

(O-91-50)

17596

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON FEB 04 1991

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTION 102.0303, 102.0403, 102.0405 AND  
102.0409 RELATING TO SUBDIVISIONS.

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 Section 102.0303 to read as follows:

**SEC. 102.0303 Final Map and Parcel Map Deposit Schedules**

A through F. [No change.]

G. When long term maintenance is a required environmental mitigation measure for a development, the subdivider shall pay an additional fee, to cover the cost to the city of monitoring the long term maintenance, in accordance with Section 21081.6 of the State Public Resources Code.

The Planning Director is authorized to determine the amount of such fee so as to fully cover all of the City's costs incurred for monitoring. In determining the fee to be collected the Planning Director shall estimate the number of employee hours, equipment needed and standard overhead rates and any other appropriate costs to determine the fees to be charged. The costs

shall then be extended for the reasonably expected duration of the monitoring program. In the event that an applicant is dissatisfied with the estimated fee charged by the Planning Director he may file an appeal in the same manner as an appeal from a decision of the City Engineer under Section 62.0115 of this Code.

Section 2. That Chapter X, Article 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 102.0403 to read as follows:

**SEC. 102.0403 RIGHT OF WAY IMPROVEMENTS AND LAND DEVELOPMENT**

Subdivider shall improve public rights of way and perform land development work as required in this Article and in accordance with the conditions of the resolution approving the tentative map and the current City Engineering Standards, particularly those prescribed in Chapter VI, Article 2 of this Code.

Masonry walls or fences shall be required adjacent to rights of way of flood control channels, railroads, freeways, expressways, major streets and other streets where necessary or desirable from the standpoint of public health and safety.

Any private improvements existing or to be installed in public rights of way shall require encroachment permits in accordance with the provisions of Chapter VI, Article 2 of this Code.

1 through 4. [No changes.]

5. PUBLIC TRANSIT

Public transportation improvements shall be constructed and financed in accordance with the policies established by the City Council to adequately support the development of public transportation programs in areas where traffic congestion is projected at buildout, and in response to traffic mitigation requirements, resulting from the project's environmental review.

Section 3. That Chapter X, Article 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 102.0405 to read as follows:

**SEC. 102.0405 DEDICATIONS AND EASEMENTS**

Subdivisions shall connect to a dedicated and improved street and shall make provisions for dedication of necessary public rights-of-way, including streets, pedestrian ways, separate bicycle ways, and transit routes as provided in Chapter IV, Article 3 of the Subdivision Map Act, and utility easements within or adjacent to the subdivision. An unimproved street or public transit route covered by a bonded agreement or permit assuring its improvement may be treated as an improved street or public transit route in assessing compliance with the section.

A street or alley lying along the boundary of a subdivision may be dedicated less than the full required width if it is practical to require the

dedication of the remaining width when the adjoining property is subdivided. Such portion of a street shall be distinctly designated upon the map or plat as being a portion only of a street, and not the street in full width.

Access shall be provided to adjacent undeveloped areas via streets, alleys, or other public ways as may be necessary to provide for future use and public safety.

Subdivisions shall make provision for the continuation of existing streets in adjoining or adjacent subdivisions insofar as these may be necessary for public access requirements. Streets shall be extended to the boundary of the subdivision to provide suitable access to adjoining property.

Public rights-of-way and improvements shall conform to the current standard design requirements as approved by the Council.

Where it is in the interest of public safety or welfare to limit the access to any street, highway, or easement, the subdivider may be required to waive direct access rights to any such street, highway, or easement from any property shown on the final map as abutting thereon.

Whenever any subdivision of land is bounded on any side, or in any way by the Bay of San Diego, or by any public body of water in the City of San Diego, or by

the Pacific Ocean, there shall be dedicated upon and by such map or plat, a street along said bay, body of water, or ocean front, and all such streets and those streets leading to said bay, body of water, or ocean front shall run and be open to the mean high tide line.

Whenever the subdivision contains land that has been identified as a route for local transit facilities in the General Plan or any Specific Plan or any Transit Agency Adopted Plan, the subdivision shall be required to provide the necessary reservation, dedication, or irrevocable offer of dedication for such right of way. In residential subdivision, the requirement for dedication shall be limited to those subdivisions having a development potential of 200 or more dwellings or containing 100 or more gross acres. Such dedication shall be limited to transit facilities which primarily serve the subdivision and shall include dedications for location stations, associated parking, bus turnouts, and appurtenant facilities. This requirement will not be applicable to condominium conversions or structures which are five or more years in age and which do not involve the addition of new units. In residential subdivisions having a development potential of fewer than 200 dwellings or containing fewer than 100 acres, a reservation requirement shall be made as appropriate.

Whenever a subdivision contains land that has been identified as a route for a bicycle path in the General

Plan, the subdivision shall be required to provide the necessary dedication or irrevocable offer of dedication for the necessary and safe right of way if the subdivision contains 200 or more parcels. When fewer than 200 parcels are involved, a bicycle path reservation shall be provided as feasible.

Section 4. That Chapter X, Article 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 102.0409 to read as follows:

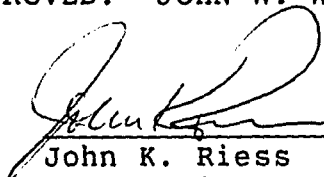
**SEC. 102.0409 FEES - BRIDGES OR MAJOR THOROUGHFARES**

There may be required the payment of fees for the purpose of defraying the cost of constructing bridges, or major thoroughfares, including public transit facilities, in accordance with the conditions stipulated in Chapter 4, Article 5 of the Subdivision Map Act. Such facilities shall be consistent with the General Plan or such other community plans as have been adopted by the City Council pursuant thereto.

Section 5. 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

  
\_\_\_\_\_  
John K. Riess  
Deputy City Attorney

JKR:pev  
09/04/90  
Or.Dept:E&D  
O-91-50  
Form=o.code

#51

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote: FEB 0 4 1991

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"/>
John Hartley	<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"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
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.

(Seal)

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

By *Linda Lugano*, 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 2 2 1991

FEB 0 4 1991

....., 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.

(Seal)

By *Linda Lugano*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	0-17506
Adopted	FEB 0 4 1991

RECEIVED

90 DEC 31 PM 4:34

CITY CLERK'S OFFICE  
SAN DIEGO, CA

DEC 31 1990

DEC 31 1990



CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
91 FEB 27 AM 10:29  
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE  
CITY ADM. BLDG.  
202 C ST  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF THE  
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0303,...

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-17596

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:

FEB. 18

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

Dated at San Diego, California this 18TH day of FEB, 19 91.

(Signature)

**ORDINANCE NUMBER O-17596**  
**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 102.0303, 102.0403, 102.0405 AND 102.0406 RELATING TO SUBDIVISIONS.**

This ordinance establishes a procedure for charging fees to monitor long term environmental mitigation. It also amends the public improvements portion of the right of way dedication requirements to add provisions for public transport. The ordinance also adds provisions to the bridge and thoroughfare fee requirements to add public transit facilities.

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 ON January 22, 1991  
 Passed and Adopted by the Council of The City of San Diego on February 4, 1991

**AUTHENTICATED BY:**  
**MAUREEN O'CONNOR**  
 Mayor of The City of San Diego, CA  
**CHARLES G. ABDELNOUR**  
 City Clerk of The City of San Diego, CA

(SEAL)  
 By Linda Lugano, Deputy

Pub. February 18 309484

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