

ORDINANCE NUMBER O- 16525 (NEW SERIES)

ADOPTED ON OCT 28 1985

AN INTERIM MEASURE ESTABLISHING A TEMPORARY ORDINANCE LIMITING FOR A PERIOD OF ONE YEAR, OR UNTIL THE UPDATE OF THE GREATER GOLDEN HILL PRECISE PLAN IS COMPLETED, WHICHEVER COMES FIRST, THE ISSUANCE OF BUILDING PERMITS AND COMMENCEMENT OF CONSTRUCTION WITHIN THE GREATER GOLDEN HILL PRECISE PLAN AREA.

WHEREAS, The City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to act to protect and promote the public health, safety and welfare of its citizens; and

WHEREAS, the construction of new high density residential development within the Greater Golden Hill Precise Plan area has accelerated during the recent two-year period; and

WHEREAS, under existing zoning, recent experience has shown that development has and will continue to greatly exceed the density set forth in the Greater Golden Hill Precise Plan; and

WHEREAS, a reasonable period of time is necessary to prepare rezonings and updates of the Greater Golden Hill Precise Plan; and

WHEREAS, Section 101.0203.1 of the San Diego Municipal Code provides that the City Council may adopt as an interim measure an temporary ordinance prohibiting uses which may be in conflict with a contemplated zoning proposal or study which the City Council, Planning Commission or the Planning Department is considering, or studying, or intends to study within a reasonable time; and

WHEREAS, it has been determined by the City Council that an emergency situation exists within the Greater Golden Hill Precise Plan area with respect to the design and development of new building; and

WHEREAS, the Council of The City of San Diego has directed the preparation of a rezoning program to provide for consistency with the adopted Greater Golden Hill Precise Plan; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety or welfare and that the approval of additional subdivisions, rezonings, land use permits, building permits or any other applicable entitlement for use would result in a threat to the public safety or welfare unless such entitlements are subject to appropriate development design and density control; and

WHEREAS, the aforesaid findings are supported by documentary evidence in the public record of examples or inappropriate development, specifically:

1. The Open Space designated areas of 32nd Street and 34th Street canyon; and by

2. The continuing number of low income and senior housing projects seeking 25 to 50 percent bonus densities that exceed the densities originally recommended by the Greater Golden Hill Community Plan; and

WHEREAS, the public improvement infrastructure may not be able to support the maximum buildout permitted by existing zoning; and

WHEREAS, continued development in excess of the density set forth in the Greater Golden Hill Precise Plan could impair the ability of The City of San Diego to implement solutions which are in the interest of the public health, safety and general welfare of the citizens of the City of San Diego; and

WHEREAS, the Council of The City of San Diego held a hearing in compliance with Section 101.0203.1 of the San Diego Municipal Code; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, that the following provisions are adopted as an emergency measure:

Section 1. BOUNDARY

This ordinance shall apply to the area commonly known as the Greater Golden Hill Precise Plan area; a copy of this boundary is on file in the office of the City Clerk as Document No. 00-16525, excluding therefrom the Golden Hill Planned District.

Section 2. PROHIBITION

Within the boundary as indicated in Section 1. above, no building permit shall be issued for construction of any structure unless the following procedures have been complied with:

A. A building permit application was filed with the Building Inspection Department prior to 5:00 p.m. on August 29, 1985.

- B. Ministerial review of building permits for:
1. One-family buildings.

2. Accessory buildings or improvements to one and two-family buildings, multi-family and nonresidential buildings, except where the accessory building or improvement is located in the Hillside Review Overlay Zone.

3. Building permits for interior modifications or minor exterior modifications of an existing building such as repair or a building facade enhancement.

4. Fallout shelters, except where the fallout shelter is located in the Hillside Review Overlay Zone.

5. Mechanical installations.

C. Discretionary review by the Planning Director prior to issuance of building permits for:

1. Any building permit found by the Planning Director to be consistent with the Greater Golden Hill Precise Plan. The following findings shall be made in order to determine consistency with the Precise Plan:

a. The project conforms to the land uses and densities designated by the Precise Plan.

b. The project proposes limited development in designated open space areas as specifically identified in the Open Space Element of the Precise Plan.

c. The project maintains the scale and character of the surrounding neighborhood by proposing development which visually reflects the 50-foot lot width of older development in the area.

d. The project preserves structures of historic interest or architectural merit and proposes reuse of these structures.

2. Building permits for development projects where a discretionary permit incorporating design review in the form of Planned Residential Development, Planned Commercial Development, Planned Industrial Development, Hillside Review Permit or Conditional Use Permit has been granted, or is approved subsequent to the adoption of this ordinance. The following findings, as well as the findings listed in paragraph C.1. above shall be made in order to approve a proposed project:

a. Planned Residential Development Permit (PRD)

(1) Any project consisting of 12 or more units shall be approved only as a PRD. Projects consisting of less than 12 units shall conform to the densities designated in the Precise Plan, or may be processed under a PRD.

(2) The project consolidates parcels to ensure that development occurs on the less sensitive portions of the site.

(3) The project reserves as unbuildable open space any sensitive canyon or hillside areas on the site.

(4) The project preserves natural landforms and areas of native vegetation on the site.

(5) The project incorporates design of streets which minimizes impact of streets on the site.

(6) The project is consistent with all other standard PRD guidelines.

b. Planned Commercial Development Permit (PCD)

(1) Any commercial development over 5,000 square feet of gross floor area shall be approved only as a PCD. Projects of less than 5,000 square feet shall conform to the recommendations of the Precise Plan, or may be processed under a PCD.

(2) The project provides neighborhood convenience facilities, or a mixture of such facilities and professional offices.

(3) The project proposes pedestrian oriented development with access to structures from the public sidewalk and access to parking from alleys.

(4) Pedestrian circulation is enhanced by landscaping, street furniture, and identification/directional signing adjacent to the public sidewalk.

(5) The project provides a comprehensive sign program.

(6) The project is consistent with all other standard PCD guidelines.

c. Planned Industrial Development Permit (PID)

(1) Any industrial development shall be approved only as a PID.

(2) The project proposes light industrial uses only, as defined in Chapter X, Article 1, Division 4, Section 101.0434.1 of the San Diego Municipal Code, the M-LI (Manufacturing - Light Industrial) Zone.

(3) The project proposes a landscaping plan which enhances public streets and sidewalks, screens storage, mechanical, loading and trash collection areas; and provides perimeter and interior landscaping in vehicle use areas.

(4) The project maintains natural runoff patterns.

(5) The project is consistent with all other standard PID guidelines.

d. Hillside Review Permit (HRP)

(1) The project minimizes grading within the portions of the site subject to the Hillside Review Overlay Zone.

(2) The project preserves natural landforms and areas of native vegetation in the site.

(3) The project contours all manufactured slopes to reproduce natural landforms.

(4) The project will not result in any erosion, slide damage, or flooding either during or after the completion of construction.

(5) The project proposes a revegetation plan which controls erosion and runoff and provides mature vegetation within a reasonable period of time.

(6) The project clusters development on those portions of the site not within the Hillside Review Overlay Zone and reserves more sensitive portions for unbuildable open space.

(7) The project minimizes the impact of streets and parking areas on the site.

(8) The project is consistent with all other standard HR guidelines.

e. Conditional Use Permit (CUP)

(1) The project is consistent with all development recommendations of the Precise Plan for those uses proposed by the CUP.

(2) The project is consistent with all CUP standards.

3. Building permits for development projects which increase the permitted density of the Precise Plan through the use of the Affordable Housing Density Bonus Program. The following findings must be met prior to the approval of any such permit.

a. The existing streets, water and sewer system and all other components of the existing infrastructure are capable of supporting the proposed density of the development.

b. The project is consistent with all other permit requirements.

Section 3. Notwithstanding any other provision hereof to the contrary, the Planning Director may:

A. Waive the permit requirements for an activity regulated under this interim ordinance when it is determined that the proposed activity is necessary to avoid or abate a hazardous or other unsafe condition; or

B. Modify the permit requirements for an activity regulated under this interim ordinance where, due to the small size, location or other circumstances of the activity, it is demonstrated that such application requirements are not necessary to assure implementation of the purpose and intent of this ordinance.

Section 4. Notwithstanding any other provisions hereof to the contrary, the Planning Commission may review planned development permits or Hillside Review Permits appealed from the decision of the Planning Director and approve projects not in conformance with the Greater Golden Hill Precise Plan providing the Planning Commission can make the finding that overriding considerations exist, and due to unique circumstances associated with the project or property situations exist which warrant such relief from the requirements of the ordinance.

Section 5. The provisions of this ordinance shall not apply to the land encompassed by Final Map No. 10375 on file in the office of the County Recorder of San Diego County, provided:

A. Said land may be developed with 90 dwelling units of which 18 shall be made available to low or moderate income persons pursuant to a contract between the developer and the Housing Commission of The City of San Diego;

B. A Planned Residential Development Permit is obtained prior to the issuance of any building permits;

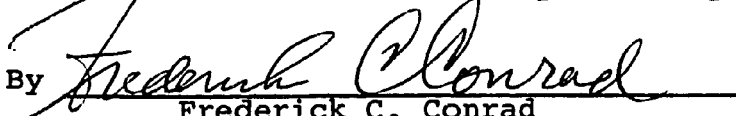
C. The provisions of HRP No. 146 are incorporated into the project; and

D. A dismissal with prejudice as to all defendants of Superior Court Case No. 534910 is filed in the office of the Clerk of the Superior Court of San Diego County no later than January 29, 1986.

The provisions of this section are included herein expressly for the purpose of settling the litigation referred to above.

Section 6. This ordinance shall take effect and be in force 30 days from its adoption by the Council of The City of San Diego and shall remain in effect for a period of one year, or until the update of the Greater Golden Hill Precise Plan is completed, whichever comes first; unless it is extended by act of this Council or is superseded by new legislation.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:630
09/17/85
10/22/85 Rev. 1
Or.Dept:Plan.
O-86-48

RECEIVED
CITY CLERK'S OFFICE

1986 OCT 22 PM 2:03

SAN DIEGO, CALIF.

U6

01486

10/22/86

Passed and adopted by the Council of The City of San Diego on OCT 28 1985,
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 7	<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 Maydell E. Porterson, 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 14 1985

OCT 28 1985

, 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 Maydell E. Porterson, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-16525</u>	Adopted <u>OCT 28 1985</u>

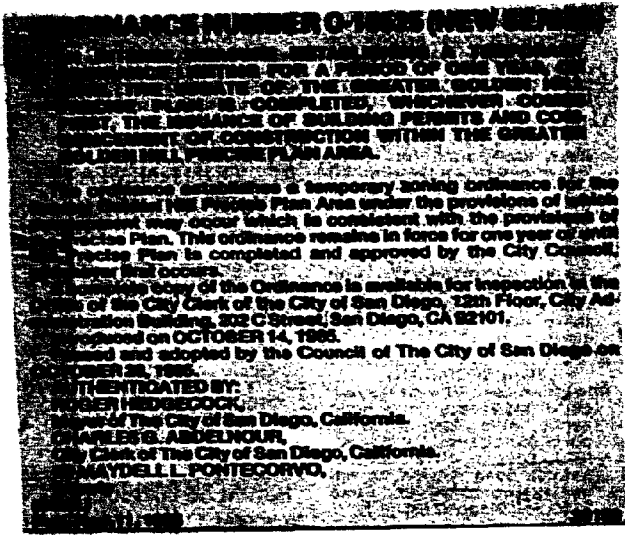
CERTIFICATE OF PUBLICATION

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

IN THE MATTER OF

NO.

AN INTERIM MEASURE ESTABLISHING A TEMPORARY ORDINANCE



I, Gerald F. Blair, 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-16525 (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:

November 11, 1985

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

Dated at San Diego, California this 11th day of Nov., 19 85.

Gerald F. Blair
(Signature)

$$2\frac{5}{8} \times 2 \times 9.76 = 51.24$$

01188