

ORDINANCE NUMBER O- 17854 (NEW SERIES)

ADOPTED ON OCT 20 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0901 RELATING TO PLANNED 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 amending Section 101.0901, to read as follows:

SEC. 101.0901 Planned Residential Developments

A. [No change.]

B. DEFINITION

Planned Residential Development means a predominantly residential development improved in accordance with an overall project plan and is characterized by the following:

1. through 3. [No change.]

4. Within the Future Urbanizing area as defined in the General Plan, a Planned Residential Development in underlying A-1 zoning districts may be by "Rural Cluster," which shall be accomplished pursuant to Planned Residential Development procedures as specified herein and pursuant to developmental standards and requirements as specified in Section 101.0901. "Rural Cluster"

allows for development at densities specified in the A-1 zoning districts, with the permitted units clustered, while the remainder of the property is preserved in its undeveloped state until and if complete development at urban densities is appropriate. The "Rural Cluster" alternative promotes more efficient land utilization and land conservation; allows development in patterns more consistent with that occurring in adjacent areas; avoids fragmentation of land ownership patterns which would mitigate against future development opportunities; allows for reasonable present development without foreclosing future development choices; and makes annexation of unincorporated lands more attractive where such lands will be brought into the Future Urbanizing area. The retention of future development rights provided by Section 101.0901 shall not supersede the requirements of the Resource Protection Ordinance or other policies for preservation of sensitive lands. The "Rural Cluster" alternative will require the use of covenants, conditions and restrictions to ensure that the undeveloped portion of the parcel remains undeveloped until the land is shifted to the Planned Urbanizing area. If the interim period will be for ten (10) years or longer, preferential property tax

assessment via the Williamson Act may be available.

5. [No change.]

C. and D. [No change.]

E. DECISION OF THE PLANNING DIRECTOR OR CITY COUNCIL

1. through 3. [No change.]

4. In granting a Planned Residential Development Permit, the Planning Director may impose any conditions he or she finds 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. In the case of Planned Residential Development in the A-1 zoning districts, the Planning Director shall consider the density of development, the "rural" nature of such development and the permanent nature of such low-density development and shall, wherever possible, given the need to protect the public health, safety and general welfare and to conform with General and applicable community plans, impose regulations and standards that are consistent with the low-density, rural character

of development and the needs created by such development. In the case of "rural cluster" development via PRD in the A-1 zoning districts, the Planning Director shall impose conditions and requirements consistent with the density of development in the clustered portion of the parcel and shall require covenants, conditions and restrictions necessary to insure maintenance of the remainder of the parcel in an undeveloped state until the land is shifted to the Planned Urbanizing area or as necessary to ensure consistency with the General Plan, community plan, Council policies, and the Municipal Code.

5. and 6. [No change.]

7. Within the Future Urbanizing area, Planned Residential Development permits shall be granted by the City Council, instead of the Planning Director, following the procedures specified in Section 101.0901. In considering an application for development at an increased density not to exceed one dwelling per four acres, the City Council may grant the permit if it finds from the evidence presented that all of the following additional facts exist:

a. [No change.]

b. The proposed use is consistent with the *Progress Guide and General Plan* Transportation Element and will not foreclose

future decisions regarding the size of major or primary arterial streets, expressways, or freeways which may traverse the property.

c. and d. [No change.]

e. The proposed use will provide housing on-site, affordable to lower income families, as certified by the San Diego Housing Commission. This affordable housing obligation may be fulfilled by: (1) a set aside of no less than 20 percent of the units for occupancy by, and at rates affordable to, families earning no more than 65 percent of median area income, adjusted for family size, or (2) a dedication of developable land of equivalent value. Affordable housing shall be appropriately designed and integrated into the overall development plan. Affordable rates are those that do not exceed 30 percent of designated household income, including a utility allowance. Development incentives available through government programs, including a density bonus where appropriate, may be utilized to meet all, or a portion, of this obligation. Units restricted under this requirement shall remain affordable for the remaining life of the housing unit which is presumed to be a minimum of 55 years. The San Diego Housing Commission will monitor

developments for compliance with affordable housing requirements over time. If the City of San Diego adopts a City-wide inclusionary housing program, the City-wide program shall take precedence over this section.

f. The proposed use comprehensively addresses framework planning issues including, but not limited to, land use, character and scale of development, environmental resources, and public facilities.

g. Within the North City Future Urbanizing Area, as defined by the *Progress Guide and General Plan*, the City shall prepare a Subarea Plan pursuant to the General Plan. Alternatively, the applicant must demonstrate that, at a minimum, all public facilities within the Subarea (as designated by the *Progress Guide and General Plan*) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed use centers within the Subarea have been sited; the street system to access the mixed use centers and public facilities has been aligned; a financing plan for the project area, Subarea, or larger planning area has been completed; and open space boundaries have been refined if the

project deviates from the Environmental Tier boundaries shown in the *General Plan*.

h. [No change in text.]

F. through S. [No change.]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage; however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By


Janis Sammartino
Senior Chief Deputy City Attorney

JS:FCC:lc
09/04/92
10/13/92 REV. 1
10/28/92 REV. 2
Or.Dept:Plan.
O-93-34
Form=o+t

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: ~~Shaded~~

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DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE
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would mitigate against future development opportunities; allows for reasonable present development without foreclosing future development choices; and makes annexation of un-incorporated lands more attractive where such lands will be brought into the Future Urbanizing area. The retention of future development rights provided by Section 101.01G1 shall not supersede the requirements of the Resource Protection Ordinance or other policies for preservation of sensitive lands. The "Rural Cluster" alternative will require the use of covenants, conditions and restrictions to ensure that the undeveloped portion of the parcel remains undeveloped until the land is shifted to the Planned Urbanizing area. If the interim period will be for ten (10) years or longer, preferential property tax assessment via the Williamson Act may be available.

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case of Planned Residential Development in the A-1 zoning districts, the Planning Director shall consider the density of development, the "rural" nature of such development and the permanent nature of such low-density development and shall, wherever possible, given the need to protect the public health, safety and general welfare and to conform with General and applicable community plans, impose regulations and standards that are consistent with the low-density, rural character of development and the needs created by such development. In the case of "rural cluster" development via PRD in the A-1 zoning districts, the Planning Director shall impose conditions and requirements consistent with the density of development in the clustered portion of the parcel and shall require covenants, conditions and restrictions necessary to insure maintenance of the remainder of the parcel in an undeveloped state until the land is shifted to the Planned Urbanizing area or as necessary to ensure consistency with the General Plan, community plan, Council policies, and the Municipal Code.

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a. [No change.]

b. The proposed use is consistent with the Progress Guide and General Plan Transportation Element and will not foreclose future decisions regarding the size of major or primary arterial streets, expressways, or freeways which may traverse the property.

c. and d. [No change.]

e. The proposed use will provide housing on-site, affordable to lower income families, as certified by the San Diego Housing Commission. This affordable housing obligation may be fulfilled by: (1) a set aside of no less than 20 percent of the units for occupancy by, and at rates affordable to, families earning no more than 65 percent of median area income, adjusted for family size, or (2) a dedication of developable land of equivalent value. Affordable housing shall be appropriately designed and integrated into the overall development plan. Affordable rates are those that do not exceed 30 percent of designated household income, including a utility allowance. Development incentives available through government programs, including a density bonus where appropriate, may be utilized to meet all, or a portion, of this obligation. Units restricted under this requirement shall remain affordable for the remaining life of the housing unit which is presumed to be a minimum of 55 years. The San Diego Housing Commission will monitor developments for compliance with affordable housing

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~~g-h.~~ [No change in text.]

F. through S. [No change.]

JS:FCC:lc
09/04/92 - 10/13/92 REV. 1
10/28/92 REV. 2
Or.Dept:Plan.
SO-93-34

54a

OCT 20 1992

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

OCT 20 1992

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"/>
George Stevens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 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.

(Seal)

By Mary Cepeda Deputy.

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

OCT 01 1992

, and on

OCT 20 1992

~~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 Mary Cepeda Deputy.

Office of the City Clerk, San Diego, California

Ordinance 0-17854
Number.....

OCT 20 1992

Adopted.....