEC. 96.0402 and SEC. 102.0405.06 et seq. eliminating the property covered by the Development Plan from the provisions of such ordinance sections.
5. The City Council has amended by resolution the map of Population-based Park Service Districts to consolidate all property subject to the Improvement District into one neighborhood park district.
6. The City Council has established an open space maintenance district including at least the property covered by the Development Plan pursuant to the "San Diego Maintenance District Procedural Ordinance."
7. The City Council has adopted a North City West Schools Facility Master Plan covering at least the property covered by the Planned District Ordinance and that the developer has complied with the terms thereof.

SEC. 103.0604 DESIGN CRITERIA

Concurrent with the adoption of this Division, the City Council shall by resolution also adopt architectural and design standards which shall be used by the Planning Commission or City Council on appeal as a guideline for approving, modifying or disapproving any plans within the planned district.

SEC. 103.0605 GRADING REGULATIONS

The following criteria shall be incorporated by the Planning Department, Subdivision Board, Planning Commission and City Council when implementing any proposed grading within the planned district:

1. Preparation of a comprehensive landscaping and irrigation plan for all graded slopes to provide for rapid stabilization of slope areas.
2. Close phasing of grading operations and slope landscaping and building construction to reduce the period when bare slopes are susceptible to erosion.
3. Design project to preserve natural topography, unique geologic formations, and native vegetation to the fullest extent possible.

4. Use contour grading techniques to reduce harsh, manufactured slopes, utilizing rounded top and toe of slopes which blend into natural contours wherever possible.
5. Minimize the height of cut and fill slopes wherever possible, while varying the gradient of long horizontal banks.
6. Utilize slope gradients that can readily support landscaping.
7. Construct permanent energy dissipators and settling/catchment basins with regular, long-term maintenance.
8. Provide a system of bladed ditches at flat gradients across larger, graded pad areas to allow on-site entrapment of silt during construction.

The first tentative map for each precise plan shall be subject to the approval of a comprehensive drainage plan for the entire area of the precise plan. This plan shall show drainage facilities, both permanent and temporary, which will be installed to control or mitigate soil erosion, silting of lower slopes,

slide damage, or flooding problems. Such drainage provisions shall recognize the sensitivity and proximity of the Penasquitos Lagoon.

Post Development:

The Planning Commission or City Council on appeal shall utilize the following guidelines when evaluating grading and excavation proposed after the initial development has been completed.

1. The development shall result in minimum disturbance of the natural terrain and vegetation commensurate with the proposed use of the lot or premises.
2. Provisions are included to control or mitigate soil erosion, silting of lower slopes, slide damage, flooding problems, or excessive cutting or scarring.

SEC. 103.0606 ADMINISTRATION

A. DEVELOPMENT PLAN APPROVAL REQUIRED

Before issuing any permit, complete preliminary plans shall be submitted to the Planning Department for approval by the Planning Commission. The preliminary plans shall be in

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substantial conformity with the regulations contained herein, the architectural and design standards adopted by the City Council and the precise plan for the development unit and shall also be in conformance with the North City West Community Plan. Final plans shall be in substantial conformity to the approved preliminary plans. The property shall be developed in accordance with the approved plans. No changes shall be made at any time until approved by the Planning Commission. Approval of the Planning Commission is not required for interior modifications, exterior alterations or grading for which a permit is not required.

B. PROCEDURES FOR PLAN REVIEW

1. Applications shall be made before constructing a new building, remodeling, demolition of any existing building, moving any building into the planned district or any grading or excavation which requires a permit.
2. A deposit equal to that charged for a conditional use permit under SEC. 101.0204.1 shall be paid when application for a plan is made.
3. Applications must be signed by the record owner or owners of the property on which the development is proposed.

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4. Application shall include the following:
 - a. Legal description.
 - b. A tabulation of proposed dwelling units by type and density, if applicable.
 - c. Data describing the housing balance projected regarding the quantity and/or proportion of low and moderate income housing as well as statements describing procedures to maintain an ethnic and racial balance, if applicable.
 - d. Location of existing and proposed buildings and structures.
 - e. Adequate plans and specifications for the buildings and improvements as determined by the Planning Director.
 - f. A tabulation of all natural or landscaped open areas shown on the plot plan, indicating the square footage of each type.

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- g. Location, name and width of existing and proposed streets, alleys, easements, pedestrian ways, and bikeways including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.
- h. Proposed off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways.
- i. Adequate plans and specifications for any outbuildings, walls, courtyards, fences, setbacks, signs, lighting or traffic safety.
- j. Grading plan showing proposed finished grades superimposed over the existing topography.
- k. Plan of proposed landscaping and permanent watering systems showing sizes and types of plant materials or hydroseed mix if proposed.
- l. Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein and other applicable laws, regulations, and standards.

5. Subdivision Map. The Subdivision Board shall act as an advisory body to the Planning Commission who shall take the initial action on all tentative subdivisions within the Planned District. The tentative map and development proposals within the boundaries of the map shall be heard concurrently by the Planning Commission. The decision of the Planning Commission may be appealed to the City Council within fifteen days of the Commission's actions as permitted under SEC. 102.0308 of the Municipal Code.
6. The Planning Commission may approve, modify or disapprove any plan based on the regulations contained herein and the architectural and design standards adopted by the City Council.
7. If the Planning Commission approves the plan and the Building Inspection Director or City Engineer finds that the plan conforms to all other regulations and ordinances of The City of San Diego, the appropriate department shall then issue the permit for the work except as provided in "C.8." below.
8. Building permits shall not be issued for any construction within the proposed development unless a final approved map has been recorded. A final map

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shall substantially conform with the approved plan. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.

9. The Planning Commission may grant an extension of time up to two years on the time limit contained in a currently valid development plan by filing a written application in the office of the Planning Department. The Planning Commission may grant the extension of time if it finds that there has been no material change of circumstances since the approval was originally granted.

C. PUBLIC HEARING BEFORE PLANNING COMMISSION

The Planning Department shall set the development plan and tentative subdivision map for a hearing before the Planning Commission in the following manner:

1. By at least one publication thereof in a newspaper of general circulation that is published on five or more days in a calendar week in The City of San Diego, not less than ten days prior to the date of the hearing; and by "2." as follows:

2. By depositing in the United States mail, postage prepaid, at least ten days prior to the date of such hearing, a notice addressed to the owner of each parcel of land lying within the subject property, to the owner or owners of each parcel of land within 300 feet of the exterior boundaries of the subject property and to any person who has requested in writing to be notified. The last known name and address of each owner as shown on the records of the County Assessor may be used for this notice.

3. The mailed notices referred to in paragraph "2." of this section shall be headed "Notice of Public Hearing" in letters not less than one inch in height and shall recite in legible characters the following:
 - a. The boundaries of the subject property. A diagram or plat may be substituted for this description.

 - b. The date, time, place, and subject of the subject hearing before the Planning Commission.

 - c. A statement that any person may appear and be heard.

- d. A statement that the application, together with plans and other data submitted with the application are available for public inspection in the office of the Planning Department.

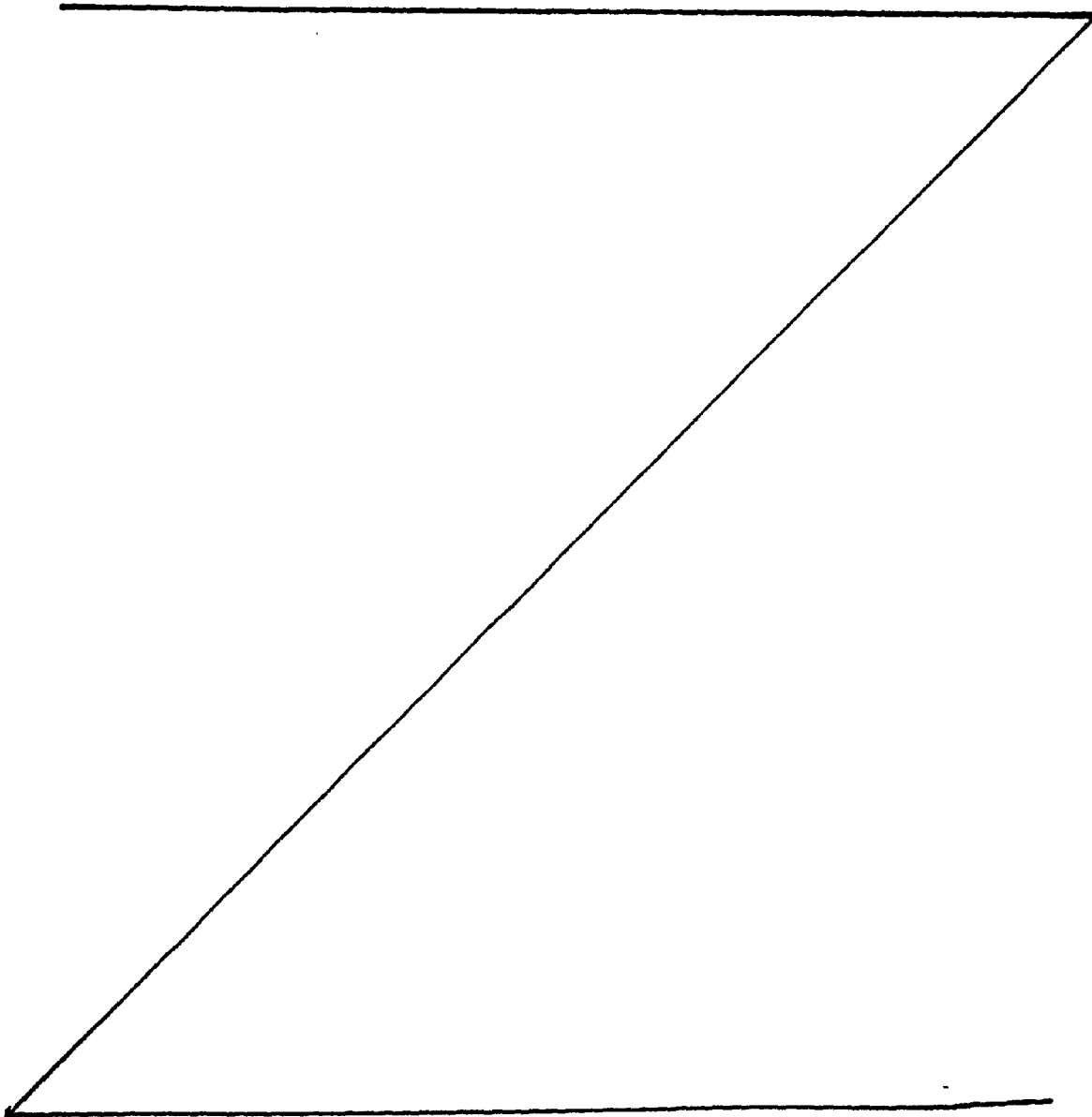
D. APPEAL FROM DECISION OF THE PLANNING COMMISSION

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 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.



SEC. 103.0607 SINGLE-FAMILY ZONES

A. PURPOSE AND INTENT

The single-family zones are designed to encourage a variety of housing types and to provide flexibility relative to the development regulations.

B. DEVELOPMENT REGULATIONS

All paragraphs of SEC. 101.0407 (R-1 Zones) of the Municipal Code shall apply with the exception of Paragraph D, Property Development Regulations. Instead, the following regulations shall apply:

1. Minimum Lot Dimensions. The following minimum lot sizes and dimensions shall apply in the SF Zones.

ZONE	MINIMUM		
	AREA IN SQUARE FEET	MINIMUM LOT DIMENSIONS IN LINEAR FEET	
		*STREET FRONTAGE	WIDTH (INTERIOR)
SF1	6,000	60	60
SF2	4,500	45	45
SF3	3,000	30	30

* Street frontage may be reduced to twenty feet for any lot which fronts on a turn-around or curving street having a radius of curvature of less than one hundred feet.

2. Minimum Yard Dimensions

The following minimum yard dimensions shall apply in the Single-Family Zones:

Zone	<u>Minimum Yard Dimensions in Linear Feet</u>				
	<u>Front Yard</u>		<u>Side Yard</u>		<u>Rear Yard</u>
	Residence	Garage	Interior	Street	
Single-Family	10	15	*4	10	**15

* Building walls with no openings may be constructed on the side property line.

** Attached and detached one-story accessory buildings not to exceed 500 square feet may disregard side and rear yards if not used for living or sleeping purposes.

3. Maximum Lot Coverage. No building shall cover more than 60 percent of the lot. This coverage shall include all areas under roof but shall not include trellis areas, which are fifty percent open to the sky.

4. Maximum Building Height. No building shall be constructed to a height greater than thirty feet.
5. On-street Parking. A minimum of twenty feet shall be provided between driveways along the curb, except on a turn-around or curving street having a radius of curvature of less than one hundred feet.

SEC. 103.0608 MULTI-FAMILY ZONES

A. PURPOSE AND INTENT

The multi-family zones are intended primarily for the development of cluster and multiple residential structures at densities of seven to twenty-two dwelling units per acre.

B. DEVELOPMENT REGULATIONS

All paragraphs of SEC. 101.0409 (R-2 Zone) of the Municipal Code shall apply with the exception of Paragraph D, Density Regulations and Paragraph E, Property Development Regulations. Instead the following regulations shall apply:

1. Density Regulations.

DWELLING UNITS PER NET ACRE PERMITTED

<u>Subarea</u>	<u>Minimum</u>	<u>Maximum</u>
MF1	7	12
MF2	16	22

2. Property Development Regulations.

a. Minimum Lot Area Regulation. The minimum lot area in the MF1 and MF2 Subareas shall be one (1) acre.

b. Open Space.

(1) The open space provided on the property shall not be less than that shown in the following table:

<u>Subarea</u>	<u>Total Required O.S. Per D.U. (sq. ft.)</u>	<u>Required Usable O.S. Per D.U. (sq. ft.)</u>
MF1	1,800	900
MF2	900	450

(2) Usable open space shall not have an overall grade exceeding ten percent and shall not be occupied by buildings, streets, driveways or parking areas; however, trellis areas which are fifty percent open to the sky shall be considered usable open space.

c. Minimum Yard Dimensions

The minimum yard dimensions for the MF Zones shall be as shown in SEC. 103.0607, Paragraph B.2.

d. Maximum Building Height. No building may be constructed to a height greater than forty-five feet.

SEC. 103.0609 NEIGHBORHOOD COMMERCIAL CENTER ZONE

All paragraphs of SEC. 101.0426 (CN Zone) of the Municipal Code shall apply.

SEC. 103.0610 ELEMENTARY SCHOOL AREA

No premises may be used except for an elementary school.

SEC. 103.0611 NEIGHBORHOOD PARK AREA

No premises may be used except for a neighborhood park.

SEC. 103.0612 OPEN SPACE

Open Space Easement Required. Approval of the final map shall be conditioned upon The City of San Diego being offered an easement in a form acceptable to the City, limiting the future use of open spaces and preserving them as open space.

SEC. 103.0613 MAINTENANCE

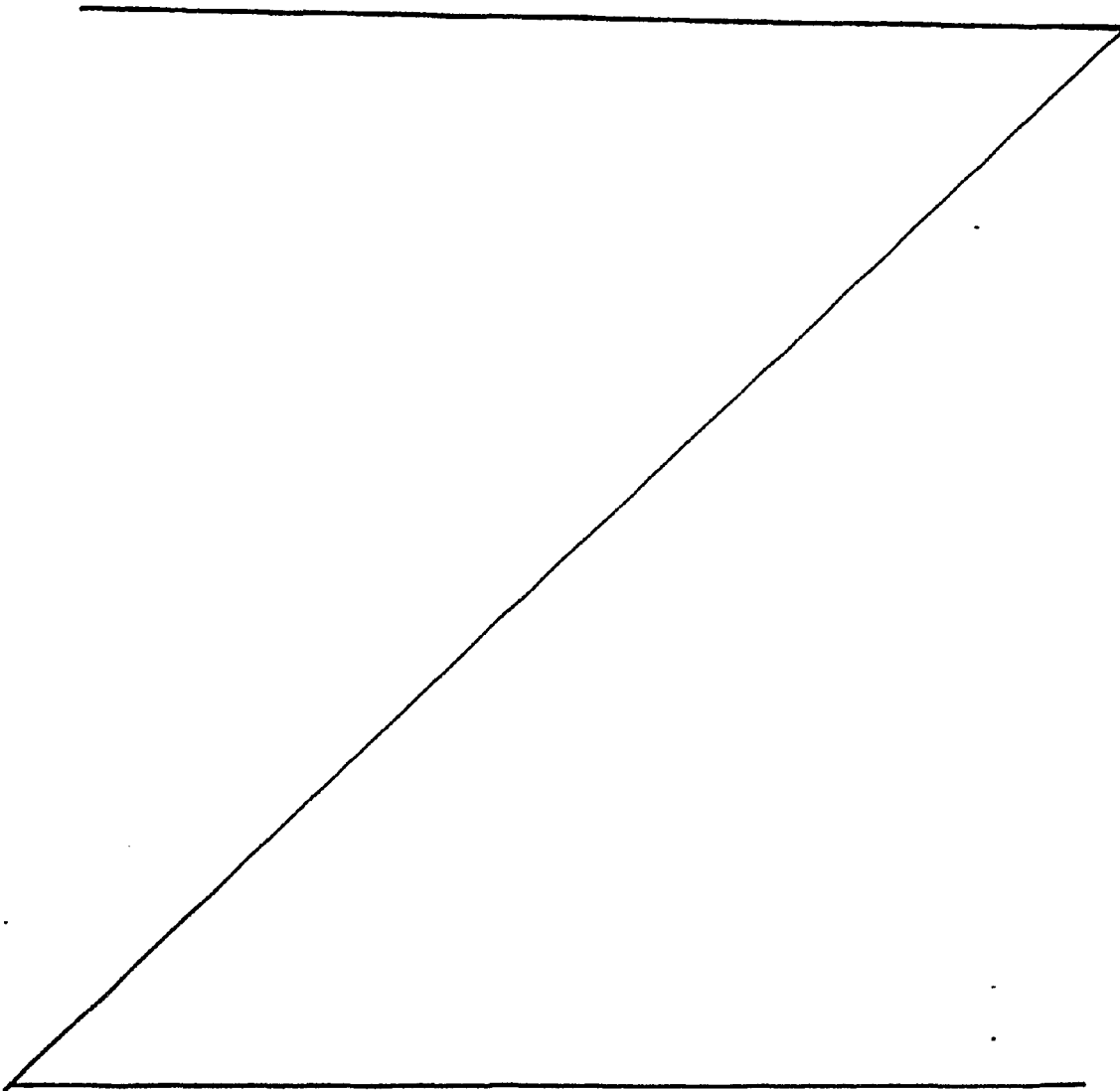
A maintenance district shall be established to assure the maintenance of open space, the parkway area of perimeter streets, and the landscaped islands at the entrances to development areas and settling/catchment basins.

SEC. 103.0614 ENERGY CONSERVATION

In order to reduce the amount of energy consumed, the following criteria shall be considered:

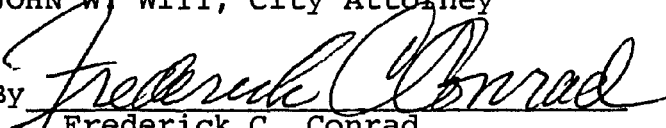
1. Where possible, buildings should be oriented with the long axis in an east-west direction with full southern exposure, resulting in reduced east and west facing wall surfaces.

2. Outside shades and awning for windows should be utilized.
3. The exterior of dwelling units should be shaded with vegetation, using coniferous trees on north and deciduous trees on south.



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.
9/11/79
Rev. -9/17/79
Rev. 10/24/79

Passed and adopted by the Council of The City of San Diego on **NOV 5 1979**,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input checked="" 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 *Ellen Bovard*, 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

OCT 22 1979, and on **NOV 5 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 *Ellen Bovard*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	0-15070 Adopted NOV 5 1979

CERTIFICATE OF PUBLICATION

RECORDED
INDEXED
NOV 21 1979
S. J. ...

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, CA. 92101
Attn: Ellen Bovard

IN THE MATTER OF

NO.

AMENDING CHAPTER X, ARTICLE 3, BY ADDING
DIVISION 6

ORDINANCE NO. 0-15070
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, BY ADDING DIVISION 6 REGARDING NORTH CITY WEST PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3 of the San Diego Municipal Code be, and it is hereby amended by adding Division 6 to read as follows:

NORTH CITY WEST PLANNED DISTRICT
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DIVISION 6
NORTH CITY WEST PLANNED DISTRICT

SEC. 103.0600 PURPOSE AND INTENT
The public health, safety, and welfare necessitate distinctive development controls, and requirements for capital improvements and public facilities in order to systematically implement the phased growth of North City West. The regulations contained herein are in keeping with the objectives and proposals of the Progress Guide and General Plan for The City of San Diego, of the North City West Community Plan, and of precise plans adopted in accordance with the community plan. All development plans and subdivisions shall conform to the adopted precise plan.

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The regulations contained herein shall apply in the North City West Planned District which is within the North City West area in The City of San Diego. The area to which the provisions of this division are applicable is shown on that certain Map Drawing No. C-656 and described in the appended boundary description filed in the office of the City Clerk under Document No. 787382. Sections 103.0600 through 103.0609 shall apply to each precise plan within the North City West Community Plan area, when adopted by the City Council.

SEC. 103.0602 APPLICABLE REGULATIONS
Where not otherwise specified in this Division, the provisions of Chapter X, Article 1, Division 1 (Definitions and Interpretations), Chapter X, Article 2 (Subdivisions), Chapter X, Article 1, Division 4 (Home Occupation Permits), Chapter X, Article 1, Division 5 (Variances and Conditional Use Permit Procedures), Chapter X, Article 1, Division 8 (Off-street Parking), and Chapter X, Article 1, Division 9 (Planned Developments) shall apply. All other existing provisions of Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein.

I, Camille Simpson, 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. 0-15070 (New Series)

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

November 19, 1979

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

Dated at San Diego, California this 19th day of Nov., 19 79.

Camille Simpson
(Signature)

1134" - \$611.97

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SEC. 103.0603 FINANCING OF PUBLIC FACILITIES

A. PURPOSE AND INTENT

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In North City West such public facilities shall be exclusively financed by a charge against the area within the Planned District in accordance with the adopted North City West Community Plan.

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a. Facilities Impact Fee

The Facilities Impact Fee will finance facilities which are related to the entire North City West community. The facilities to be provided by this fee will be of four types:

- (1) Fees for facilities which already exist outside of the North City West community, but which require additions or expansions to existing personnel-facilities to meet the requirements of the North City West community. (POLICE AND PUBLIC WORK FACILITIES)
- (2) Fees for facilities to be built within the North City West community; the major need for such facilities being created by the North City West community, but which may include a service area beyond the limit of the North City Community. (FIRE STATION AND LIBRARY FACILITIES)
- (3) Fees for facilities which extend beyond the limit of the North City West community, whose service area is also greater than the North City West community and the need for which is not solely created by the North City West community. (MASTER WATER SYSTEM, a connection of the North City West Water System to the Penasquitos Pipeline to the east. Improvements so constructed will be subject to a reimbursement between The City of San Diego and the Trust Fund.)
- (4) Fees for facilities within the North City West community which are intended for the use of residents. (TWO COMMUNITY PARKS, OPEN SPACE RESERVE FUND, a fund for the acquisition of public access rights through open space areas, STREET SCENE IMPROVEMENTS, landscaping of the medians and right-of-way along major streets, and TRAFFIC SIGNALS at the intersection of major streets.)

The amount of the fee will be a cost per dwelling unit, or equivalent thereof, based on an estimate of the cost of the facilities as approved by a Resolution of the City Council. Such fee shall be subject to an annual review and may be adjusted from time to time by the Council to reflect changes in the cost of the facilities. The fee will be paid prior to the issuance of a building permit for each dwelling unit. A single trust fund will be established for all the above described facilities in an interest bearing account, and interest shall be credited to the trust fund. The City Manager will be responsible for the following:

- (1) Administration of the trust fund including the maintaining of a separate budget therefore.
- (2) Planning for and scheduling of the construction of the facilities; and
- (3) Disbursement of trust funds for construction or acquisition of the facilities.

- b. An Improvement District under the provisions of State law or local procedural ordinance shall be created covering each planned district area to create assessments against the land to generate funds to finance facilities which are related to each individual planned district area. The facilities to be provided by this improvement district may include, but not be limited to, major perimeter streets, both municipal and other public utilities and drainage facilities contained therein, the neighborhood park, siltation abatement structures and the public recreation facilities associated with school site improvements. The boundary of each improvement district will be the centerline of the bordering perimeter streets, or other applicable limit, of each individual planned district area within the North City West community as the City shall determine.

c. On-Site Municipal Improvements

The on-site municipal facilities, those within the individual neighborhood and not provided by "a" or "b" above, such as streets, stormdrains, and sewer, water, gas, power, and telephone utilities, will be provided by the subdivider under the conventional bonded subdivision agreement.

d. Off-Site Municipal Improvements

The off-site municipal improvements, those outside of an individual planned district area at the time of its development and not provided under the conventional subdivision process for off-site improvements. The off-site improvements so constructed may be subject to a reimbursement agreement between the person who constructed the improvements and The City of San Diego. Reimbursement pursuant to that agreement will be generated by the subdivider(s) of the subsequent planned district areas, where adjacent, and will be paid to the appropriate subdivider(s) as and when such funds are generated within the subareas covered by the reimbursement agreement.

2. School Facilities

- a. School facilities shall be provided concurrently with development in such a manner as to serve the primary and secondary educational needs of the community.
- b. Prior to the approval of a tentative subdivision map and approval of a tentative subdivision plan filed pursuant to Section 103.0606 A, the developer shall comply with the terms of a North City West Schools Facilities Master Plan, which shall have been adopted by the City Council.

D. IMPLEMENTATION

No development plan shall be considered as complying with the tentative approval by the Planning Commission, or the City Council on appeal, unless and until the Planning Director shall advise and the Planning Commission shall concur that the following have been accomplished:

1. There has been established by ordinance a Municipal Facilities Impact Fee applicable to the property covered by the development plan and the City Council has by resolution set the amount per dwelling unit of such fee.
2. The City Council has awarded a contract for the acquisition and construction of improvements under the San Diego Improvement District Procedural Ordinance to provide utilities and public improvements necessary to serve the property covered by the development plan.
3. The City Council has (a) amended SEC. 102.0203 of the Municipal Code to permit the Council to authorize that unpaid special assessments may survive the filing of a final subdivision map and become a lien of the parcels created by the subdivision and (b) amended SEC. 81.0339 of the Municipal Code to permit Improvement District bonds to be issued subject to the right of The City of San Diego to permit the division of parcels securing such bonds and to issue two or more new bonds as replacement for any outstanding bond without the consent of the bondholder.
4. The City Council has amended SEC. 96.0402 and SEC. 102.0405.06 et seq. eliminating the property covered by the Development Plan from the provisions of such ordinance sections.
5. The City Council has amended by resolution the map of Population-based Park Service Districts to consolidate all property subject to the Improvement District into one neighborhood park district.
6. The City Council has established an open space maintenance district including at least the property covered by the Development Plan pursuant to the "San Diego Maintenance District Procedural Ordinance."
7. The City Council has adopted a North City West Schools Facility Master Plan covering at least the property covered by the Planned District Ordinance and that the developer has complied with the terms thereof.

SEC. 103.0604 DESIGN CRITERIA

Concurrent with the adoption of this Division, the City Council shall by resolution also adopt architectural and design standards which shall be used by the Planning Commission or City Council on appeal as a guideline for approving, modifying or disapproving any plans within the planned district.

SEC. 103.0605 GRADING REGULATIONS

The following criteria shall be incorporated by the Planning Department, Subdivision Board, Planning Commission and City Council when implementing any proposed grading within the planned district:

1. Preparation of a comprehensive landscaping and irrigation plan for all graded slopes to provide for rapid stabilization of slope areas.
2. Close phasing of grading operations and slope landscaping and building construction to reduce the period when bare slopes are susceptible to erosion.
3. Design project to preserve natural topography, unique geologic formations, and native vegetation to the fullest extent possible.
4. Use contour grading techniques to reduce harsh, manufactured slopes, utilizing rounded top and toe of slopes which blend into natural contours wherever possible.
5. Minimize the height of cut and fill slopes wherever possible, while varying the gradient of long horizontal banks.
6. Utilize slope gradients that can readily support landscaping.
7. Construct permanent energy dissipators and settling/catchment basins with regular, long-term maintenance.
8. Provide a system of bladed ditches at flat gradients across larger, graded pad areas to allow on-site entrapment of silt during construction.

The first tentative map for each precise plan shall be subject to the approval of a comprehensive drainage plan for the entire area of the precise plan. This plan shall show drainage facilities, both permanent and temporary, which will be installed to control or mitigate soil erosion, silting of lower slopes, slide damage, or flooding problems. Such drainage provisions shall recognize the sensitivity and proximity of the Penasquitos Lagoon.

Post Development:

The Planning Commission or City Council on appeal shall utilize the following guidelines when evaluating grading and excavation proposed after the initial development has been completed.

1. The development shall result in minimum disturbance of the natural terrain and vegetation commensurate with the proposed use of the lot or premises.
2. Provisions are included to control or mitigate soil erosion, silting of lower slopes, slide damage, flooding problems, or excessive cutting or scarring.

SEC. 103.0606 ADMINISTRATION

A. DEVELOPMENT PLAN APPROVAL REQUIRED

Before issuing any permit, complete preliminary plans shall be submitted to the Planning Department for approval by the Planning Commission. The preliminary plans shall be in substantial conformity with the regulations contained herein, the architectural and design standards adopted by the City Council and the precise plan for the development unit and shall also be in conformance with the North City West Community Plan. Final plans shall be in substantial conformity to the approved preliminary plans. The property shall be developed in accordance with the approved plans. No changes shall be made at any time until approved by the Planning Commission. Approval of the Planning Commission is not required for interior modifications, exterior alterations or grading for which a permit is not required.

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B. PROCEDURES FOR PLAN REVIEW

1. Applications shall be made before constructing a new building, remodeling, demolition of any existing building, moving any building into the planned district or any grading or excavation which requires a permit.
2. A deposit equal to that charged for a conditional use permit under SEC. 101.0204.1 shall be paid when application for plan is made.
3. Applications must be signed by the record owner or owners of the property on which the development is proposed.
4. Application shall include the following:
 - a. Legal description.
 - b. A tabulation of proposed dwelling units by type and density, if applicable.
 - c. Data describing the housing balance projected regarding the quantity and/or proportion of low and moderate income housing as well as statements describing procedures to maintain an ethnic and racial balance, if applicable.
 - d. Location of existing and proposed buildings and structures.
 - e. Adequate plans and specifications for the buildings and improvements as determined by the Planning Director.
 - f. A tabulation of all natural or landscaped open areas shown on the plot plan, indicating the square footage of each type.
 - g. Location, name and width of existing and proposed streets, alleys, easements, pedestrian ways, and bikeways including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.
 - h. Proposed off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways.
 - i. Adequate plans and specifications for any outbuildings, walls, courtyards, fences, setbacks, signs, lighting or traffic safety.
 - j. Grading plan showing proposed finished grades superimposed over the existing topography.
 - k. Plan of proposed landscaping and permanent watering systems showing sizes and types of plant materials or hydroseed mix if proposed.
 - l. Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein and other applicable laws, regulations, and standards.
5. Subdivision Map. The Subdivision Board shall act as an advisory body to the Planning Commission who shall take the initial action on all tentative subdivisions within the Planned District. The tentative map and development proposals within the boundaries of the map shall be heard concurrently by the Planning Commission. The decision of the Planning Commission may be appealed to the City Council within fifteen days of the Commission's actions as permitted under SEC. 102.0308 of the Municipal Code.
6. The Planning Commission may approve, modify or disapprove any plan based on the regulations contained herein and the architectural and design standards adopted by the City Council.
7. If the Planning Commission approves the plan and the Building Inspection Director or City Engineer finds that the plan conforms to all other regulations and ordinances of The City of San Diego, the appropriate department shall then issue the permit for the work except as provided in "C.B." below.
8. Building permits shall not be issued for any construction within the proposed development unless a final approved map has been recorded. A final map shall substantially conform with the approved plan. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.
9. The Planning Commission may grant an extension of time up to two years on the time limit contained in a currently valid development plan by filing a written application in the office of the Planning Department. The Planning Commission may grant the extension of time if it finds that there has been no material change of circumstances since the approval was originally granted.

C. PUBLIC HEARING BEFORE PLANNING COMMISSION

The Planning Department shall set the development plan and tentative subdivision map for a hearing before the Planning Commission in the following manner:

1. By at least one publication thereof in a newspaper of general circulation that is published on five or more days in a calendar week in The City of San Diego, not less than ten days prior to the date of the hearing; and by "2." as follows:
2. By depositing in the United States mail, postage prepaid, at least ten days prior to the date of such hearing, a notice addressed to the owner of each parcel of land lying within the subject property, to the owner or owners of each parcel of land within 300 feet of the exterior boundaries of the subject property and to any person who has requested in writing to be notified. The last known name and address of each owner as shown on the records of the County Assessor may be used for this notice.
3. The mailed notices referred to in paragraph "2." of this section shall be headed "Notice of Public Hearing" in letters not less than one inch in height and shall recite in legible characters the following:
 - a. The boundaries of the subject property. A diagram or plat may be substituted for this description.
 - b. The date, time, place, and subject of the subject hearing before the Planning Commission.
 - c. A statement that any person may appear and be heard.
 - d. A statement that the application, together with plans and other data submitted with the application are available for public inspection in the office of the Planning Department.

D. 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 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.

SEC. 103.0607 SINGLE-FAMILY ZONES

A. PURPOSE AND INTENT

The single-family zones are designed to encourage a variety of housing types and to provide flexibility relative to the development regulations.

B. DEVELOPMENT REGULATIONS

All paragraphs of SEC. 101.0407 (R-1 Zones) of the Municipal Code shall apply with the exception of Paragraph D, Property Development Regulations. Instead, the following regulations shall apply:

1. Minimum Lot Dimensions. The following minimum lot sizes and dimensions shall apply in the SF Zones.

ZONE	MINIMUM AREA IN SQUARE FEET	MINIMUM LOT DIMENSIONS IN LINEAR FEET	
		*STREET FRONTAGE	WIDTH (INTERIOR)
SF1	6,000	60	60
SF2	4,500	45	45
SF3	3,000	30	30

* Street frontage may be reduced to twenty feet for any lot which fronts on a turn-around or curving street having a radius of curvature of less than one hundred feet.

2. Minimum Yard Dimensions

The following minimum yard dimensions shall apply in the Single-Family Zones:

Zone	Minimum Yard Dimensions in Linear Feet			
	Residence	Garage	Side Yard Interior	Rear Yard Street
Single Family	10	15	*4	10

* Building walls with no openings may be constructed on the side property line.

** Attached and detached one-story accessory buildings not to exceed 500 square feet may disregard side and rear yards if not used for living or sleeping purposes.

3. Maximum Lot Coverage. No building shall cover more than 80 percent of the lot. This coverage shall include all areas under roof but shall not include trellis areas, which are fifty percent open to the sky.
4. Maximum Building Height. No building shall be constructed to a height greater than thirty feet.
5. On-Street Parking. A minimum of twenty feet shall be provided between driveways along the curb, except on a turn-around or curving street having a radius of curvature of less than one hundred feet.

SEC. 103.0608 MULTI-FAMILY ZONES

A. PURPOSE AND INTENT

The multi-family zones are intended primarily for the development of cluster and multiple residential structures at densities of seven to twenty-two dwelling units per acre.

B. DEVELOPMENT REGULATIONS

All paragraphs of SEC. 101.0409 (R-2 Zone) of the Municipal Code shall apply with the exception of Paragraph D, Density Regulations and Paragraph E, Property Development Regulations. Instead the following regulations shall apply:

1. Density Regulations

Subarea	DWELLING UNITS PER NET ACRE PERMITTED	
	Minimum	Maximum
MF1	7	12
MF2	18	22

2. Property Development Regulations.

a. Minimum Lot Area Regulation. The minimum lot area in the MF1 and MF2 Subareas shall be one (1) acre.

b. Open Space.

- (1) The open space provided on the property shall not be less than that shown in the following table:

Subarea	Total Required O.S.		Required Usable O.S.	
	Per D.U. (sq. ft.)		Per D.U. (sq. ft.)	
MF1	1,800		800	
MF2	900		450	

- (2) Usable open space shall not have an overall grade exceeding ten percent and shall not be occupied by buildings, streets, driveways or parking areas; however, trellis areas which are fifty percent open to the sky shall be considered usable open space.

c. Minimum Yard Dimensions

The minimum yard dimensions for the MF Zones shall be as shown in SEC. 103.0607, Paragraph B.2.

- d. Maximum Building Height. No building may be constructed to a height greater than forty-five feet.

103.0008 NEIGHBORHOOD COMMERCIAL CENTER ZONE
Paragraphs of SEC. 101.0426 (CN Zone) of the Municipal Code shall

103.0010 ELEMENTARY SCHOOL AREA
Premises may be used except for an elementary school.

103.0011 NEIGHBORHOOD PARK AREA
Premises may be used except for a neighborhood park.

103.0012 OPEN SPACE
Open Space Easement Required. Approval of the final map shall be conditioned upon The City of San Diego being offered an easement in a form acceptable to the City, limiting the future use of open spaces and preserving them as open space.

103.0013 MAINTENANCE
Maintenance district shall be established to assure the maintenance of open space, the parkway area of perimeter streets, and the landscaped islands at the entrances to development areas and settling/catchment basins.

103.0014 ENERGY CONSERVATION
In order to reduce the amount of energy consumed, the following criteria shall be considered:

1. Where possible, buildings should be oriented with the long axis in an east-west direction with full southern exposure, resulting in reduced east and west facing wall surfaces.
2. Outside shades and awning for windows should be utilized.
3. The exterior of dwelling units should be shaded with vegetation, using coniferous trees on north and deciduous trees on south.

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
Introduced on October 22, 1979.
Passed and adopted by the Council of The City of San Diego on November 5, 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 ELLEN BOVARD, Deputy
Published November 15, 1979

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