

CORRECTED COPY

(O-85-188 Rev. 3)

ORDINANCE NUMBER O- 16460 (NEW SERIES)

ADOPTED ON JUL 8 1985

AN ORDINANCE LIMITING THE ISSUANCE OF BUILDING PERMITS AND COMMENCEMENT OF CONSTRUCTION WITHIN THE MISSION VALLEY COMMUNITY PLAN AREA AND SPECIFIED ADJACENT AREAS IN THE CITY OF SAN DIEGO UNTIL A FINANCING PLAN FOR PUBLIC IMPROVEMENTS HAS BEEN ADOPTED BY THE CITY COUNCIL.

WHEREAS, the recommendations of the Mission Valley Community Plan identify the need for substantial improvements to the community's street circulation system; and

WHEREAS, the construction of new development in the valley consistent with existing zones will far exceed the capacity of the yet unbuilt and unfinanced Mission Valley Community Plan recommended street circulation system; and

WHEREAS, under present zoning, a potential exists for more than tripling the amount of development already existing in the community; and

WHEREAS, present and future development under existing zoning will generate almost twice the volume of traffic that can be accommodated by the community's projected street circulation system under the Mission Valley Community Plan; and

WHEREAS, continued development under existing zoning in the Mission Valley community could impair the ability of The City of San Diego to implement recommended solutions to the deficiencies in the street circulation system which are in the interest of the public health, safety and general welfare; and

WHEREAS, Municipal Code Section 91.01 empowers the City Council to limit or prohibit the issuance of any type, number or geographical distribution of permits where such issuance would detrimentally affect the public health, safety or general welfare; NOW, THEREFORE,

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

Section 1. Within that portion of the Mission Valley area of The City of San Diego included within the traffic assignment zones of the Mission Valley Community Plan, including the Mission Valley Community Plan area, the southerly portion of the Linda Vista Community Plan lying north of Friars Road and west of State Route 163 and that area which was formerly the southern portion of the Serra Mesa Community Plan area lying north of Friars Road between State Route 163 and Interstate 15, as designated on that certain Zone Map Drawing No. C-688, filed in the office of the City Clerk as Document No. 00-16460 no building permits shall be issued for construction of any structure if the trip generation of the existing and proposed uses of the premises exceeds the average daily trip allocation for the premises as set forth in Section 2 hereof, unless a Planned Development Permit is obtained or Specific Plans are approved pursuant to Sections 3 and 4 hereof.

Notwithstanding any provision hereof to the contrary, the above shall not be applied to any property northerly of Friars Road and westerly of Via Las Cumbres for which an owner executes and records a declaration of covenants to participate in

assessment district payments or other transportation program funding, in a form approved by the City Attorney.

Notwithstanding any provision hereof to the contrary, the above shall not be applied to an application for a building permit in connection with the following:

1. A change of use within an existing regional shopping center which exceeds one million square feet of floor area, as defined by the Progress Guide and General Plan of The City of San Diego.

2. An increase of not to exceed a total of one percent of the total floor area or 15,500 square feet during the period of this interim ordinance, whichever is the lesser figure, of any existing regional shopping center which exceeds one million square feet of floor area, as defined by the Progress Guide and General Plan of The City of San Diego, provided:

a. Such increase involves an addition to an existing structure and/or enclosure of space already used for pedestrian access to existing buildings; and

b. That prior to the issuance of any building permits, the owner or owners of said property shall execute and record a declaration of covenants to participate in assessment district payments or other transportation program funding (such assessment district payments or other transportation program funding shall apply only to the increase in square footage), in a form approved by the City Attorney; and

c. That, in the opinion of the City Engineer and Planning Director, such increase does not represent a significant impact on the circulation system.

Notwithstanding any provision hereof to the contrary, the above shall not be applied to that parcel of land designated as Assessor's Parcel Number 438-011-04 insofar as it has been determined that development has been delayed to an extent by actions of the City of San Diego in determining ownership of the vacated street right-of-way abutting the parcel in question; provided, however, that any development occurring on the property shall be subject to the following provisions:

1. That development shall not exceed a floor area ratio of 1.0;

2. That parking must meet the standards of the CO Zone of one parking space per 300 square feet of building area;

3. That development plans will be limited to office development permitted in the M-1B Zone and retail development will be prohibited, and

4. That prior to the issuance of any building permits, the owner of said property shall execute and record a declaration of covenants to participate in assessment district payments or other transportation program funding, in a form approved by the City Attorney.

Section 2. Building permits for buildings which comply with all applicable provisions of this ordinance shall be approved if the existing and proposed construction do not generate traffic in excess of that provided by the following Average Daily Trip (ADT) standards:

1. 150 ADT per gross acre for projects in the area lying north of the center line of Interstate 8 and west of the center line of State Route 163 except for any project lying within the Hillside Review (HR) Overlay District which shall have 150 ADT per net acre as set forth in paragraph 3 of this section.

2. 140 ADT per gross acre for projects in the area lying north of the center line of Interstate 8 and east of the center line of State Route 163 except for any project lying within the Hillside Review (HR) Overlay District which shall have 140 ADT per acre as set forth in paragraph 3 of this section.

3. 200 ADT per net acre for projects in the area lying south of the center line of Interstate 8. For purposes of determining net acres, those areas lying within the Hillside Review (HR) Overlay District shall be excluded.

Section 3. Building permits for any new project or additions to an existing project which generate traffic in excess of that provided by Section 2 hereof, but not exceeding the limitations contained in the Development Intensity Districts as set forth in Table 1 below and delineated in that certain Zone Map Drawing No. C-688, filed in the office of the City Clerk as Document No.

00-16460, shall be processed in accordance with the provisions of this Section.

TABLE 1

DEVELOPMENT INTENSITY DISTRICTS

<u>District</u>	<u>Trips Per Gross Acre</u>
A.	338*
B.	263
C.	417*
D.	380*
E.	353*
F.	140*
G.	344
H.	323
I.	571
J.	671*
K.	424*
L.	267
M.	157

*Per net acre for any parcel which is partially or entirely within the Hillside Review (HR) Overlay District. Net acres shall be determined as set forth in Section 2, Paragraph 3.

1. The project is submitted and processed as a Specific Plan or a planned development in accordance with the provisions of Sec. 101.0910 (Planned Commercial Developments) of the San Diego Municipal Code.

2. The project mitigates all impacts and participates in the financing of the public facilities necessary to accommodate the project's traffic impacts.

3. In addition to satisfying the requirements of paragraph 2 of this section, the findings required to be made for the issuance of a Planned Development Permit shall also be made in any instance where a Planned Development Permit is requested in lieu of requesting a Specific Plan initiation and approval.

Section 4. Building permits for any new project or additions to an existing project which generate traffic in excess of the traffic allocations established by Table 1 shall be approved for construction if the project satisfies the following requirements:

1. The project is to be submitted and processed in accordance with the provisions of Section 3, paragraph 1 of this ordinance.

2. A traffic study shall be prepared identifying the traffic impacts and mitigation required by the project. This study may be a computerized traffic forecast as determined by the City Engineer.

3. The project satisfies the provisions of Section 3, paragraph 3 of this ordinance.

4. The project mitigates all direct and cumulative impacts in excess of the traffic allocations established by Table 1 and

the project finances the public facilities necessary to accommodate the project's direct and cumulative impacts.

5. A community plan amendment is approved.

Section 5. For purposes of this ordinance, Average Daily Trips (ADT) shall mean the numerical value obtained by multiplying the size of the building by the applicable trip generation factor, as set forth in this Section, and dividing that number by the number of acres in the project.

1. The Engineering and Development Department of the City of San Diego shall make the determination of the development intensity of each project in accordance with the provisions of this ordinance prior to issuance of any building permits.

2. The document entitled "Definitions of Land Use Categories" shall be the basis for determinations regarding interpretation of the land uses set forth in Table 2 hereof. Said document is on file in the Transportation and Traffic Engineering Division of the Engineering and Development Department of the City of San Diego.

3. Trip generation factors for land uses not listed in Table 2 below shall be determined by the City Engineer in accordance in accordance with the document entitled "Recommended Weekday Trip Generation Rates Summary (Vehicle-Trips)," on file in the Transportation and Traffic Engineering Division of the Engineering and Development Department of the City of San Diego.

DEVELOPMENT INTENSITY FACTORS

<u>Residential</u>	<u>Rate/Units</u>
Single-Family House	10 trips per d.u.
Multi-Family (under 30 units/acre)	8 trips per d.u.
Multi-Family (30 or more units/acre)	6 trips per d.u.

Offices

Commercial Office (under 100,000 sq. ft.)	20 trips/1,000 sq. ft.
Commercial Office (100,000 or more sq. ft.)	16 trips/1,000 sq. ft.
Medical Office	90 trips/1,000 sq. ft.

Commercial

Neighborhood Shopping Center (less than 100,000 sq. ft.)	120 trips/1,000 sq. ft.
Community Shopping Center 100,000 - 225,000 sq. ft.	70 trips/1,000 sq. ft.
Regional Shopping Center (over 1,250,000 sq. ft.)	30 trips/1,000 sq. ft.
(1,000,000 - 1,250,000 sq. ft.)	35 trips/1,000 sq. ft.
(500,000 - 1,000,000 sq. ft.)	38 trips/1,000 sq. ft.
(225,000 - 500,000 sq. ft.)	60 trips/1,000 sq. ft.

Freestanding Retail/Strip Commercial	40 trips/1,000 sq. ft.
Sit-Down Restaurant (Low Turnover)	100 trips/1,000 sq. ft.
Sit-Down Restaurant (Medium Turnover)	170 trips/1,000 sq. ft.
Fast-Food Restaurant (High Turnover)	770 trips/1,000 sq. ft.
Hotel/Motel	10 trips/room
Automobile Dealer	58 trips/1,000 sq. ft.
Health Club	45 trips/1,000 sq. ft.
Rental Storage	3 trips/1,000 sq. ft.

Industry

Small Industry (under 100,000 sq. ft.)	14 trips/1,000 sq. ft.
Large Industry (100,000 or more sq. ft.)	8 trips/1,000 sq. ft.
Small Industrial/Business Park (under 100,000 sq. ft.)	18 trips/1,000 sq. ft.

Others

Convalescent Hospital	3 trips/bed
Four-year College	2.8 trips/student
High School	1.5 trips/student
Jr. High School	1.0 trips/student
Elementary School	1.4 trips/student

Section 6. Development occurring within the Mission Valley Interim Development Intensity Regulatory Overlay District shall be in conformance with the provisions of the underlying land use zones and the provisions of this ordinance. Where there is a conflict between the provisions of any underlying land use zone and the provisions of this ordinance, the provisions of this ordinance shall apply.

Section 7. The provisions of this ordinance shall not apply to any building permit which has been obtained from the City's Building Department prior to the effective date of this ordinance or to a project proposing modifications to an already constructed building; provided, however, that the affected parcel's existing level of traffic generation is not exceeded.

Section 8. The following exceptions to the provisions of this ordinance shall be permitted:

1. Projects permitted under Planned Industrial Development, Planned Commercial Development or Planned Residential Development permits approved prior to the effective date of this ordinance may develop in accordance with the provisions of the approved Planned Development Permit; provided, however, that any requested amendments to approved permits which increase traffic generation shall be subject to the provisions of this ordinance.

2. Projects contained within Specific Plans which have been approved or Specific Plans which have been initiated by the Planning Commission may be developed according to the Specific Plans; provided, however, that said Specific Plans must have been approved by the City Council and shall be subject to any conditions imposed by the City Council.

3. Nothing in this ordinance shall preclude any review of any proposed amendments to planned developments and Specific Plans under the standard review procedures of The City of San Diego.

4. That property known as Dos Pueblos Units Nos. 1 and 2 (as shown in Map No. 10312 and Map No. 10318 on file with the County Recorder) for which an Environmental Impact Report has been prepared and approved for development on the property, dedications to the City for street construction and widening have been made and a mobile home relocation program has been implemented for former residents of the property, all in conjunction with the rezoning of the property by the City. This exception shall be effective for a period of one year from the date of adoption of this ordinance to allow the owner and the City of San Diego to enter into a Development Agreement covering the existing and planned development on the property, provided that such development does not generate ADTs in the aggregate exceeding those analyzed in Environmental Impact Report No. 79-7-35 as certified by the City of San Diego and provided further that structural development shall not occur on land within 51 feet to 55 feet immediately north of the Floodway Zone Boundary during the time this exception is effective. This exception may be extended for an additional one year period upon the owner and the City agreeing to and giving notice of such extension at least 90 days prior to expiration of the original one year period if a Development Agreement has not been approved and is not effective on the date by which notice must be given.

Provided further that the property shall be permanently excepted from this ordinance upon a Development Agreement being executed and becoming effective between the owner and the City of San Diego.

5. That property described as Parcels 1 and 2 of Map No. 11773 (on file with the County Recorder) shall be excepted from the provisions of this ordinance upon presentation to the City Council of an unrevocable offer for a period of time not to exceed 20 years to dedicate right-of-way for a public transit facility within an area of Parcel 2, 35 feet in width, and located parallel to and abutting the southerly boundary of said parcel.


Section 9. The provisions of this ordinance shall be in effect until the Finance Plan referred to on page 247 of the Community Plan has been adopted by the City Council.

Section 10. The City Council will review the status of the funding program for Highways 52 and 125 one year from the effective date of this ordinance. If it is determined that substantial progress has not been made on the funding of these highways, the Council will consider, at that time, a 5% density reduction in the assigned figures of Table 1.

Section 11. 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


Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:630

05/02/85

REV. 1 - 07/02/85

REV. 2 - 07/09/85

REV. 3 - 07/17/85

Or.Dept:Plan.

O-85-188

Form-o.none

51

JUL 8 1985

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<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"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

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

(Seal)

By June L. Blackwell, 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

JUN 25 1985, and on JUL 8 1985

~~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 June L. Blackwell, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-16460</u>	Adopted <u>JUL 8 1985</u>

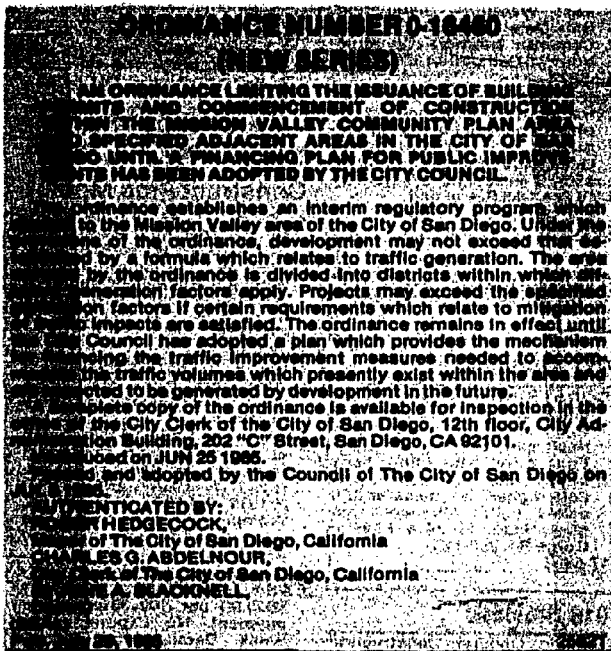
CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 "C" STREET - 12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE LIMITING THE ISSURANCE OF BUILDING PERMITS AND COMMENCEMENT OF CONSTRUCTION WITHIN THE MISSION VALLEY COMMUNITY PLAN AREA AND SPECIFIED ADJACENT AREAS IN THE CITY OF SAN DIEGO UNTIL A FINANCING PLAN FOR PUBLIC IMPROVEMENTS HAS BEEN ADOPTED BY THE CITY COUNCIL



I, Martha Duran, 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-16460

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:

July 29, 1985

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

Dated at San Diego, California this 29th day of July, 1985.

Martha Duran
(Signature)

3/2 x 2 x 9.76 = 68.32

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