

(O-87-162 Rev. 2)

ORDINANCE NUMBER O- **16835** (NEW SERIES)

ADOPTED ON MAR 30 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE BY  
ADDING SECTION 101.0930 RELATING TO PLANNED  
INFILL RESIDENTIAL DEVELOPMENTS.

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

Section 1. That Chapter X, Article 1, Division 9, of the San  
Diego Municipal Code be and the same is hereby amended by adding  
Section 101.0930, entitled "PLANNED INFILL RESIDENTIAL  
DEVELOPMENTS," to read as follows:

**SEC. 101.0930 PLANNED INFILL RESIDENTIAL DEVELOPMENTS**

**A. PURPOSE AND INTENT**

The purpose of the Planned Infill Residential Development  
regulations is to facilitate development of areas designated for  
residential use in adopted community plans within urbanized  
areas as designated in the General Plan; to assure compatible  
planning of residential development in terms of grading and  
landform alterations, site arrangement, product type and  
architectural features and density; to encourage innovative and  
imaginative planning to integrate with community facilities and  
services; to use for development in areas which include steep  
slopes, particularly HR zoned properties, in such a manner to  
achieve minimum disturbance of the natural terrain and vegetation

while preserving a sense of neighborhood and community open space and to permit stricter application of design criteria to assure compatibility with established neighborhoods while still allowing greater flexibility than is possible through strict application of conventional zoning and subdivision regulations.

#### B. DEFINITION

A Planned Infill Residential Development is a residential development located on land zoned for single-family or a combined single-family and multi-family development within any of the urbanized communities of the City, improved in accordance with an overall project plan and is characterized by the following:

1. The density of a Planned Infill Residential Development shall not exceed the density as prescribed in an adopted community plan (including criteria for residential density), any other adopted plan, or the underlying zone, whichever is less, and may not exceed the average density of all similarly zoned single-family property within a 500-foot radius of the subject property. When a project site combines land zoned R-1 and a multiple-family use zone, that portion of the site zoned R-1 shall not exceed the lesser density for that area calculated by the zone, community plan designation or 500-foot radius analysis. No increase in density shall be permitted in the R-1 zoned area of a combined zone project through clustering. The calculation of the average density of the developed neighborhood shall not include dedicated streets and alleys. Vacant lots zoned for single-family use shall be calculated for one dwelling unit for density purposes. No streets shall be used in the calculation of density within a proposed Planned Infill Residential Development. Properties approved or developed as Planned Residential Developments prior to the effective date of this Section, shall be excluded from the calculation of density. Ownership may be of lots or condominiums or both. An

exception may be granted by the Planning Director pursuant to Section 101.0307, Affordable Housing Density Bonus, in which case the density permitted shall be that provided for by that Section.

2. The right to use and enjoy any privately-owned common open areas and recreational facilities provided on the site of the Planned Infill Residential Development shall be coupled with the severalty interests of the owners of the dwelling units; provided, however, that if the Planned Infill Residential Development includes land which is shown as open space within any adopted community plan or the General Plan, such open space may be offered to The City of San Diego for public use. Such offer shall be considered by the Planning Director in conjunction with the application for the Planned Infill Residential Development Permit. A recommendation to accept or reject the offer shall be made by the Planning Director to the City Council. If the offer is made subsequent to the approval of the Planned Infill Residential Development, the offer shall be considered as an amendment to the Planned Infill Residential Development and processed accordingly. The Planning Director shall recommend whether to accept or reject the offered open space and shall recommend whether an open space maintenance district should be established to provide maintenance services for the open space if accepted by the City.

3. A Planned Infill Residential Development may include accessory recreational facilities limited in size and capacity to the needs of the occupants of the development and their guests.

C. PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT

The Planning Director may permit, by Planned Infill Residential Development Permit, a residential development in the R-1 Zones and a project combining an R-1 Zone and any zone in which residential uses are permitted within the urbanized area of the City as defined and identified in the General Plan.

D. APPLICATION

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

1. Application for a Planned Infill Residential Development Permit may be made by the record owner or owners of the property on which the development is proposed to be constructed.

Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as ground for the application and shall be accompanied by adequate plans and a legal description of the property involved and an explanation and description of the proposed use.

2. A deposit, as indicated for a Planned Residential Development on the current fee schedule maintained in the Planning Department, shall be paid when application for a Planned Infill Residential Development Permit is made.

3. The application shall be filed through the Planning Department in accordance with the procedures set forth in Division 5 of this Article.

4. The application shall be accompanied by a tentative map which shall be filed with the Planning Department in accordance with procedures set forth in Article 2 of this Chapter.

5. The application shall be accompanied by a plot plan showing the following:

a. Location, name and width of existing and proposed streets, alleys, easements and interior pedestrian ways, including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway. A map showing the street and subdivided lot pattern of the neighborhood lying within 500-feet of the subject property together with the calculation of neighborhood density shall be provided.

b. Location of existing and proposed buildings, signs and structures on the property subject to the application.

c. General Plan for proposed landscaping and permanent watering system. The landscape plan shall indicate if a neighborhood has a theme street tree or dominant landscape material which shall be incorporated and utilized in the proposed project.

d. Proposed off-street parking facilities including the location, number and dimensions of private (resident) and public (guest) parking spaces, aisles and driveways.

e. Height, type and location of proposed walls and fences.

f. Grading plan showing existing topography and proposed tentative grading. Cross sections shall be provided to show relationships with adjoining properties. For informational purposes, the plan should indicate if existing views from adjoining development may be impaired as a result of the proposed project.

g. A tabulation of the various dwelling types proposed, showing the average site area for each type of dwelling and the overall average dwelling site area. The project application shall provide information on the existing neighborhood structures within a 500-foot radius as to number of stories, building height, prevalent setbacks and predominant architectural styles or features.

h. A tabulation of all open spaces shown on the plot plan indicating the square footage and the various grades thereof.

6. The application shall be accompanied by drawings in sufficient detail to indicate the location and design of proposed buildings.

7. If the applicant contemplates the construction of a Planned Infill Residential Development in increments, the application shall so state and shall include a proposed construction schedule.

8. If the applicant proposes to provide open areas and recreational facilities to be used by the occupants of two or more dwelling units, the applicant shall so state in the application and the application shall include a plan, acceptable to the City, for the preservation and maintenance of the common elements of the property, until said project is terminated by either the Planning Director, the Planning Commission, or both.

E. DECISION OF THE PLANNING DIRECTOR

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

2. The Planning Director shall, by resolution, grant a Planned Infill Residential Development Permit if it is found from the evidence presented that all of the following facts exist:

a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan, the Community Plan or the existing neighborhood.

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

c. The proposed use will comply with the relevant regulations in this Code.

3. The Planning Director shall not approve any Planned Infill Residential Development Permit unless the proposed development was publicly noticed in accordance with the provisions of Section 101.0220.

4. In granting a Planned Infill Residential Development Permit, the Planning Director may impose such conditions as are necessary to protect the public health, safety and general welfare in accordance with the purpose and

intent of the zoning regulations. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building height, minimum yards, maximum building coverage and off-street parking may be increased or decreased, if it is shown and substantiated that similar situations exist within the surrounding neighborhood and to what extent, or that the modifications to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject property.

5. In granting or denying a Permit, the Planning Director shall make written findings in rendering the decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth herein.

6. A copy of these written findings of fact shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Building Inspection Director, and shall be mailed to the applicant and to the Community Planning Chairman.

F. APPEAL FROM DECISION OF THE PLANNING DIRECTOR OR  
SUBDIVISION BOARD

An appeal from any decision of the Planning Director regarding a Planned Infill Residential Development Permit must be filed with the Planning Department within ten days of that decision. If a tentative subdivision map is filed in conjunction with and accompanies a Planned Infill Residential Development Permit, the appeal of the Planned Infill Residential Development Permit shall include an appeal of the subdivision map. The appeal shall be noticed in accordance with Section 101.0220 and filed in accordance with Section 101.0230.



G. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the tenth day following its action unless a request to be heard on appeal is filed in the office of the City Clerk. The appeal shall be filed and heard in accordance with the provisions of Section 101.0240.

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

1. Any Planned Infill Residential Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 36 months after the effective date thereof, except as otherwise provided within a phasing program contained in:

a. A development agreement entered into between the City and owners of land located within the Planned Infill Residential Development;

b. A specific plan applicable to the subject property; or

c. As otherwise provided by resolution approved by the City Council upon recommendation of the Planning Commission.

Failure to utilize such Permit within such period will automatically void the same, unless an extension of time has been granted by the Planning Director as set forth in Paragraph I. herein. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion.

2. During the 36-month period referred to in this paragraph, the property covered by the Planned Infill Residential Development Permit granted by the Planning Director, or by the Planning Commission on appeal, or City Council on appeal, shall not be used for any purpose or use other than that authorized by the Permit.

3. The Planning Director shall determine whether the conditions and requirements of the Permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

I. EXTENSION OF TIME TO A PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT

1. The Planning Director may, by resolution, grant an extension of time up to 36 months on the time limit contained in a currently valid Planned Infill Residential Development Permit. To initiate a request for an extension of time, the property owner or owners shall file a written application with the Planning Director in the office of the Planning Department, prior to the expiration of the Permit. The Planning Director may grant the extension of time if it is found from the evidence submitted that there has been no material change of circumstances since the permit was originally granted.

2. The decision of the Planning Director may be appealed as provided in Paragraphs F. and G. herein.

J. CANCELLATION OF A PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT

A valid Planned Infill Residential Development Permit granted by the Planning Director, or by the Planning Commission on appeal, or by the City Council on appeal, may be cancelled at any time during the 36-month period referred to in Paragraph H. herein. Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Planning Director in the office of the Planning Department. The permit becomes void 120 days after receipt of the communication in the office of the Planning Department.

K. RESTRICTION OR REAPPLICATION FOR A PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT

No application for a Planned Infill Residential Development Permit on the same property or essentially the same property, for which a permit has been denied by the Planning Director, or Planning Commission, or City Council shall be accepted within 12 months of such denial.

L. DESIGN CRITERIA

The Planned Infill Residential Development shall observe the following design criteria:

1. A comprehensive plan shall address buildings, landscaping of the land and demonstrate the relationships of the proposed development on-site with existing development off-site.

2. The plan shall provide for open space as required by Paragraph M.2. of this Section. Open space shall be located and enhanced to provide maximum utilization by the residents and serve with the circulation system as a major

element of the project in a manner consistent with the character of the area. Resident and guest parking shall be provided in quantity and quality consistent with the preferred development pattern of the neighborhood. The overriding objective is that site development be well integrated, oriented and related to the topographic and natural landscape features of the site and continue the development pattern language of the existing neighborhood.

3. The project circulation system should be a dominant and organizing element and reflect the pattern of the neighborhood with traditional elements such as parkways, landscaping, parking and streetscenes.

4. Building mass and bulk shall be similar to the surrounding preferred neighborhood. Buildings may vary by up to fifty percent (50%) of the average Floor Area Ratio (F.A.R.) of the existing neighborhood and also vary on diagonal plan dimensions. However, the overriding objective is that the project average of bulk, mass and scale be consistent with the existing neighborhood.

5. Building height and coverage may vary so long as the project average is consistent with the neighborhood scale and does not constitute a disruptive element in the identity of the area.

6. The architectural vocabulary shall be such that fenestration and entry placement as well as roof forms, porches, chimneys and facade modulation shall be consistent with the surrounding preferred development pattern. Select architectural elements may have a more pronounced importance in establishing an authentic infill design while other elements may deviate in order to create unique expressions. The overriding objective is continuity in architectural vocabulary with adjacent development while allowing

creativity consistent with historical reference and not just recreation.

7. Material and color palettes shall be selected and approved based on similarity in the level of richness, including the variety of building materials, with the preferred existing development patterns.

8. Diversity and Variety. The advantages of economy of scale of mass production should be balanced with the value incentives of providing individual and unique homes. The range of product types and architectural styles presented should be to the greatest extent possible, compatible with the preferred development pattern. The objective is to achieve diversity and variety to avoid adverse repetitious development patterns while preserving the dominant character of the neighborhood.

9. Landscape materials utilized and the pattern of landscaped areas shall build on the established neighborhood through the incorporation of frontyards, parkways, species of material and placement of trees and shrubs.

#### M. MINIMUM DEVELOPMENTAL STANDARDS

A Planned Infill Residential Development shall comply with all the following developmental standards:

##### 1. Density

The number of dwelling units to be built on the property shall not exceed that set forth in either the following table or the adopted community plan (including criteria for residential density) or any other adopted plan, whichever is less and shall not exceed the average density of all similarly zoned single-family property within a 500-foot

radius of the subject property. When a project site combines land zoned R-1 and land zoned for a multiple-family use, that portion of the site zoned R-1 shall not exceed the lesser density for that area calculated by the zone, community plan designation or 500-foot radius analysis. No increase in density shall be permitted in the R-1 zoned area of a combined zone project through clustering. The average density of the developed neighborhood shall not include dedicated streets and alleys. No streets shall be used in the calculation of density within a proposed Planned Infill Residential Development. Properties approved or developed as Planned Residential Developments prior to the effective date of this ordinance, shall be excluded from the calculation of density. A deviation may be granted by the Planning Director pursuant to Section 101.0307, Affordable Housing Density Bonus. In the event the proposed Planned Infill Residential Development includes property which is shown as part of an open space system on an adopted community plan or general plan, and is accepted by The City of San Diego as dedicated open space, this property may be included in the calculation of density consistent with the underlying zone or community plan, whichever is less. Such property shall be contiguous to an existing open space system and shall be in a natural state and remain undisturbed. If such property is dedicated as open space, it shall remain such in perpetuity.

<u>ZONE</u>	<u>MAXIMUM PERMITTED DWELLING UNITS</u>
R1-40000	<u>Sq. Ft. of Land Area</u> 40,000 sq. ft.
R1-20000	<u>Sq. Ft. of Land Area</u> 20,000 sq. ft.
R1-15000	<u>Sq. Ft. of Land Area</u> 15,000 sq. ft.
R1-10000	<u>Sq. Ft. of Land Area</u> 10,000 sq. ft.

R1-8000	<u>Sq. Ft. of Land Area</u> 8,000 sq. ft.
R1-6000	<u>Sq. Ft. of Land Area</u> 6,000 sq. ft.
R1-5000	<u>Sq. Ft. of Land Area</u> 5,000 sq. ft.
R-3000	<u>Sq. Ft. of Land Area</u> 3,000 sq. ft.
R-2500	<u>Sq. Ft. of Land Area</u> 2,500 sq. ft.
R-2000	<u>Sq. Ft. of Land Area</u> 2,000 sq. ft.
R-1750	<u>Sq. Ft. of Land Area</u> 1,750 sq. ft.
R-1500	<u>Sq. Ft. of Land Area</u> 1,500 sq. ft.
RV (Coastal Zone)	<u>Sq. Ft. of Land Area</u> 1,500 sq. ft.
R-1250	<u>Sq. Ft. of Land Area</u> 1,250 sq. ft.
R-1000	<u>Sq. Ft. of Land Area</u> 1,000 sq. ft.
RV	<u>Sq. Ft. of Land Area</u> 1,000 sq. ft.
R-800	<u>Sq. Ft. of Land Area</u> 800 sq. ft.
R-600	<u>Sq. Ft. of Land Area</u> 600 sq. ft.
R-400	<u>Sq. Ft. of Land Area</u> 400 sq. ft.
R-200	<u>Sq. Ft. of Land Area</u> 200 sq. ft.

If the property involved is composed of land falling in two or more residential zones, the number of dwelling units permitted in the development shall not exceed the sum of the dwelling units permitted in each of the residential

zones. Within the Planned Infill Residential Development, the permitted number of dwelling units must be distributed with regard to the underlying zoning so far as compatibility with the surrounding neighborhood is achieved.

2. Open Space

The open space provided on the property shall not be less than that shown in the following table.

<u>ZONE</u>	<u>TOTAL REQUIRED OPEN SPACE PER D.U. (sq. ft.)</u>	<u>REQUIRED USABLE OPEN SPACE PER D.U. (sq. ft.)</u>
R1-40000	28,000	14,000
R1-20000	12,000	6,000
R1-15000	9,000	4,500
R1-10000	6,000	3,000
R1-8000	4,800	2,400
R1-6000	3,600	1,800
R1-5000	3,000	1,500
R-3000	1,800	900
R-2500	1,500	750
R-2000	1,200	600
R-1750	1,050	525
R-1500	900	450
RV (Coastal Zone)	900	450
R-1250	700	350
R-1000	500	250
RV	500	250
R-800	400	200
R-600	300	150
R-400	200	100
R-200	100	50

If the property involved is composed of land falling in two or more residential zones, the amount of open space required in the development shall be the sum of the open space required in each of the residential zones and shall be provided based on location of the dwelling units. Within the Planned Infill Residential Development, the required open space must be distributed with regard to the underlying zoning. The usable open space as determined from the above table shall be composed of moderately level land



having an overall grade not exceeding ten percent and shall not include land occupied by buildings, structures, streets, driveways or parking areas or any land proposed to be dedicated to the City as open space. The land provided shall be determined by the Planning Director to be functional usable open space which provides for reasonable use by the resident. Functional usable open space should include a minimum area of 100 square feet with a minimum dimension of six feet on one side. The usable open space may, however, be occupied by recreational facilities, excluding buildings, including the following:

Swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic and barbecue facilities and any other use which the Planning Director may find to be similar in character to the use enumerated in this paragraph and consistent with the purpose and intent of this Section. That portion of the required total open space not designated as usable open space may be occupied by any improvement except buildings. Areas not occupied by improvements may be landscaped or left in their natural state. Areas left in a natural state shall be kept free of litter and debris and shall at no time constitute a health, safety or fire hazard.

All or any part of the required open space may be owned in common by the occupants of the development. If open space is to be owned in common, provision acceptable to the City shall be made for its preservation and maintenance.

If an Affordable Housing Density Bonus Agreement or a Density Bonus and Affordable Housing Deviation has been approved, the open space shall be the total of the following:

a. Open space based on the zone in which the property is located times the number of dwelling units permitted in that zone; plus

b. Open space based on the next less restrictive zone times the number of dwelling units in excess of the number permitted in the zones in which the property is located.

3. Utilities

Public utility systems and service facilities shall be located underground within the boundaries of the development as provided for in Section 102.0221 of this Code.

4. Antennas

Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the development shall be permitted. Only antennas or an antenna system which is proposed in a location so as to not constitute a visual detriment to adjoining properties shall be permitted. Satellite antennas shall conform to Section 101.0630 of this Code.

5. Landscaping

All usable open space not occupied by recreational facilities shall be landscaped and provided with a permanent underground watering system.

6. Private Streets, Alleys, Walkways and Parking Areas

All streets, alleys, walkways and parking areas within the development which are not dedicated to public use shall be improved in accordance with standards established by the

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

N. DEVIATIONS FROM MINIMUM STANDARDS

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

1. Deviations from any of the design criteria in Paragraph L. and standards set forth in Paragraph M. above, except the minimum standards regarding density and total required open space, may be granted by either the Planning Director, or by the Planning Commission on appeal, or by the City Council on appeal upon written findings of fact as set forth in Paragraph N.2. below. Deviations from the minimum standards for density and total required open space may be granted for projects for which an Affordable Housing Density Bonus Agreement or a Density Bonus and Affordable Housing Deviation has been approved.

2. The Planning Director, the Planning Commission on appeal, or the City Council on appeal, may grant a deviation only when it shall appear from the applicant's statement or from the evidence presented that all the following facts exist:

a. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification.

b. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is situated because of the conditions imposed.

c. That the granting of the deviation does not adversely affect the Progress Guide and General Plan for The City of San Diego or the adopted plan of any governmental agency.

3. No deviation from the requirements that utilities be located underground shall be granted except as provided in Section 102.0221 of this Code.

O. COMBINED PROCEEDINGS

All proceedings with regard to a tentative map submitted with an application for a Planned Infill Residential Development Permit shall be combined with the proceedings for the permit.

P. TENTATIVE MAP TO SHOW RESERVATION FOR OPEN SPACE

The tentative map submitted with the application for a Planned Infill Residential Development Permit shall show land reserved as an open space easement if such open space is to be provided for the common use of the occupants of the Planned Residential Development.

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

The Subdivision Board may approve a tentative map which provides for a division of the parcel into two or more lots though the map may not comply with the provisions of Chapter X,

Article 2 of this Code pertaining to minimum requirements for streets, lots and block design and the provisions of this Code requiring that each lot be connected directly to the City sewer system. If common open spaces are reserved in accordance with the provisions of Paragraph P. above, approval of the tentative map shall be conditioned upon The City of San Diego being granted an easement in a form acceptable to the City limiting the future use of common open spaces and preserving them as open spaces.

R. FINAL MAP - CONDITIONS TO APPROVAL - AMENDED MAP

Building permits shall not be issued for any construction within the proposed Planned Infill Residential Development unless a final approved map has been recorded or waiver of such recordation has been granted by the Planning Director, Planning Commission or City Council. A final map which deviates from the conditions imposed by the Permit issued for the Planned Residential Development shall not be approved.

A final map which provides for open space shall not be approved unless the special requirements of Paragraph Q. above have been fulfilled and the provisions of Chapter X, Article 2 of this Code, which are consistent with the provisions of this Section, have been satisfied.

S. CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued for any structure in a Planned Infill Residential Development until all improvements required by the permit have been completed to the satisfaction of the City Engineer and the Department of Building Inspection or a phasing plan has been approved by the Planning Director.

T. FAILURE TO MAINTAIN

1. All commonly owned land, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to so maintain shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.

2. In addition to any other remedy provided by law for the abatement, removal and enjoyment of such public nuisance, the City Engineer may, after giving notice, cause the necessary work of maintenance or repair to be done, and the costs thereof shall be assessed against the owner or owners of the project.

3. The notice shall be in writing and mailed to all persons whose names appear on the last equalized assessment roll as owners of real property within the project, at the address shown on said assessment roll. Notice shall also be sent to any person known to the City Engineer to be responsible for the maintenance or repair of the common areas and facilities of the project under an indenture or agreement. The City Engineer shall also cause at least one copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or mail or correctly address any notice.

4. The notice shall particularly specify the work required to be done and shall state that if said work is not commenced within five days after receipt of such notice and diligently and without interruption prosecuted to completion, The City of San Diego shall cause such work to be done, in which case the cost and expense of such work, including incidental expenses incurred by the City, will be assessed

against the property or against each separate lot and become a lien upon such property.

5. If upon the expiration of the five-day period provided for in Paragraph T.4. above, the work has not been done, or having been commenced, is not being prosecuted with diligence, the City Engineer shall proceed to do such work or cause such work to be done. Upon completion of such work, the City Engineer shall file a written report with the Council setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property against which the cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work. The City Engineer or the City Clerk, if so directed by the Council, shall thereafter give notice in writing to the owners of the project in the manner provided in Paragraph T.3. above, of the hour and place that the Council will pass upon said City Engineer's report and will hear protests against said assessments. Such notice shall also set forth the amount of the proposed assessment.

6. Upon the date and hour set for the hearing of protests, the Council shall hear and consider the City Engineer's report and all protests, if there be any, and then proceed to confirm, modify or reject the assessments.

7. A list of assessments as finally confirmed by the Council shall be sent to the City Treasurer for collection. If any assessment is not paid within ten days after its confirmation by the Council, the City Clerk shall cause to be filed in the office of the County Recorder of The County of San Diego a Notice of Lien, substantially in the following form:

. . .  
: . . .  
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NOTICE OF LIEN

Pursuant to Chapter X, Article 1, Division 9, of the San Diego Municipal Code, (Ordinance No. \_\_\_\_\_, New Series, as amended) The City of San Diego did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, cause maintenance and repair work to be done in the Planned Infill Residential Development project known as \_\_\_\_\_ which was constructed under Planned Infill Residential Development Permit No. \_\_\_\_\_, for the purpose of abating a public nuisance and enforcing compliance with the terms of said Permit and the Council of The City of San Diego, did, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its Resolution No. \_\_\_\_\_ assess the cost or portion of the cost thereof upon the real property hereinafter described, and the same has not been paid nor any part thereof, and The City of San Diego does hereby claim a lien upon said real property until the said sum with interest thereon at the rate of six percent (6%) per annum from the date of the recordation of this instrument has been paid in full and discharged of record. The real property hereinbefore mentioned and upon which a lien is hereby claimed is that certain parcel of land in The City of San Diego, County of San Diego, State of California, particularly described as follows:

(description of property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
City Clerk, The City of San Diego

8. From and after the date of the recordation of such Notice of Lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the rate of six percent (6%) per annum until paid in full. Said lien shall continue until the amount of the assessment and all interest thereon shall have been paid. The lien shall be subordinate to tax liens and all fixed special assessment items previously imposed upon the same property, but shall have priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the

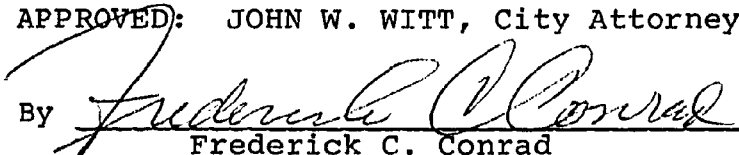


property. From and after the date of recordation of such Notice of Lien, all persons shall be deemed to have notice of the contents thereof.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, provided, however, that the provisions of this ordinance shall not apply to applications for Planned Residential Development Permits which applications, were made on or before March 17, 1987, or amendments to previously approved Planned Residential Development Permits.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:cc:600  
02/27/87  
03/17/87 Rev. 1  
03/31/87 Rev. 2  
Or.Dept:Plan.  
O-87-162  
Form=o.code

50a

MAR 30 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

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

*Barbara Baxter*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction <sup>as amended</sup> and the day of its final passage, to wit, on

MAR 17 1987

MAR 30 1987

, and on .....

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

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

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

*Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16835** Adopted **MAR 30 1987**

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1987 JUN 12 PM 12:03  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: BARBARA BAXTER

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE

I, THOMAS D. KELLEHER, 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 NUMBER O-16835 (NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0930 RELATING TO PLANNED INFILL RESIDENTIAL DEVELOPMENTS.**

An ordinance adds provisions to the Municipal Code which provide for a Planned Infill Residential Development permit. These provisions are applicable to specified areas of the City defined as urbanized areas of established communities. The ordinance provides a permit procedure which involves noticed public hearings and provides for appeals from the decisions made on applications.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced MAR 17 1987

Passed and adopted by the Council of The City of San Diego

MAR 30 1987

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By BARBARA BAXTER Deputy

Pub. June 8

78860

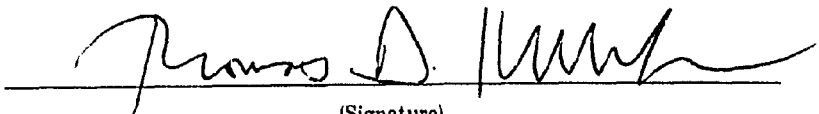
ORDINANCE NUMBER O-16835

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:

JUNE 8

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

Dated at San Diego, California this 8 day of JUNE, 1987.



(Signature)

2.25 x 10.24 x 2 = \$46.08