

(O-93-75)

ORDINANCE NUMBER O- 17869 (NEW SERIES)

ADOPTED ON NOV 23 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1 SECTION 102.0102; BY AMENDING DIVISION 3 BY AMENDING SECTION 102.0301; BY AMENDING DIVISION 3 BY REPEALING SECTION AND 102.0306; BY AMENDING SECTIONS 102.0307 AND 102.0308; BY REPEALING SECTION 103.0309; BY AMENDING SECTIONS 102.0310, 102.0318, 102.0324, 102.0325 AND 102.0326; AMENDING DIVISION 4 BY AMENDING SECTIONS 102.0401, 102.0404 AND 102.0413; BY AMENDING DIVISION 7, SECTION 102.0702; ALL 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 Division 1 by amending Section 102.0102 to read as follows:

**SEC. 102.0102 Definitions**

Words used herein that are defined in the Subdivision Map Act (Division 2 of Title 7 of the California Government Code), but not specifically defined in this Chapter, shall have the same meaning as is given to them in said Subdivision Map Act. Whenever the following words are used in this Article, they shall have the meaning ascribed to them in this Division;

(1) through (5) [No changes.]

(6) FINAL MAP -- A map as defined by Subdivision Map Act section 66426.

(7) PARCEL MAP -- A map as defined by Subdivision Map Act section 66426.

(8) through (12) [No changes.]

(13) TENTATIVE MAP -- A map, as defined by Subdivision Map Act section 66424.5, that shows the design and improvements of a proposed subdivision and the existing conditions in and around it.

(14) [No change.]

(15) [No change.]

(16) [No change.]

Section 2. That Chapter X, Article 2, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Section 102.0301 to read as follows:

**SEC. 102.0301 Tentative Maps and Tentative Parcel Maps  
-- Filing**

Tentative maps and tentative parcel maps shall be filed with the Planning Department in accordance with Section 111.0202.

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 approved 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, Section 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 Section 101.0205.3, 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. through 11. [No changes.]

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

Section 3. That Chapter X, Article 2, Division 3 of the San Diego Municipal Code be and the same is hereby amended by repealing Section and 102.0306.

Section 4. That Chapter X, Article 2, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 102.0307 and 102.0308 to read as follows:

**SEC. 102.0307 Tentative Maps Approval Procedures and Time Limits**

The time limit for taking action on a tentative map is set forth in Chapter 3, Article 2 of the Subdivision Map Act and shall also be applicable to tentative parcel maps.

The Planning Commission may approve, conditionally approve or disapprove a tentative map, tentative parcel map, vesting tentative map or vesting tentative parcel map, in accordance with **Process Four**. A report of the Planning Commission's action shall be provided to the subdivider. A tentative map, tentative parcel map, vesting tentative map or vesting tentative parcel map which includes a proposed vacation of public rights-of-way shall require City Council approval in accordance with **Process Five**.

If no action is taken upon a tentative map or tentative parcel map within the time limits specified by the Subdivision Map Act or any authorized extension thereof the tentative map or tentative parcel map as filed, shall be deemed to be approved insofar as it complies with other applicable requirements of this Article and Chapter X, Article 1 of this Code, and it shall be the duty of the Planning Director to certify such approval.

**SEC. 102.0308 Appeal Procedures**

The Planning Commission's decision on an application for a tentative map, tentative parcel map, vesting tentative map or vesting tentative parcel map may be appealed to the City Council in accordance with Chapter 3, Article 2 of the Subdivision Map Act.

Notwithstanding the appeal procedures provided by Section 111.0509, the subdivider or any interested person adversely affected may appeal the Planning Commission's decision to the City Council. ~~The appeal shall be~~ filed with the City Clerk within ten (10) calendar days after the action of the Planning Commission. Upon the filing of the appeal, the City Clerk shall set the matter for public hearing within thirty (30) calendar days after the date of filing of the appeal. Within ten (10) calendar days following the conclusion of the hearing, the City Council shall render its decision on the appeal.

Section 5. That Chapter X, Article 2, Division 3 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 102.0309.

Section 6. That Chapter X, Article 2, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 102.0310, 102.0318, 102.0324, 102.0325 and 102.0326 to read as follows:

**SEC. 102.0310 Tentative Maps -- Expiration**

An approved or conditionally approved tentative map, tentative parcel map, vesting tentative map or

vesting parcel map, shall expire thirty-six (36) months after its approval or conditional approval as set forth in Section 111.1010(c) and Chapter 3, Article 2 of the Subdivision Map Act. 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.

If an extension of time is 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 Section 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.

The expiration date of a tentative map, tentative parcel map, vesting tentative map or vesting parcel map may be extended by the Planning Commission in accordance with Section 111.1010(d). 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) calendar days prior to the expiration date stated on the tentative map resolution.

**SEC. 102.0318 Special Permits Required to do Work Prior to Filing Final Map**

Should the subdivider desire to do all or part of the work required within the subdivision prior to filing the final map and entering into the associated agreement, application may be made to do such work under a special permit.

This application shall be accompanied by detailed plans describing the proposed work. Except in the case of an HR project, the City Engineer may approve a special permit to accomplish this work, in accordance with **Process One**, provided a bond has been posted in an amount which would assure the rehabilitation of the land, including grading and planting, in the event the subdivision map is not filed and all required improvements installed.

The performance bond and contractor's qualifications shall be as provided in Chapter VI, Article 2 of this Code.

**SEC. 102.0324 Correction and Amendment of Maps**

Section 111.1040 and Chapter 3, Article 7 of the Subdivision Map Act provides for the correction and amendment of maps.

**SEC. 102.0325 Waiver of Parcel Map**

The mapping requirement may be waived if a mobile home park is being converted to condominium ownership



on a single parcel, provided the following findings can be made:

A. through D. [No changes.]

**SEC. 102.0326            Informational Disclosures on or in  
Conjunction with Final Maps and  
Parcel Maps**

At the time of filing of a final map or parcel map, additional information may be required for disclosure purposes as provided in Section 66434.2 of the Subdivision Map Act. The informational disclosure may be recorded by separate document with the recording data reflected on the final map or may be included on an additional sheet of the final map.

The informational disclosure may include, but need not be limited to, information pertinent to the final map or the land included therein as follows:

A. through E. [No changes.]

Such informational disclosures, if placed upon a final map, shall contain a statement that the disclosure is for informational purposes and is not intended to affect the record title interest. Where the informational disclosure is contained in a separate document, recorded concurrently with the final map, the final map shall by note refer to such document and indicate its identifying recording information.

The information required to be included in the informational disclosure may be established at the time of the approval of the tentative map by the Planning Commission. Informational disclosures not provided for

in the tentative map may be shown on the final map or on separate document with the approval of the subdivider and the Planning Director and/or City Engineer. In the case of a final parcel map where no public hearing is required, the Planning Director and/or the City Engineer may require an informational disclosure to be placed upon the map or included in a separate document.

Section 7. That Chapter X, Article 2, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 102.0401, 102.0404 and 102.0413 to read as follows:

**SEC. 102.0401 Map Approval or Denial**

No map shall be approved unless the Planning Commission or City Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Progress Guide and General Plan, Community or Area Plans or any specific plan adopted by the Planning Commission or the City Council.

A final or tentative map or tentative parcel map shall not be approved if any of the following findings are made:

1. through 7. [No changes.]

**SEC. 102.0404 Utilities**

Where utilities already exist, the design of new subdivisions shall be such as to place such utilities in proper locations or else provide for their

reconstruction in locations approved by the utility agencies concerned.

1. [No change.]

2. PRIVATELY OWNED PUBLIC UTILITIES

(a) through (d) [No changes.]

(e) The subdivider or public utility company may apply for special permission to vary from the requirements of this Section. Such variance may be granted by the Planning Commission in accordance with **Process Four**. The Planning Commission's decision may be appealed to the City Council, in accordance with Section 111.0509.

3. [No change.]

**SEC. 102.0413 Suspension or Requirements -- Variance**

In approving a tentative map or tentative parcel map, the Planning Commission or City Council may grant a suspension of any of the subdivision requirements set forth or referred to in this Article except that:

1. and 2. [No changes.]

Any such suspension or variance shall be based on written finding that there are special circumstances or conditions affecting the property in question and that such suspension or variance, if granted, will not be materially detrimental to the general welfare of adjacent persons or property and is consistent with state law.

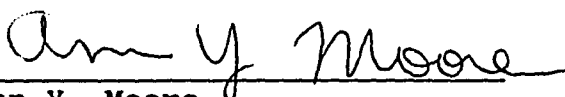
Section 8. That Chapter X, Article 2, Division 7 of the San Diego Municipal Code be and the same is hereby amended by amending Section 102.0702 to read as follows:

**SEC. 102.0702 Certificate of Compliance**

Any person owning real property may request, whether such real property complies with the provisions of this Article and Section 101.0101.34. This determination shall be made by the City Engineer in accordance with Section 111.1005. After this determination has been made, the City Engineer shall cause a certificate of compliance to be filed for record with the Recorder of San Diego County. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the applicable provisions of this Article and Article 1, Chapter X of this Code. The applicant requesting a certificate of compliance shall submit to the City Engineer adequate legal description, facts and maps which will permit the certificate of compliance to be issued in accordance with Chapter 7, Article 2 of the Subdivision Map Act. An applicant shall pay to the City a reasonable deposit, as approved by the City Council by resolution, to permit the City to recover costs of processing the certificate of compliance. An additional deposit may be required to cover incurred costs. Any deposit in excess of the City's costs will be refunded to the applicant.

Section 9. This ordinance shall take effect and be in force on January 4, 1993. The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth (30th) day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment or January 4, 1993 whichever occurs last.

APPROVED: JOHN W. WITT, City Attorney

By   
Ann Y. Moore  
Deputy City Attorney

AYM:pev  
10/30/93  
Or.Dept:Plan.  
O-93-75  
Form=o.code

Passed and adopted by the Council of The City of San Diego on **NOV 23 1992**  
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.  
 By: [Signature], 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 **NOV 09 1992**, and on **NOV 23 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.

(Seal)

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.  
 By: [Signature], Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <b>0-17869</b>	Adopted <b>NOV 23 1992</b>

92 NOV -2 4M 10: 14  
CITY CLERK OFFICE  
SAN DIEGO, CA

NOV 03 1995

NOV 03 1995

NOV 03 1995

NOV 03 1995

CERTIFICATE OF PUBLICATION

1992-8 11/10/92

San Diego, Calif.

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

SUBDIVISIONS

6-17869 NS

I, Corey Donahue, 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-17869 (NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1 SECTION 102.0102; BY AMENDING DIVISION 3 BY AMENDING SECTION 102.0301; BY AMENDING DIVISION 3 BY REPEALING SECTION 102.0306; BY AMENDING SECTIONS 102.0307 AND 102.0308; BY REPEALING SECTION 102.0309; BY AMENDING SECTIONS 102.0310, 102.0318, 102.0324, 102.0325 AND 102.0326; AMENDING DIVISION 4 BY AMENDING SECTIONS 102.0401, 102.0404 AND 102.0413; BY AMENDING DIVISION 7, SECTION 102.0702; ALL RELATING TO SUBDIVISIONS.

This ordinance amends the provisions of Chapter X, Article 2, to be consistent with the provisions of Chapter XI. The amendments to Chapter X, Article 2 integrates the procedural requirements that were created by the adoption of Chapter XI and provides the use of Chapter X with the applicable cross reference to Chapter XI.

A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, second floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON NOV 09 1992

Passed and Adopted by the Council of the City of San Diego on NOV 23 1992.

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 Suzanne Olive, Deputy

Pub. Dec. 7

284077

ORDINANCE NUMBER O-17869 (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:

DECEMBER 7

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

Dated at San Diego, California this 7th day of DEC., 19 92.

*Corey Donahue*  
(Signature)

30 L 79.36