

ORDINANCE NO. 0-15540
(New Series)

0-81-250

JUL 6 1981

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 103.0611 AND BY AMENDING SECTIONS 103.0600, 103.0602, 103.0603, 103.0605, 103.0606, 103.0607, 103.0608 103.0610 AND 103.0614 RELATING TO THE 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, Division 6 of the San Diego Municipal Code be, and it is hereby amended by appealing Section 103.0611.

Section 2. That Chapter X, Article 3, Division 6 of the San Diego Municipal Code be, and it is hereby amended by amending Sections 103.0600, 103.0602, 103.0603, 103.0605, 103.0606, 103.0607, 103.0608, 103.0610 and 103.0614 to read as follows:

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. The regulations contained herein shall apply to any development, building or construction; but shall

not apply to subdivision or parcel maps which provide solely for financing and, in themselves, authorize no development, construction or building.

SEC. 103.0602 APPLICABLE REGULATIONS

Where not otherwise specified or inconsistent with 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 All other existing provisions of Chapter X, Article 1 of the Municipal Code are superceded by the regulations set forth herein.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

All necessary public facilities shall be provided by the project applicant, either directly by the applicant or by other means such as 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 Benefit Assessment.

The Facilities Benefit Assessment may finance facilities which are related to the entire North City West community pursuant to Sections 61.2200 - 61.2216 (Facilities Benefit Assessment Ordinance) of the Municipal Code. The facilities which may be provided by this assessment will be of four types:

(1) For facilities which already exist outside of the North City West community, but which require additions or expansions to existing facilities to meet the requirements of the North City West community; such as, POLICE AND PUBLIC WORK FACILITIES.

(2) For new facilities necessitated by the North City West community; such as, FIRE STATION AND LIBRARY FACILITIES.

(3) 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; such as MASTER WATER SYSTEM (a connection of the North City West Water System to the Penasquitos Pipeline to the east, and necessary Freeway Facilities. Improvements so constructed may be subject to a reimbursement by the trust fund.)

(4) For facilities, within or without the North City West community, which are intended for the use of residents; such as, PARKS, OPEN SPACE RESERVE FUND, STREET SCENE IMPROVEMENTS (landscaping of the medians and rights-of-way along major streets), TRAFFIC SIGNALS at the intersection of major streets, and other transportation facilities.

Such Facilities Benefits Assessments shall be in accordance with the provisions of Sections 61.2200 - 61.2216, or as may be amended. The amounts assessed will be based on an estimate of the cost of the facilities as approved by a resolution of the City Council. Such assessment may 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, in accordance with the Facilities Benefit Assessment Ordinance. The assessment will be paid prior to

the issuance of a building permit for each dwelling unit. In lieu of an assessment, the project applicant may construct facilities pursuant to an agreement with The City of San Diego, and also pursuant to Sections 61.2200 - 61.2216 of the San Diego Municipal Code. Such an agreement may provide for reimbursement of the applicant from the trust fund for improvements constructed which benefit lands outside of the area of the applicant's development plan. 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. Improvement District.

An Improvement District under the provisions of State law or local procedural ordinance may be created covering each precise plan area, or portions of one or more precise plan areas, to create assessments against the land to generate funds to

finance facilities which are related to each individual planned district area by the amount of benefit received. 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 are those outside of an individual precise plan 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 precise plan 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 final subdivision map for the development of the property shall be approved by the City Council unless and until the following have been accomplished:

1. A financing plan for all public facilities needed to support the project, as required by the North City West Community Plan has been adopted pursuant to Council Policy 600-28.

2. There has been established by resolution a Facilities Benefit Assessment applicable to the property covered by the development plan, or a greater area, and the City Council has by resolution set the amount of such assessment when such assessment shall be used to finance public facilities.

3. The City Council shall have awarded a contract for any improvements to be financed pursuant to the San Diego Improvement District Procedural Ordinance or Improvement District to provide utilities and public improvements necessary to serve the property covered by the development plan.

4. The City Council has (a) amended Section 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 Section 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 when such amendments are necessary for the financing of public facilities.

5. The City Council has amended Section 96.0402 and Section 102.0405.06 et seq. eliminating the property covered by the Development Plan from the provisions of such ordinance sections.

6. 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 community park district.

7. 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."

8. 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 the developer has complied with the terms thereof.

SEC. 103.0605 GRADING REGULATIONS

The following criteria shall be incorporated by the Planning and Engineering Departments, 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 slopes' 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.

Approval of the first tentative map which shall propose any grading, development, building or construction for each precise plan, shall be subject to the approval of a comprehensive drainage plan by the Engineering and Development Director for the entire area of the precise plan prior to recordation of a final map. 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, a development plan shall be submitted to the Planning Department for approval

by the Planning Commission. The development plan 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 building and landscaping plans shall be in substantial conformity to the approved development plan. The property shall be developed in substantial conformance with the approved development plans, and 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 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 Section 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.

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. Representative plans and specifications for the buildings and improvements as required 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 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. Representative plans of offstreet parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways as required by the Planning Director.

i. Representative plans and specifications for any outbuildings, walls, courtyards, fences, setbacks, signs, lighting or traffic safety as required by the Planning Director.

j. Grading plan showing proposed finished grades superimposed over the existing topography.

k. Representative plans of proposed landscaping and permanent watering systems showing sizes and types of plant materials or hydroseed mix if proposed as required by the Planning Director.

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 plan proposals within the boundaries of the map shall be heard concurrently by the Planning Commission. The decision of the Planning Commission map be appealed to the City Council within fifteen days of the Commission's actions as permitted under Section 102.0308 of the Municipal Code.

6. The Planning Commission may approve, modify or disapprove any development plan based on the regulations contained herein and the architectural and design standards adopted by the City Council.

7. Following development plan approval and subject to the consent of the Planning Director, the Building Inspection Director or City Engineer shall issue the permit(s) for any work requested which conforms to City regulations, except as provided in "B.8." below.

8. Building permits for dwelling units shall be issued when a final map has been recorded, and the plans and specifications for dwelling units and attendant improvements substantially conform to the representative plans and specifications submitted pursuant to "B.4." above and the Design Element. 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.

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
ON DEVELOPMENT PLAN

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 Section 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.

<u>ZONE</u>	<u>MINIMUM AREA IN SQUARE FEET</u>	<u>MINIMUM LOT DIMENSIONS IN LINEAR FEET</u>	
		<u>*STREET FRONTAGE</u>	<u>**WIDTH (INTERIOR)</u>
SF1	6,000	50	60
SF2	4,500	40	45
SF3	3,000	25	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.

** Measured at the midpoint of the lot.

Exception: The minimum lot areas shown above may be averaged. Where such averaging is used, the minimums may be reduced a maximum of 500 SF.

Exception: Other lot configurations (flag lots, clusters, etc.), appropriate for certain product types may be approved by the Planning Commission. Each lot shall have a minimum frontage of fifteen feet (15') on a dedicated public street.

2. Minimum Yard Dimensions. The following minimum yard dimensions shall apply in the Single-Family Zones:

MINIMUM YARD DIMENSIONS IN LINEAR FEET

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

* 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.

4. Maximum Building Height. No building shall be constructed to a height greater than thirty-five 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. If this criteria cannot be met, it must be demonstrated that parking of one-half of one space per dwelling unit is provided at a convenient distance from each dwelling unit.

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 Section 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 6,000 square feet.

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

a shall not be occupied by buildings, streets, driveways or parking area; however, space under trellis areas which are fifty percent open to the sky shall be considered usable open space. Usable balconies, patios and decks shall be counted as usable open space, including those covered by balconies, patios and decks above.

c. Minimum Yard Dimensions.

The minimum yard dimensions for the MF Zones shall be shown in Section 103.0607, paragraph B.2, except that the interior side yard specified herein shall be increased three feet for each story above two.

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

SEC. 103.0610 ELEMENTARY SCHOOL AND NEIGHBORHOOD PARK AREA

No premises may be used except for an elementary school and/or a neighborhood park.

SEC. 103.0614 ENERGY CONSERVATION

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

1. Where possible, building should be oriented to receive maximum benefits of active and passive solar access.

2. Outside shades and awnings for windows may be utilized.


3. The exterior of dwelling units should be shaded with vegetation, using non-deciduous trees on the north and deciduous trees on the south, where feasible.

The project applicant shall also comply with Section 101.0200 (Solar Energy Systems) of the Municipal Code.

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:clh
5/21/81
Or.Dept.:Planning
630

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. The regulations contained herein shall apply to any development, building, or construction, but shall not apply to subdivision or parcel maps which provide solely for financing and in themselves authorize no development, construction or building.

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-_____ and described in the appended boundary description filed in the office of the City Clerk under Document No. _____. Sections 103.0600 through 103.0606 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 ~~it~~ or inconsistent with 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

All necessary public facilities shall be provided by the project applicant, either directly by the applicant or by other means such as ~~it~~ through bonds/levies/taxes/assessments/charges ~~it~~ levied ~~it~~ imposed ~~it~~ imposed 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 Benefit Assessment

The Facilities Impact/Fee Benefit Assessment ~~will~~ may finance facilities which are related to the entire North City West community pursuant to Sections 61.2200-61.2216 (Facilities Benefit Assessment Ordinance)

of the Municipal Code. The facilities ~~to~~ which may be provided by this ~~fee~~ assessment 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. (Such as, POLICE AND PUBLIC WORK FACILITIES.)

(2) ~~Fees~~ For new facilities necessitated by the ~~to~~ be/built/within/the North City West community. the/major/need/for/such/facilities/being/created by/the/North/City/West/community/and/may include/a/series/of/areas/being/owned/by/the North/City/West/community. (Such as, 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. (Such as, MASTER WATER SYSTEM, a connection of the North City West Water System to the Penasquitos

Pipeline to the east, and necessary Freeway Facilities. Improvements so constructed will may be subject to a reimbursement between the City of San Diego and by the trust fund.) :

- (4) Fees For facilities, within or without the North City West community which are intended for the use of residents. (Town/Community Such as, PARKS, OPEN SPACE RESERVE FUND, and/or/for/for/development of/public/areas/paths/paths/paths/open/space areas/ STREET SCENE IMPROVEMENTS, landscaping of the medians and rights-of-way along major streets, and TRAFFIC SIGNALS at the intersection of major streets, and other transportation facilities.)

Such Facilities Benefits Assessments shall be in accordance with the provisions of Sections 61.2200-61.2216, or as may be amended. The amounts of/for/for assessed will be a cost/per/development/units/for/development/therefor based on an estimate of the cost of the facilities as approved by a resolution of the City Council. Such for assessment shall may 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 in accordance with the Facilities Benefit Assessment Ordinance. The for assessment will be paid prior to the issuance of a building permit for each dwelling unit. In lieu of an assessment, the project applicant may construct facilities pursuant to an agreement

with the City of San Diego and also pursuant to Sections 61.2200-61.2216 of the San Diego Municipal Code. Such an agreement may provide for reimbursement of the applicant from the trust fund for improvements constructed which benefit lands outside of the area of the applicant's development plan.

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. Improvement District

An Improvement District under the provisions of State law or local procedural ordinance ~~shall~~ may be created covering each ~~planned/district~~ precise plan area, or portions of one or more precise plan areas to create assessments against the land to generate funds to finance facilities which are related to each individual planned district area by amount of benefit received. 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, are those outside of an individual precise plan ~~planned area~~ 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 precise plan ~~planned area~~ 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/for/completion/when the/development/approval/by/the/plan/and/commissioner/of/the/city/council/for/a final subdivision map for the development of the property shall be approved by the City Council unless and until the/planning/director/shall advise/and/the/planning/commissioner/shall/confirm/that the following have been accomplished:

- 1. A financing plan for all public facilities needed to support the Project, as required by the North City West Community Plan, has been adopted pursuant to Council Policy 600-28.
- 2. There has been established by ordinance resolution a Municipal Facilities Benefit Assessment applicable to the property covered by the development plan, or a greater area, and the City Council has by resolution set the amount and timing of such assessment when such Assessment shall be used to finance public facilities.

- 3 2. The City Council ~~has~~ shall have awarded a contract for any improvements to be financed pursuant to the acquisition and construction of improvements under the San Diego Improvement District Procedural Ordinance or Improvement District to provide utilities and public improvements necessary to serve the property covered by the development plan.
- 4 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 when such amendments are necessary for the financing of public facilities.
- 5 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.
- 6 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~~ community park district.

- 7 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."
- 8 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 and Engineering Departments, 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.

Approval of the first tentative map which shall propose any grading, development, building or construction for each precise plan shall be subject to the approval of a comprehensive drainage plan by the Engineering and Development Director for the entire area of the precise plan prior to recordation of a final map. 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, a ~~complete~~/preliminary development plans shall be submitted to the Planning Department for approval by the Planning Commission. The ~~preliminary~~ development 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 building and landscaping plans shall be in substantial conformity to the approved ~~preliminary~~ development plans. The property shall be developed in ~~accordance~~ substantial conformance with the approved development plans and 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.
 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. Representative ~~Appropriate~~ plans and specifications for the buildings and improvements as ~~determined~~ required 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. Representative plans of ~~Proposed~~ off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways as required by the Planning Director.
 - i. Representative ~~Appropriate~~ plans and specifications for any outbuildings, walls, courtyards, fences, setbacks, signs, lighting or traffic safety as required by the Planning Director.
 - j. Grading plan showing proposed finished grades superimposed over the existing topography.
 - k. Representative plans of proposed landscaping and permanent watering systems showing sizes and types of plant materials or hydroseed mix if proposed as required by the Planning Director.
 - 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 of all tentative subdivisions within the Planned District. The tentative map and development plan 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 development 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 Following development plan approval and subject to the consent of the Planning Director, the Building Inspection Director or City Engineer ~~issues the plan/conditions of all other regulations and/or conditions of the City of San Diego/ the appropriate department~~ shall ~~then~~ issue the permit(s) for the any work requested which conforms to City regulations except as provided in "C.B.8." below.
8. Building permits for dwelling units shall ~~not~~ be issued ~~for any construction within the proposed development unless~~ when a final approved subdivision map has been recorded and the plans and specifications for dwelling units and attendant improvements substantially conform to the representative plans and specifications submitted pursuant to "B.4." above and the Design Element. A final subdivision 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.

8/ THE/PLANNING/COMMISSION/MAY/GRANT/AN/EXTENSION/OF/TIME/UP
TO/FIVE/YEARS/ON/THE/TIME/LIMIT/CONTAINED/IN/A/CURRENTLY
VALID/DEVELOPMENT/PLAN/VS/FILING/A/WARRANT/APPLICABLE/IN
THE/CASE/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 ON DEVELOPMENT PLAN

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	80 50	60
SF2	4,500	45 40	45
SF3	3,000	30 25	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.

** Measured at the midpoint of the lot.

Exception: The minimum lot areas shown above may be averaged.

Where such averaging is used, the minimums may be reduced a maximum of 500 SF.

Exception: Other lot configurations (Flag lots, clusters, etc.,) appropriate for certain product types may be approved by the Planning Commission. Each lot shall have a minimum frontage of fifteen feet (15') on a dedicated public street.

2. Minimum Yard Dimensions

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

Minimum Yard Dimensions in Linear Feet

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

*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 porches, decks, roofs, balconies, stairs, ramps, patios, pergolas, and other structures.

4. Maximum Building Height. No building shall be constructed to a height greater than thirty-five feet.

Exception: The minimum lot areas shown above may be averaged.

Where such averaging is used, the minimums may be reduced a maximum of 500 SF.

Exception: Other lot configurations (Flag lots, clusters, etc.,) appropriate for certain product types may be approved by the Planning Commission. Each lot shall have a minimum frontage of fifteen feet (15') on a dedicated public street.

2. Minimum Yard Dimensions

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

Minimum Yard Dimensions in Linear Feet

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

*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/bay/shall/porch/included/terrace/areas/porch/area/porch/porch/porch/porch/porch/porch.*

4. Maximum Building Height. No building shall be constructed to a height greater than *XXXXXX/XXXX/* thirty-five 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. If this criteria cannot be met, it must be demonstrated that parking of one-half of one space per dwelling unit is provided at a convenient distance from each dwelling unit.

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 dwellings 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 ~~øøø/øøø/øøøø/~~ 6,000 square feet.

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, space under trellis areas which are fifty percent open to the sky shall be considered usable open space. Usable balconies, patios and decks shall be counted as usable open space, including those covered by balconies, patios and decks above.

c. Minimum Yard Dimensions.

The minimum yard dimensions for the MF Zones shall be as shown in SEC. 103.0607, Paragraph B.2, except that the interior side yard specified herein shall be increased three feet for each story above two.

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 AND NEIGHBORHOOD PARK AREA

No premises may be used except for an elementary school and/or
a neighborhood park.

SEC. 103.0611 [RESERVED] ~~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.

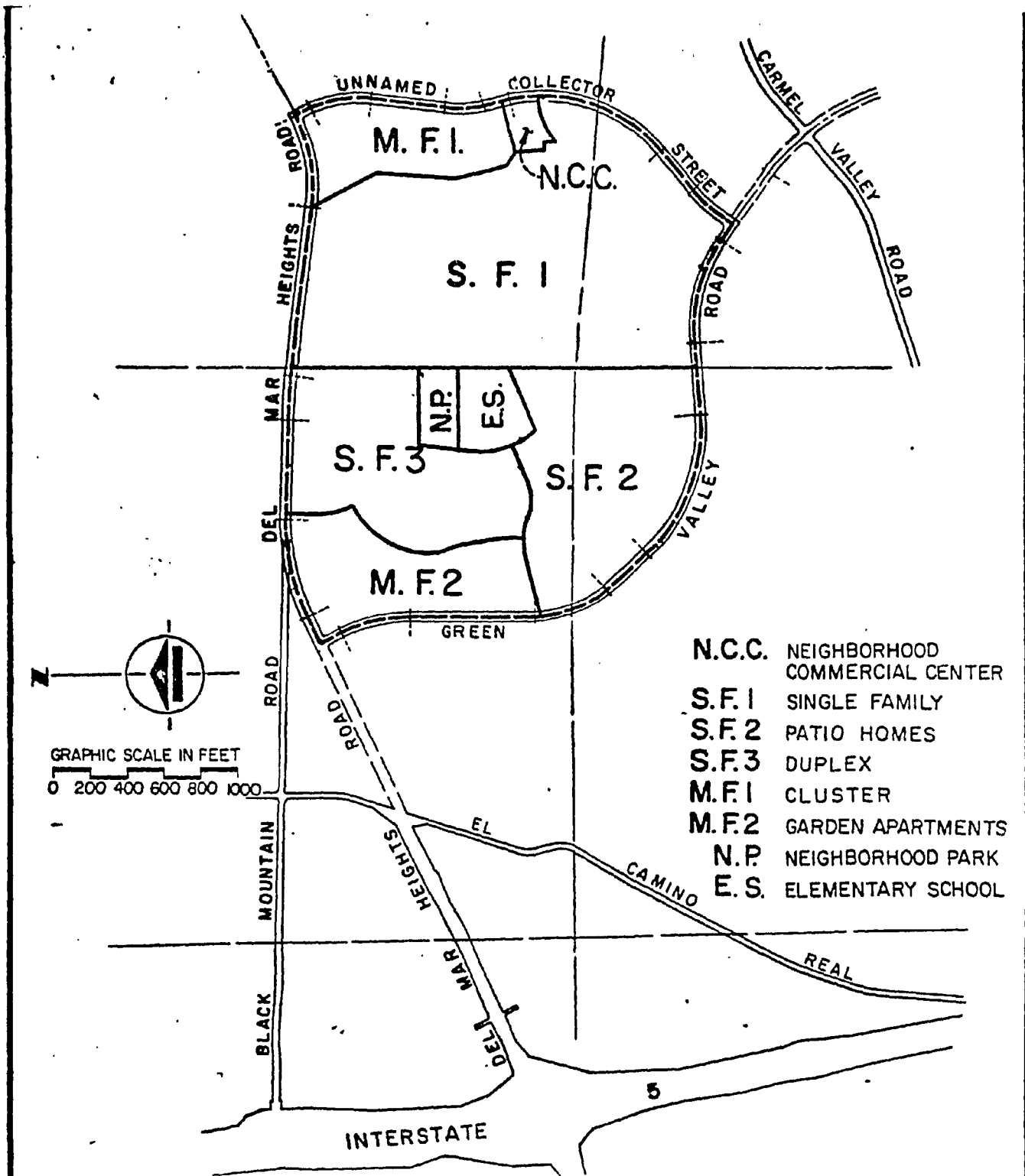
SEC. 103.0614 ENERGY CONSERVATION

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

1. Where possible, buildings should be oriented to receive maximum benefits of active and passive solar access. ~~WITH THE LONG AXIS IN AN EAST/WEST DIRECTION WITH FULL SOUTHERN EXPOSURE/ VERANDAING IS REQUIRED EAST AND WEST FACINGS SHALL SURFACE/~~
2. Outside shades and awning for windows ~~SHOULD~~ may be utilized.

3. The exterior of dwelling units should be shaded with vegetation, using ~~coniferous~~ non deciduous trees on north and deciduous trees on south, where feasible.

The project applicant shall also comply with Section 101.1200 (Solar Energy Systems) of the Municipal Code.



NORTH CITY WEST PLANNED DISTRICT

CARMEL VALLEY AREA

ORD. NO. _____ BEFORE _____ REQUEST _____
 EFF. DATE ORD. _____ EFF. DATE ZONING _____ AREA _____
 ZONING SUBJECT TO _____ MAP NAME _____ CASE _____

PLAN. COMM
RECOMMENDATION _____
 CITY COUNCIL
ACTION _____

CITY PLANNING DIRECTOR

SECRETARY OF COMMISSION

CITY OF SAN DIEGO

C-

Passed and adopted by the Council of The City of San Diego on JUL 6 1981,
 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"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 June A. Blackwell, 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

JUN 23 1981

JUL 6 1981

~~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 June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15540 Adopted JUL 6 1981

CERTIFICATE OF PUBLICATION

San Diego, City of
12th floor, 202 C St.
San Diego, CA 92101
JUNE BLACKNELL

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15540 (New Series)

ORDINANCE NO. 0-15540
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 103.0611 AND BY AMENDING SECTIONS 103.0600, 103.0602, 103.0603, 103.0605, 103.0606, 103.0607, 103.0608, 103.0610 AND 103.0614 RELATING TO THE 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, Division 6 of the San Diego Municipal Code be, and it is hereby amended by repealing Section 103.0611.

Section 2. That Chapter X, Article 3, Division 6 of the San Diego Municipal Code be, and it is hereby amended by amending Sections 103.0600, 103.0602, 103.0603, 103.0605, 103.0606, 103.0607, 103.0608, 103.0610 and 103.0614 to read as follows:

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. The regulations contained herein shall apply to any development, building or construction; but shall not apply to subdivision or parcel maps which provide solely for financing and, in themselves, authorize no development, construction or building.

SEC. 103.0602 APPLICABLE REGULATIONS

Where not otherwise specified or inconsistent with 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

All necessary public facilities shall be provided by the project applicant, either directly by the applicant or by other means such as a charge against the area within the Planned District, in accordance with the adopted North City West Community Plan.

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. 0-15540
(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:

July 20, 1981

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

Dated at San Diego, California this 20th day of July, 1981.

Camille Simpson
(Signature)

1 of 6 pages

50 1/2" x 2 x 7.33 = 740.33

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 Benefit Assessment.

The Facilities Benefit Assessment may finance facilities which are related to the entire North City West community pursuant to Sections 61.2200 - 61.2216 (Facilities Benefit Assessment Ordinance) of the Municipal Code. The facilities which may be provided by this assessment will be of four types:

(1) For facilities which already exist outside of the North City West community, but which require additions or expansions to existing facilities to meet the requirements of the North City West community; such as, POLICE AND PUBLIC WORK FACILITIES.

(2) For new facilities necessitated by the North City West community; such as, FIRE STATION AND LIBRARY FACILITIES.

(3) 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; such as, MASTER WATER SYSTEM (a connection of the North City West Water System to the Penasquitos Pipeline to the east, and necessary Freeway Facilities. Improvements so constructed may be subject to a reimbursement by the trust fund.)

(4) For facilities, within or without the North City West community, which are intended for the use of residents; such as, PARKS, OPEN SPACE RESERVE FUND, STREET SCENE IMPROVEMENTS (landscaping of the medians and rights-of-way along major streets), TRAFFIC SIGNALS at the intersection of major streets, and other transportation facilities.

Such Facilities Benefits Assessments shall be in accordance with the provisions of Sections 61.2200 - 61.2216, or as may be amended. The amounts assessed will be based on an estimate of the cost of the facilities as approved by a resolution of the City Council. Such assessment may 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. In accordance with the Facilities Benefit Assessment Ordinance, the assessment will be paid prior to the issuance of a building permit for each dwelling unit. In lieu of an assessment, the project applicant may construct facilities pursuant to an agreement with The City of San Diego, and also pursuant to Sections 61.2200 - 61.2216 of the San Diego Municipal Code. Such an agreement may provide for reimbursement of the applicant from the trust fund for improvements constructed which benefit lands outside of the area of the applicant's development plan. 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. Improvement District.

An Improvement District under the provisions of State law or local procedural ordinance may be created covering each precise plan area, or portions of one or more precise plan areas, to create assessments against the land to generate funds to finance facilities which are related to each individual planned district area by the amount of benefit received. The facilities to be provided by the 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, sanitation treatment 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 are those outside of an individual precise plan 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 precise plan area, 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 final subdivision map for the development of the property shall be approved by the City Council unless and until the following have been accomplished:

1. A financing plan for all public facilities needed to support the project, as required by the North City West Community Plan has been adopted pursuant to Council Policy 600-28.

2. There has been established by resolution a Facilities Benefit Assessment applicable to the property covered by the development plan, or a greater area, and the City Council has by resolution set the amount of such assessment when such assessment shall be used to finance public facilities.

3. The City Council shall have awarded a contract for any improvements to be financed pursuant to the San Diego Improvement District Procedural Ordinance or Improvement District to provide utilities and public improvements necessary to serve the property covered by the development plan.

4. The City Council has (a) amended Section 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 Section 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 when such amendments are necessary for the financing of public facilities.

5. The City Council has amended Section 98.0402 and Section 102.0405.06 et seq. eliminating the property covered by the Development Plan from the provisions of such ordinance sections.

6. 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 community park district.

7. 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."

8. 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 the developer has complied with the terms thereof.

SEC. 103.0605 GRADING REGULATIONS

The following criteria shall be incorporated by the Planning and Engineering Departments, 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 whenever possible.

5. Minimize the height of cut-and-fill slopes whenever possible, while varying the gradient of long, horizontal banks.

6. Utilize slopes' 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.

Approval of the first tentative map which shall propose any grading, development, building or construction for each precise plan, shall be subject to the approval of a comprehensive drainage plan by the Engineering and Development Director for the entire area of the precise plan prior to reordination of a final map. This plan shall show drainage facilities, both permanent and temporary, which will be installed to control or mitigate soil erosion, slitting of lower slopes, slide damage, or flooding problems. Such drainage provisions shall recognize the sensitivity and proximity of the Parasquitos 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, slitting of lower slopes, slide damage, flooding problems, or excessive cutting or scarring.

SEC. 103.0206 ADMINISTRATION

A. DEVELOPMENT PLAN APPROVAL REQUIRED

Before issuing any permit, a development plan shall be submitted to the Planning Department for approval by the Planning Commission. The development plan 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 building and landscaping shall be in substantial conformity to the approved development plan. The property shall be developed in substantial conformance with the approved development plans, and 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 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 Section 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.

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. Representative plans and specifications for the buildings and improvements as required 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 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. Representative plans of off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways as required by the Planning Director.
- i. Representative plans and specifications for any outbuildings, walls, courtyards, fences, setbacks, signs, lighting or traffic safety as required by the Planning Director.
- j. Grading plan showing proposed finished grades superimposed over the existing topography.
- k. Representative plans of proposed landscaping and permanent watering systems showing sizes and types of plant materials or hydroseed mix if proposed as required by the Planning Director.
- 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 plan 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 Section 103.0306 of the Municipal Code.

6. The Planning Commission may approve, modify or disapprove any development plan based on the regulations contained herein and the architectural and design standards adopted by the City Council.

7. Following development plan approval and subject to the consent of the Planning Director, the Building Inspection Director or City Engineer shall issue the permit(s) for any work requested which conforms to City regulations, except as provided in "B.8." below.

8. Building permits for dwelling units shall be issued when a final map has been recorded, and the plans and specifications for dwelling units and attendant improvements substantially conform to the representative plans and specifications submitted pursuant to "B.4." above and the Design Element. 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.

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 ON DEVELOPMENT PLAN

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 Section 101.0407 (R-1 Zones) of the Municipal Code shall apply with the exception of paragraph B. 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	50	60
SF2	4,500	40	45
SF3	3,000	25	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.

** Measured at the midpoint of the lot.

Exception: The minimum lot areas shown above may be averaged. Where such averaging is used, the minimums may be reduced a maximum of 500 SF.

Exception: Other lot configurations (flag lots, clusters, etc.), appropriate for certain product types may be approved by the Planning Commission. Each lot shall have a minimum frontage of fifteen feet (15') on a dedicated public street.

2. Minimum Yard Dimensions. The following minimum yard dimensions shall apply in the Single-Family Zones:

Zone	MINIMUM YARD DIMENSIONS IN LINEAR FEET				
	Front Yard	Garage	Side Yard	Street	Rear Yard
Single-Family	10	15	*4	10	**4

* 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.

4. Maximum Building Height. No building shall be constructed to a height greater than thirty-five 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. If this criteria cannot be met, it must be demonstrated that parking of one-half of one space per dwelling unit is provided at a convenient distance from each dwelling unit.

SEC. 103.0808 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 Section 101.0400 (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	Minimum	Maximum
MF1	7	12
MF2	10	22

2. Property Development Regulations.

a. Minimum Lot Area Regulation. The minimum lot area in the MF1 and MF2 Subareas shall be 6,000 square feet.

b. Open Space.

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

Minimum Required O.S.	Per D.U. (sq. ft.)	Required Usable O.S. Per D.U. (sq. ft.)
MF1	1,600	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, space under trellis areas which are fifty percent open to the sky shall be considered usable open space. Usable balconies, patios and decks shall be counted as usable open space, including those covered by balconies, patios and decks above.

c. Minimum Yard Dimensions.

The minimum yard dimensions for the MF Zones shall be shown in Section 103.0807, paragraph B.2, except that the interior side yard specified herein shall be increased three feet for each story above two.

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

SEC. 103.0810 ELEMENTARY SCHOOL AND NEIGHBORHOOD PARK AREA

No premises may be used except for an elementary school and/or a neighborhood park.

SEC. 103.0814 ENERGY CONSERVATION

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

1. Where possible, building should be oriented to receive maximum benefits of active and passive solar access.
2. Outside shades and awnings for windows may be utilized.
3. The exterior of dwelling units should be shaded with vegetation, using non-deciduous trees on the north and deciduous trees on the south, where feasible.

The project applicant shall also comply with Section 101.0200 (Solar Energy Systems) of the Municipal Code.

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

Introduced on June 23, 1981.
Passed and adopted by the Council of The City of San Diego on July 6, 1981.

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 JUNE A. BLACKNELL, Deputy.
Publish July 29, 1981

60-7327