

ORDINANCE NUMBER O- 18136 (NEW SERIES)
ADOPTED ON JAN 09 1995

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
DIVISION 2, SECTION 102.0201, AND BY AMENDING
DIVISION 3, SECTION 102.0301, BOTH RELATING
TO VESTING TENTATIVE MAPS

WHEREAS, December 12, 1994, has been declared "Regulatory
Relief Day;" and

WHEREAS, one purpose of Regulatory Relief Day is to
streamline and consolidate, where appropriate, the City's land
use and environmental regulatory procedures; and

WHEREAS, the City Manager's Office has reviewed San Diego
Municipal Code sections 102.0201 and 102.0301 having to do with
Vesting Tentative Maps, and has suggested several amendments to
these code sections to streamline the regulatory process; NOW,
THEREFORE,

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

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

SEC. 102.0201 Tentative Maps

The subdivider shall file with the Development Services
Department a tentative map or tentative parcel map for each
subdivision of land except for a parcel map submitted for a
"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 may be approved in those zones which permit residential, commercial and industrial uses.

The map and site plan shall comply with all ordinances, policies and standards in effect at the date the Development Services Department has determined that the application is complete pursuant to Section 65943 of the California Government Code. Ordinances, policies and standards include, but are 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 any interim development ordinance, adopted by the City Council in accordance with Section 101.0560 that may be in effect at the time the application is deemed complete.

Approval of "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, and other applicable ordinances, policies and standards all in effect at the time of application for "tentative map" approval. Building permits shall be issued annually pursuant to the applicable community phasing plan.

"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 (in effect at the time of application for "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.

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" shall be filed with the Development Services 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 Development Services Director and the City Engineer.

"Tentative 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, Sections 101.0205.3 of the San Diego Municipal Code.

"Tentative 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, "tentative maps" for 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 approval of a "tentative map" for such property and/or the proposed timing and phasing of such development will not jeopardize the achievement of the 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 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. A list of proposed uses.
2. Grading plan (complete).
3. Geological report, including subsurface observations.
4. Flood control plans (existing and proposed).
5. List of proposed sewer and water services.
6. Street and road improvement preliminary plans.
7. A timing, phasing and financing plan for all

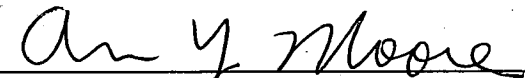
public capital improvement facilities with a proposal for assuring installation prior to obtaining a grading or building permit coupled with facility completion prior to occupancy of any dwelling unit. No vesting tentative map or vesting tentative parcel map shall be granted until a capital improvement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

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

Section 3. 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



Ann Y. Moore
Deputy City Attorney

AYM:ps:pev
11/03/94
Or.Dept:DSD
O-95-33