

ORDINANCE NUMBER O- 17014 (NEW SERIES)

ADOPTED ON JAN 25 1988

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 102.0200, 102.0201, 102.0301, 102.0310 AND 102.0312.5, RELATING TO SUBDIVISION MAPS.

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

Section 1. That Chapter X, Article 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 102.0200, 102.0201, 102.0301, 102.0310 and 102.0312.5, to read as follows:

SEC. 102.0200 MAPS REQUIRED

All subdivision of lands shall require the filing of a map as specified in Chapter 2 of the Subdivision Map Act and this Article, except for the conveyance or transfer of land or any interest therein by or to the United States, State of California, County of San Diego, City of San Diego, school districts, public utilities, or any other agency having the power of condemnation; nor shall a map be required before a parcel may be sold, leased or financed if such property has been altered in configuration by a conveyance or transfer to any of the agencies listed herein. Whenever a provision of this division requires that a tentative map or tentative parcel map be filed, a vesting tentative map or vesting tentative parcel map may instead be filed.

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SAN DIEGO, CALIF. *DK*

Determination of whether a final map or parcel map shall be required for a subdivision shall be in accordance with Chapter 2, Article 1 of the Subdivision Map Act, or as otherwise specified herein.

SEC. 102.0201 TENTATIVE MAPS

The subdivider shall file with the Planning Department a tentative map or tentative parcel map for each subdivision of land except for a parcel map submitted for "Lot Line Adjustment."

Where a tentative map or tentative parcel map is filed with the intention to secure certain development rights conferred by Chapter 4.5 of the Subdivision Map Act, the map shall be conspicuously labeled as a "Vesting Tentative Map" or "Vesting Tentative Parcel Map." Vesting maps shall be approved in those zones which permit residential, commercial and industrial uses.

All vesting tentative maps and vesting tentative parcel maps shall also require the filing by the applicant of an application for a PIRD, PRD, PID, PCD and special permit under the provisions of San Diego Municipal Code SECS. 101.0900, 101.0910, 101.0920 and 101.0510.

The map and site plan shall comply with all ordinances, policies and standards in effect at the time of approval of the map, including, but not limited to the Progress Guide and General Plan incorporating

"Guidelines for Future Development" (approved by the City Council on February 26, 1979), the applicable community plan and Council Policy No. 600-10, "Adequacy of Public Services in Connection with Development Proposals," Council Policy No. 600-28, "Requirements for Development Approval in Planned Urbanizing Areas," Council Policy No. 600-36, "Requirements for Annual Adjustment of Facilities Benefit Assessments and Prepayment of Assessments," Resolution No. R-269095 dated August 7, 1987, and the Interim Development Ordinance adopted by the City Council on July 21, 1987, and any successor ordinance, plan or policy imposing the same or similar requirements.

Vesting tentative maps shall be conditioned upon the phasing of development in accordance with the buildout period and schedule of the applicable community plan, the Progress Guide and General Plan, and Council Policy Nos. 600-10, 600-28 and 600-36, all in effect at the time of application for vesting tentative map approval. Pursuant to the applicable community phasing plan, building permits shall be issued annually for the percentage of residential dwelling units representing the one (1) year portion of the community plan buildout period (which buildout shall not be less than twenty (20) years or the remaining number of years to the year 2000).

Vesting tentative maps shall also be conditioned upon the construction and actual installation of all public facilities as specified in the Capital Improvement Program portion of the applicable community plan, the Progress Guide and General Plan, Council Policy Nos. 600-10, 600-28, 600-36 and Schedule A of the Interim Development Ordinance (all of which were in effect at the time of application for vesting tentative map approval). Pursuant to the applicable community plan capital improvements, phasing and public facilities financing programs, building permits shall be issued annually for residential dwelling units in accordance with a schedule which correlates the number of building permits to be issued by year, construction of a specific public facility or improvement constructed and actually installed for each year.

SEC. 102.0301 TENTATIVE MAPS AND TENTATIVE PARCEL MAPS - FILING

Tentative maps and tentative parcel maps shall be filed with the Planning Department. The Planning Director shall make available to the subdivider public instructional material which will define the requirements for submittal of tentative maps or tentative parcel maps.

The content and form for such maps and the data to be submitted therewith shall be as specified by Sections 66418 and 66419 of the Subdivision Map Act, and to the

satisfaction of the Planning Director and the City Engineer.

Tentative maps and tentative parcel maps of property in the planned urbanizing area (as defined by and as specified in the Progress Guide and General Plan) shall not be recommended for approval by the Subdivision Board unless and until the subject property is within the boundaries of a specific, community or precise plan that has been adopted by the Planning Commission and City Council and otherwise meets the requirements of Chapter X, Article 1, Division 2, SEC. 101.0205.3 of the San Diego Municipal Code.

Tentative maps and tentative parcel maps of property in the planned urbanizing area shall be approved only if the following conditions are met prior to final map approval: (1) an Implementation Program for Financing Public Improvements (in "developing" communities), or a Financing Plan for Public Facilities, and Development Phasing Program (in "new" communities) have been approved by the Planning Commission and City Council; (2) if assessment districts or facilities benefit assessments ("FBA") have been proposed to finance necessary public improvements; and that (3) confirmation of 1911-13 Act Assessment Districts or the Resolution of Designation for FBA shall have been adopted by the City Council. Notwithstanding the above, however, tentative maps and tentative parcel maps of

property in the developing communities in planned urbanizing areas may be approved prior to development of an Implementation Program for Financing Public Improvements if: (a) the Planning Commission, pursuant to SEC. 101.0205.3, or the Subdivision Board pursuant to this section, has made a determination that the granting of tentative map approval on the subject property and/or the proposed timing and phasing of such development will not jeopardize the achievement of Progress Guide and General Plan objectives of assuring adequate public facilities at the time of development; and (b) the applicant enters into a binding development agreement with the City by which he consents to future establishment of any necessary assessment districts covering the subject community financing plan area and by which he consents to payment of an "estimated" facilities benefit assessment fee at the time of building permit issuance. The development agreement shall provide for the possibility of an under or over payment of such "estimated" fee and for reimbursement of a portion of or supplementation of such fees as may be required. The resolution approving the tentative map shall specify all such conditions.

If a vesting tentative map or vesting tentative parcel map is filed, the applicant shall submit the following information:

1. Architectural elevations (including height and size dimensions; roofing treatment; front, side and rear elevations; and a list of major exterior building materials).

2. A list of proposed uses.

3. Grading plan (complete).

4. Geological report, including subsurface observations.

5. Preliminary landscape and irrigation plans.

6. Flood control plans (existing and proposed).

7. List of proposed sewer and water services.

8. Street and road improvement preliminary plans.

9. Site plan indicating building placement on each lot showing all setback dimensions.

10. A timing, phasing and financing plan for all public capital improvement facilities with a proposal for assuring installation prior to obtaining a grading or building permit coupled with facility completion prior to occupancy of any dwelling unit. No vesting tentative map or vesting tentative parcel map shall be granted until a capital improvement program has been adopted in the applicable community plan.

11. All other submission information required for a planned development permit and special permit.

The Planning Department or the Subdivision Board may request, and the applicant shall promptly furnish, such further information as may reasonably be necessary to enable the department or Subdivision Board to evaluate on behalf of the City the vesting effect which would follow from approval of the map.

SEC. 102.0310 TENTATIVE MAPS - EXPIRATION

Expiration and time extension of approved or conditionally approved tentative maps, tentative parcel maps, vesting tentative maps or vesting parcel maps, shall be in accordance with Chapter 3, Articles 2 and 3 of the Subdivision Map Act; provided, however, that the time for expiration of the initial approval may be any term not less than twenty-four (24), nor more than thirty-six (36) months. Maps covered by a development agreement may be extended for the time provided in the development agreement or other extensions authorized by the Subdivision Map Act.

Extensions of time may be approved or denied. When approved, an applicant must comply with the provisions of Chapter 3, Article 2 of the Subdivision Map Act and tentative maps or vesting tentative maps shall comply with all provisions and findings of this ordinance applicable to the initial filing of tentative maps

pursuant to SEC. 102.0201 of the San Diego Municipal Code. In order to assure this compliance, the conditions of initial approval of the tentative map shall be modified or deleted and new conditions shall be added when the extension of time is approved. An extension of time within which a final map or parcel map must be filed may be granted to provide a maximum period of seventy-two (72) months from the date of initial approval. An extension of time request shall not be submitted to the Planning Department earlier than sixty (60) days prior to the expiration date stated on the tentative map resolution.

SEC. 102.0312.5 VESTED FINAL MAPS

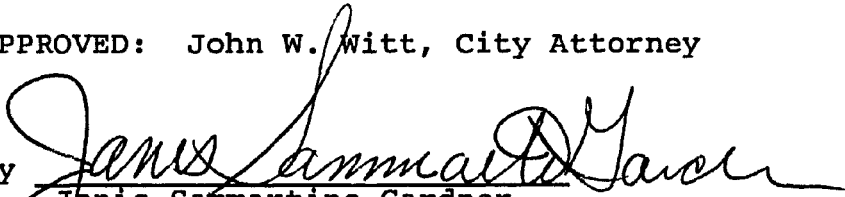
A. Procedure. Where a final map or final parcel map is filed pursuant to a vesting tentative map, the map shall bear a notation in the lower left-hand corner of the first sheet of the map that such map secures vested development rights and the rights thus vested shall remain in effect for two (2) years from the date of the recordation of the final map or final parcel maps. The submission of a complete application for a building permit and the payment of fees prior to the expiration of the vested period shall secure the conferred vested rights for that structure unless such application or permit issued pursuant thereto is subsequently allowed to expire.

B. An extension of time for the vested period can only be granted by the City Council after conducting a noticed public hearing and shall be for a period not to exceed one (1) year. The resolution granting such extension of time shall be recorded in the office of the County Recorder.

Section 2. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage.

APPROVED: John W. Witt, City Attorney

By


Janis Sammartino Gardner
Deputy City Attorney

JSG:ta:wk:fs
10/16/87
11/23/87 REV. 1
01/15/88 REV. 2
Or.Dept:Plan.
O-88-55
Form=o.none

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Passed and adopted by the Council of The City of San Diego on JAN 25 1988,
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"/> |
| Ron Roberts | <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"/> |
| H. Wes Pratt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksma | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| J. Bruce Henderson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judy McCarty | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bob Filner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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.

(Seal)

By Blenda R. Barnes, 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

JAN 12 1988, and on JAN 25 1988.

~~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 Blenda R. Barnes, Deputy.

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|---|--------------------|
| Office of the City Clerk, San Diego, California | |
| Ordinance <u>0-17014</u> | <u>JAN 25 1988</u> |
| Number | Adopted |