

ORDINANCE NUMBER O-16908 (NEW SERIES)

ADOPTED ON JUL 21 1987

AN ORDINANCE OF THE CITY OF SAN DIEGO REGULATING FOR AN INTERIM PERIOD DEVELOPMENT IN THE URBANIZED, PLANNED URBANIZING AND FUTURE URBANIZING AREAS OF THE CITY AS DEFINED IN THE PROGRESS GUIDE AND GENERAL PLAN (ADOPTED FEBRUARY 26, 1979) IN ORDER TO ALLOW THE CITY SUFFICIENT TIME TO COMPLETE AN UPDATE TO THE PROGRESS GUIDE AND GENERAL PLAN AND TO STUDY AND RECOMMEND APPROPRIATE ZONING AND OTHER PLAN IMPLEMENTATION POLICIES AND REGULATIONS WITHOUT THE PRESSURE CAUSED BY ONGOING DEVELOPMENT AND GROWTH AT RATES EXCEEDING REGIONAL FORECASTS AND THE PHASED BUILDOUT OF COMMUNITY PLANS AND BEYOND THE CITY'S PUBLIC FACILITY AND SERVICE CAPACITIES; PROVIDING THE ESTABLISHMENT OF AFFECTED AREAS; PROVIDING THE DURATION OF THE INTERIM REGULATIONS; PROVIDING THE SCOPE OF THE INTERIM REGULATIONS; PROVIDING A PROCEDURE FOR DEVELOPMENT APPROVAL DURING THE INTERIM PERIOD; PROVIDING FOR THE EFFECT OF THIS ORDINANCE ON EXISTING CITY REGULATIONS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of San Diego, California (hereinafter called "City") is a Charter City pursuant to Article 11, Section 3, of the California Constitution and the City Charter of The City of San Diego, and has all governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions and render municipal services, including the authority to adopt and enforce general and specific plans, zoning and subdivision regulations, and other land use control measures to protect and promote the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to the provisions of the City Charter and of State law, the City is charged with the responsibility of planning for the future growth and development of the City, including the preparation of a General Plan and the implementation thereof through the adoption of rules and regulations governing the issuance of building permits, the approval of tentative and final subdivision maps, and the enactment of a zoning map and zoning regulations; and

WHEREAS, the City has adopted a Progress Guide and General Plan (February 26, 1979), including Guidelines for Future Development which set forth the goals, objectives and policies for growth and development in the urbanized, planned urbanizing and future urbanizing areas of the City which are defined in the General Plan text and illustrations with respect to community plan areas; and

WHEREAS, pursuant to the Progress Guide and General Plan, the City Council has adopted Council Policy resolutions applicable to the planned and future urbanizing areas of the City, which policies were designed, inter alia, to limit development in the future urbanizing area and to shift a portion of the development projected for the planned urbanizing area to the urbanized area; and

WHEREAS, pursuant to the Progress Guide and General Plan, the City Council has adopted Council Policy Nos. 600-10 and 600-28 which provide that development will not be approved without adequate public facilities; and

WHEREAS, the Progress Guide and General Plan was designed to accommodate projected development and buildout of community plan capacities measured to the horizon year of the community plans based on San Diego Council of Government's (hereinafter called "SANDAG") Series IV population forecasts, which projected an additional 134,500 persons and 66,500 housing units for the City of San Diego during the period 1977 to 1985; and

WHEREAS, actual growth during the period 1977 to 1985 has been an additional 182,571 persons and 88,365 housing units, thereby exceeding the forecasts by thirty-six percent (36%) (population) and thirty-three percent (33%) (housing units); and

WHEREAS, the current SANDAG Series VI forecasts indicate continued high growth rates in the City, particularly in the planned urbanizing area and in certain urbanized area communities; and

WHEREAS, the recent adoption of growth limitation measures in various cities in San Diego County will increase pressure on the City of San Diego to accommodate an even larger share of regional population; and

WHEREAS, despite Council Policy Nos. 600-10 and 600-28, the growth in population and housing units since 1979 has exceeded the City's ability to provide public facilities concurrent with the growth and has led to facility deficiencies, reductions in levels of service, reductions in environmental quality, loss of open land, traffic congestion, and other land use, public facility and environmental problems; and

WHEREAS, in recognition of these concerns and in light of the fact that the Progress Guide and General Plan is now eight (8) year old, the City Council has authorized a reevaluation of the City's Growth Management Program and the preparation of an update to the Progress Guide and General Plan; and

WHEREAS, the City Council has appointed a Citizens Advisory Committee on Growth and Development to review and make recommendations on the reevaluation and plan update; and

WHEREAS, the City Council has retained consultants to assist the Planning Department and the Citizens Advisory Committee in the growth management reevaluation and plan update process; and

WHEREAS, a continuation of the City's current and forecasted growth rate during the reevaluation and plan update period will have a deleterious effect on the City and on its ability to effectively implement the new plan; and

WHEREAS, it has been shown that without interim controls the rate of development may substantially exceed levels consistent with orderly community plan buildout, will greatly exceed the City's ability to provide necessary public facilities and services and will exacerbate reductions in environmental quality; and

WHEREAS, pending the completion of the reevaluation and adoption of the plan update and appropriate implementation measures, controls must be enacted to protect the integrity of the plan update; and

WHEREAS, such controls should be enacted for the purpose of protecting the public interest, preventing development which will

exacerbate public facility and service problems and preventing the rate of development from exceeding an orderly and phased buildout consistent with applicable community plans and/or SANDAG forecasts, which development would prejudice the integrity and objectives of the growth management reevaluation and plan update; and

WHEREAS, such controls shall be the minimum necessary to accomplish the objectives herein stated and shall permit development consistent with orderly and phased buildout of the community plan areas and with the provision and financing of public facilities and services necessary to accommodate such development; and

WHEREAS, such controls authorize a level of development on an annual basis which is consistent with the average growth rate of the City during the period 1983 through 1985 as well as the growth rate of the City of the past sixteen (16) years; and

WHEREAS, the City Council finds that the continued approval of development in community plan areas in excess of the rates indicated by the community plans and/or SANDAG forecasts without adequate public facilities and without assurances of preservation of environmental quality will result in a threat to the public health, safety or welfare unless such development is subject to appropriate controls; and

WHEREAS, the aforesaid findings are supported by documentary evidence in the public record of excessive rates of development and/or public facilities inadequacies and/or degradation of environmental quality; and

WHEREAS, the Planning Commission has conducted a public workshop and public hearings regarding the utilization of an interim development control; NOW, THEREFORE,

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

Section 1. AFFECTED AREA

This ordinance shall apply to the area commonly known as the urbanized, planned urbanizing and future urbanizing areas of the City, as defined in the Progress Guide and General Plan text and illustrations with respect to community plan areas, and as set forth herein; a copy of the boundaries of these areas is on file in the office of the City Clerk as Document No. 764585 and 764586.

Section 2. DURATION OF INTERIM REGULATIONS (INTERIM PERIOD)

The provisions of this ordinance shall take effect and be in force on the thirtieth (30th) day from and after its adoption by the City Council and shall remain in effect for a period of eighteen (18) months, or, until completion of the growth management reevaluation and the adoption and implementation by the City Council of the Progress Guide and General Plan update, whichever occurs first.

Section 3. SCOPE OF INTERIM REGULATIONS

The specific provisions of Sections 4., 6. and 7. of this ordinance shall apply only to residential development. The remaining sections of the ordinance shall apply to residential development as well as industrial and commercial development.

#### Section 4. INTERIM REGULATIONS FOR RESIDENTIAL DEVELOPMENT

A. This section shall apply to all residential development except the following categories which are deemed exempt: (1) housing which meets the affordable housing needs of lower income households as defined by California Health and Safety Code Section 50079.5, and the Department of Housing and Urban Development regulations, including housing developed with the assistance of public funds in nonimpacted areas as defined in the Housing Element of the Progress Guide and General Plan of The City of San Diego; (2) senior citizen housing as approved by a conditional use permit; (3) construction of an individual dwelling unit conforming to existing zoning requirements on a preexisting recorded lot in separate ownership prior to the effective date of this ordinance; (4) all formally adopted redevelopment plans, including all preliminary plan areas, revitalization areas and enterprise zones; (5) the Centre City Community plan area; (6) the Tierrasanta Community plan area; (7) the Otay Mesa Community plan area; (8) all trolley corridors; and (9) the Mid-City transportation corridors. For purposes of this ordinance only, "residential development" means construction of new dwelling units requiring issuance of a building permit pursuant to Section 91.01 of the San Diego Municipal Code, but does not include remodeling, additions, rehabilitation or other improvements to an

existing structure, or rebuilding or replacement of an existing structure, provided such activities do not result in an increase in dwelling units.

B. No building permit for residential development for which application has been submitted to the City after April 29, 1987, and not yet issued by the effective date of this ordinance, except exempt development, shall be granted by the City for any property lying within the affected area unless the application for building permit has been processed in accordance with the procedures set forth in Section 6., herein.

C. No rezoning of property for residential development, except exempt development, shall be granted by the City, except as provided in this paragraph, for any property lying within the affected area if such rezoning is inconsistent with the designation of an adopted community plan. Rezonings of property to land uses and densities consistent with adopted community plans may be granted within the affected areas, except in urbanized communities where such rezonings may be granted if the City Council has approved, on or after July 1, 1982, a comprehensive plan update or a specific plan. Additionally, there must be findings made which show the community-wide facilities needs were analyzed and found consistent with the requirements set forth in this section. Rezonings in urbanized communities, where



there has not been a City Council approved comprehensive plan update or specific plan on or after July 1, 1982, may be granted if the rezoning was the subject of a noticed public hearing of the Planning Commission prior to the effective date of this ordinance. The City Council may grant relief to the requirements of this section if an applicant for a rezoning can demonstrate that the property in question had been addressed by a planning process whereby the community-wide facilities needs and impacts were found to be consistent with the requirements set forth in this section.

D. A community plan amendment which increases the permissible intensity of development may be approved if such plan amendment is part of a comprehensive review and amendment of the entire community plan, or is part of a consolidated community plan amendment (as addressed by Council Policy No. 600-35) which analyzes community-wide public facility needs and impacts. Where such community-wide analysis identifies the need, either wholly or in part for new or expanded facilities resulting from the plan amendment, the proponent shall construct the new facilities, or provide funding for its proportionate share of the expanded facilities. The comprehensive or consolidated plan amendment analysis shall be based upon the following: an analysis of existing development; a capacity analysis for each major public facility affected by the plan amendment; an

assessment of the percentage of capacity of public facilities, affected by the plan amendment, currently being utilized; level of service standards for each public facility affected by the plan amendment; community plan development capacity; and public facility needs at full development capacity as affected by the plan amendment. Such plan amendment shall require a timing and phasing element which coordinates building activity with the provision of adequate public facilities.

A community plan which complies with the provisions of this paragraph and which has been the subject of a noticed public hearing at the City Council may be released by the City Council upon the adoption of the appropriate findings from the provisions of this ordinance.

E. The maximum number of dwelling units for residential development, except exempt development, for which building permits may be issued in the City-wide affected area and the allotment for each community plan during the one (1) year period following the effective date of this ordinance shall be as set forth in SCHEDULE A, attached hereto and incorporated herein by reference. SCHEDULE A shall be recalculated for the final six (6) month period of this ordinance.

F. The City Council within sixty (60) days from the effective date of this ordinance may adopt a Council

resolution to amend SCHEDULE A to reflect the actual number of building permits issued to the date of adoption of this ordinance and to modify the annual dwelling unit allocation. Every six (6) months during the effective period of this ordinance, the City Council shall by resolution review, revise or update, as necessary, the annual dwelling unit allocation for each community plan area as established in SCHEDULE A.

Section 5. ENVIRONMENTALLY SENSITIVE LANDS

Conditional use permits which would allow development in coastal bluffs, wetlands, floodplains, hillside review areas or environmentally sensitive habitats shall not be granted during the life of this ordinance, unless such action is the subject of a noticed hearing held by the City Council. Community plan amendments, rezonings, or specific plans which would permit development in coastal bluffs, wetlands, floodplains, hillside review areas or environmentally sensitive habitats shall not be approved during the life of this ordinance unless such action is in conformance with a community plan adopted on or after July 1, 1982, or unless such action is the subject of a noticed hearing held by the City Council. For purposes of this section, the following definitions apply:

1. Environmentally Sensitive Habitat. All land which supports unique, rare, endangered, or threatened species of animals or plants or which supports unique vegetation communities. This definition shall be broadly interpreted to give the maximum protection to environmental resources.

2. Floodplains. All areas subject to flooding once in every one hundred (100) years as mapped by the Federal Emergency Management Agency.

3. Hillsides. All lands having a slope with a natural gradient in excess of twenty-five percent (25%) (twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance) as mapped by the Hillside Review Overlay Zone.

4. Wetlands. All lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by water as mapped by the United States Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the United States. All lands having one (1) or more of the following attributes are wetlands:

- a. At least periodically, the land supports predominantly hydrophytes;
- b. The substrate is predominantly undrained hydric soil; or
- c. The substrate is nonsoil and is saturated with water or covered by water some time during the growing season of each year.

Wetland includes in addition to the wetland itself a sufficient buffer area to protect the environmental and habitat values of the wetland. Wetland shall include, but not be limited to, lagoons, marshes,

estuaries, vernal pools, streams and rivers and associated riparian habitat area.

5. Coastal Bluffs. All areas located in the coastal zone and mapped in the Sensitive Coastal Resource Overlay as an escarpment of steep face or rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass.

Section 6. PROCEDURE FOR DEVELOPMENT APPROVAL DURING INTERIM PERIOD

A. The Planning Director, City Manager and City Attorney, or their designees, (hereinafter collectively called "Administrator") shall be charged with the administration of this ordinance. The duties of the Administrator shall include:

1. Administering development approvals pursuant to the procedure set forth herein during the interim period.

2. Reviewing requests for rezoning in the affected area during the interim period.

3. Reviewing requests for community plan amendments during the interim period.

4. Reviewing requests for approval of exempt developments during the interim period.

B. The Building Official shall not accept building permit applications for processing for dwelling units regulated by this ordinance until the applicant obtains

approval of the dwelling unit or units from the Administrator or through the appeal or variance process.

C. The City shall develop an Interim Development Ordinance Allotment Application Form (hereinafter called "IDO Application Form") to be utilized when required by this section for building permits requested subsequent to April 29, 1987, and not yet issued by the effective date of this ordinance. This form shall be similar to the Planned Infill Residential Development Permit Application Form and shall contain such information as is required by that form as is deemed appropriate by the Administrator.

D. Upon development of the IDO Application Form, the City shall develop and the City Council shall adopt within sixty (60) days from the date of enactment of this ordinance a Council resolution detailing standards and criteria for the review of applications by the Administrator.

Such standards and criteria shall take into account the following four (4) factors in the priority order established herein:

1. A preference to development approvals granted prior to the effective date of this ordinance pursuant to a development agreement or vested tentative map, a planned development permit or a special permit.

2. A preference to proposed development adjacent to existing development which can be served by public facilities without extensions or expansions through intervening lands.

3. A preference to proposed development which will comply with the City's facilities incentive program contributions to capital facilities infrastructure.

4. A preference to multiple-family development.

E. No building permits shall be issued in community plan areas in which the requested dwelling unit allotments exceed the quarterly dwelling unit allocation until the Council resolution described in Subsection D. of this section has been adopted by the City Council.

F. The Administrator shall establish a quarterly dwelling unit allocation for each community plan area which shall be one-fourth (1/4) of the annual dwelling unit allocation (in dwelling units) pursuant to SCHEDULE A.

G. The quarterly allocation periods for the first year shall be:

1. April 30, 1987 through July 31, 1987.
2. August 1, 1987 through October 31, 1987.
3. November 1, 1987 through January 31, 1988.
4. February 1, 1988 through April 30, 1988.

The Administrator shall segregate and review the IDO Application Forms by community plan area. If the number of requested dwelling units in a community plan area is equal to or less than the quarterly dwelling unit allocation for that community plan area, the Administrator shall approve such allocations not later than thirty (30) days following the end of the quarterly period. If the number of requested dwelling units in a community plan area is greater than the quarterly allocation for the applicable community plan area, the Administrator shall have sixty (60) days following the end of the quarterly period to determine the allocation to eligible applicants of the available quarterly allotment. In determining the allotment to individual applicants, the Administrator shall rely upon the information submitted on the IDO Application Form and the standards and criteria as set forth by Council resolution pursuant to Section 6.D. of this ordinance. The Administrator shall notify applicants of the determination within three (3) working days of the date of determination.

H. Not later than ninety (90) days following the end of each quarterly period, the Administrator shall issue a quarterly report to the City Council identifying the requested number of dwelling units and the allocation of dwelling units by community plan area.



I. Within thirty (30) days of the date of determination, an IDO applicant may appeal from the decision of the Administrator. Such appeal, with the reasons therefore, shall be filed in the office of the City Clerk and scheduled for a hearing before the City Council. If as a result of such appeal the City Council increases or provides an allotment to an applicant, a corresponding decrease shall be made in the next quarterly allocation to ensure that the maximum permissible annual allocation (in dwelling units) is not increased above the level set forth in SCHEDULE A.

J. An applicant who receives a dwelling unit allocation shall have one (1) year to submit to the Building Inspection Department a building permit application form to exercise the entitlement to the units represented by the allocation. If any applicant allows building permits issued pursuant to the procedure set forth herein to expire or otherwise waives entitlement to use of such permits, the next quarterly allocation shall be correspondingly increased to ensure that the maximum permissible annual allocation (in dwelling units) may be achieved in the applicable community plan area.

#### Section 7. VARIANCES

The City Council upon recommendation of the Planning Commission of The City of San Diego shall have the power to vary or modify the application of the allotment provisions of this

ordinance upon its determination in its absolute legislative discretion that such variance or modification will be consistent with the spirit of proposed general plan revision; furthers the health, safety and welfare of the City; and is required because of unnecessary hardship or practical difficulty faced by the developer. The total number of dwelling units approved pursuant to this section shall be the difference between the maximum number of annual dwelling units for residential development and the total number allocated for each community plan as set forth in SCHEDULE A.

Section 8. ADDITIONAL REGULATIONS

Subsequent to the adoption by the City Council of a Council Policy or other regulation imposing fees for residential, industrial and commercial development, no building permit shall be granted by the City for any property lying within a community plan area for which facilities benefit assessments have not been established until the applicant therefore has paid an impact fee in an amount equal to the development's proportionate share of the costs of public facilities reasonably related to the needs generated by the development at established service level standards pursuant to the community plan. The applicant shall pay the impact fee in the amount to be set by the City Council pursuant to a Council resolution detailing the standards and criteria for the application of this section, prior to entitlement for any permit to construct.

Section 9. EFFECT OF INTERIM REGULATIONS ON EXISTING CITY  
REGULATIONS AND ORDINANCES

A. This ordinance shall not affect, in any manner, any provision of the San Diego Municipal Code relating to the permissible use of property, density of development, design and improvement standards and requirements or any other aspect of the development of land or provision of public improvements subject to the zoning, subdivision, building or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such residential development.

B. This ordinance is additional and supplemental to, and not in substitution of, any other temporary, emergency or moratorium ordinances enacted by the City Council. Such ordinances shall remain in full force and effect pursuant to their terms and conditions, unless modified by the City Council in accordance with law. To the extent of any conflict between such ordinances and this ordinance, the more restrictive shall be deemed applicable.


Section 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 11. EFFECTIVE DATE

This ordinance shall take effect and be in force on the thirtieth day from and after its adoption.

APPROVED: John W. Witt, City Attorney

By   
Janis Sammartino Gardner  
Deputy City Attorney

JSG:ta  
06/19/87  
07/09/87 REV. 1  
07/22/87 REV. 2  
Or.Dept:Plan.  
O-87-252  
Form=o.none

SCHEDULE A

The maximum number of annual dwelling units for residential development, except exempted development, shall not exceed eight thousand (8,000).

RECEIVED  
CITY CLERK'S OFFICE  
1997 JUL 22 PM 3:14  
SAN DIEGO, CALIF.

SECRET

#343

Passed and adopted by the Council of The City of San Diego on JUL 21 1987,  
by the following vote:

| Council Members        | Yeas                                | Nays                                | Not Present              | Ineligible               |
|------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Abbe Wolfsheimer       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| William Jones          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksm            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Judy McCarty           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Celia Ballesteros      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input 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 Ellen Board, 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 22 1987, and on JUL 21 1987.

~~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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16908 Adopted JUL 21 1987

RECEIVED  
CITY CLERK'S OFFICE  
1937 JUL 22 PM 2: 59  
SAN DIEGO, CALIF.



CERTIFICATE OF PUBLICATION

1987 JUL 13 11:11 AM

CITY OF SAN DIEGO

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: ELLEN BOVARD

NO.

IN THE MATTER OF  
AN ORDINANCE OF THE CITY OF SAN DIEGO REGULATING FOR  
AN INTERIM PERIOD DEVELOPMENT IN THE URBANIZED, PLANNED  
URBANIZING AND FUTURE URBANIZING AREAS OF THE CITY AS  
DEFINED IN THE PROGRESS GUIDE AND GENERAL PLAN

6385

**ORDINANCE NUMBER O-16908 (NEW SERIES)  
ADOPTED ON JUL 21 1987**

AN ORDINANCE OF THE CITY OF SAN DIEGO REGULATING FOR AN INTERIM PERIOD DEVELOPMENT IN THE URBANIZED, PLANNED URBANIZING AREAS OF THE CITY AS DEFINED IN THE PROGRESS GUIDE AND GENERAL PLAN (ADOPTED FEBRUARY 28, 1979) IN ORDER TO ALLOW THE CITY SUFFICIENT TIME TO COMPLETE AN UPDATE TO THE PROGRESS GUIDE AND GENERAL PLAN AND TO STUDY AND RECOMMEND APPROPRIATE ZONING AND OTHER PLAN IMPLEMENTATION POLICIES AND REGULATIONS WITHOUT THE PRESSURE CAUSED BY ONGOING DEVELOPMENT AND GROWTH AT RATES EXCEEDING REGIONAL FORECASTS AND THE PHASED BUILDOUT OF COMMUNITY PLANS AND BEYOND THE CITY'S PUBLIC FACILITY AND SERVICE CAPACITIES; PROVIDING THE ESTABLISHMENT OF AFFECTED AREAS; PROVIDING THE DURATION OF THE INTERIM REGULATIONS; PROVIDING THE SCOPE OF THE INTERIM REGULATIONS; PROVIDING A PROCEDURE FOR DEVELOPMENT APPROVAL DURING THE INTERIM PERIOD; PROVIDING FOR THE EFFECT OF THIS ORDINANCE ON EXISTING CITY REGULATIONS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Section 1. AFFECTED AREA.**  
This ordinance shall apply to urbanized, planned urbanized and future urbanizing areas of the City.  
**Section 2. DURATION OF INTERIM REGULATIONS (INTERIM PERIOD).**  
Eighteen (18) months following its adoption, effective the thirtieth (30th) day of the month.  
**Section 3. SCOPE OF INTERIM REGULATIONS.**  
This ordinance applies to residential, industrial and commercial development, with the exceptions of sections 4., 6., and 7. which will apply only to residential development.  
**Section 4. INTERIM REGULATIONS FOR RESIDENTIAL DEVELOPMENT.**  
A. This section shall apply to all residential development with the following exemptions: (1) low income housing as defined by California Health and Safety Code section 50079.5 and Department of Housing and Urban Development regulations; (2) Senior Citizen Housing as approved by a conditional use permit; (3) individual dwelling units which are already in construction that conform to zoning regulations on a preexisting recorded lot in separate ownership prior to the effective date of adoption of this ordinance; (4) formally adopted redevelopment plans; (5) Centre City Community Plan area; (6) Tierrasanta Community Plan area; (7) Olay Mesa Community Plan area; (8) all trolley corridors; and (9) Mid-City transportation corridors.

I, THOMAS D. KELLEHER, 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-16908 (NEW SERIES)  
ADOPTED ON JUL 21 1987**

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:

AUG. 10

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

Dated at San Diego, California this 10 day of AUG., 19 87.

*Thomas D. Kelleher*

172 lines x 2 x .98 (rate) = 337.12  
(15 3/4" x 10.78 x 2 = \$339.58)

Page 1 of 2

B. Application for building permits for residential development units submitted after April 29, 1987, which are not issued by the effective date of adoption of this ordinance, shall not be granted unless processed in accordance with the procedures outlined in Section 8, below.

C. Rezoning of residential property will only occur if such rezoning is consistent with adopted community plans, except in urbanized communities. In urbanized communities, rezoning may be allowed if there is a comprehensive plan update or specific plan, adopted after July 1, 1982. If no such update or plan exists, rezoning may be granted if it was the subject of a noticed public hearing prior to the effective date of this ordinance. In addition, the City Council may allow rezoning if the applicant can demonstrate that the subject property has been addressed in a community-wide planning process and the rezoning is consistent therewith.

D. Permissible development intensity may be increased by a community plan amendment which is the result of a comprehensive review and is an amendment to the entire community plan or part of a consolidated community plan. The amendments proponent shall construct or provide funding for new or expanded facilities needed as a result of the amendment.

E. Schedule A shall set out the maximum number of dwelling units for which building permits may issue for one (1) year following the effective date of adoption of this ordinance. Schedule A will be recalculated for the final six (6) months of the ordinance's effect. The maximum yearly number of dwelling units allowed under Schedule A is 8,000.

F. Schedule A may be amended by City Council resolution sixty (60) days after the effective date of adoption of this ordinance. It may be reviewed, revised or modified every six (6) months by City Council resolution.

#### Section 5. ENVIRONMENTALLY SENSITIVE LANDS.

Conditional use permits allowing development in coastal bluffs, wetlands, floodplains, hillside review areas or environmentally sensitive habitats, shall not be granted unless they are the subject of a noticed hearing of the City Council.

Community Plan amendments, rezoning or specific plans permitting development in coastal bluffs, wetlands, floodplains, hillside review areas or environmentally sensitive habitats shall not be approved unless the action is in conformity with a community plan adopted after July 1, 1982, or subject of a noticed hearing of the City Council.

#### Section 6. PROCEDURE FOR DEVELOPMENT APPROVAL DURING INTERIM PERIOD.

A. The Planning Director, City Manager and City Attorney, or their designees, (hereinafter "the Administrator") shall be charged with the administration of this ordinance.

B. Applications for building permits for processing of dwelling units regulated by this ordinance will not be accepted unless the applicant obtains the approval of the Administrator or through the appeal or variance process.

C. An Interim Development Ordinance Allotment Application Form (hereinafter "IDO Application Form") shall be developed and utilized for requests for building permits after April 29, 1987, and not yet issued by the effective date of adoption of this ordinance.

D. Upon development of the IDO Application Form the City Council shall adopt, within sixty (60) days of enactment, standards and criteria for review of applications by the Administrator.

E. Requests of building permits in community plan areas in which the requested number of dwelling units exceeds the quarterly dwelling unit allocations, shall not be issued until the development of standards and criteria noted in D. above is adopted by resolution.

F. The Administrator shall develop quarterly unit allocations for each community plan area.

G. The Administrator shall review IDO Application Forms by community plan area.

Requested allocations which are less or equal to the quarterly dwelling unit allocation shall be approved no later than thirty (30) days following the end of the quarterly period.

In cases where the requested allocations exceed the quarterly dwelling unit allocation, the Administrator shall have sixty (60) days following the end of the quarterly period to determine the allocation to eligible applicants of the available quarterly allotment.

H. Within ninety (90) days of the end of each quarterly period, the Administrator shall issue and report to the City Council which will identify the requested number of dwelling units and allocations thereof by community plan area.

I. An applicant may appeal a determination of the Administrator within thirty (30) days. If, upon hearing the appeal, the City Council increases or provides an allotment to the applicant, a corresponding decrease must be made in the next quarterly allocation.

J. Upon receiving a dwelling unit application, an applicant shall have one (1) year to submit a building permit. If the applicant does not submit a building permit, the next quarterly allocation shall be increased accordingly.

#### Section 7. VARIANCES.

The City Council, upon the Planning Commission's recommendation, shall have the power to vary or modify the application of the allotment provisions of this ordinance, if the variance or modification is consistent with the spirit of the proposed general plan revisions, furthers the health, safety and welfare of the City and/or is required to alleviate unnecessary hardship or practical difficulty.

#### Section 8. ADDITIONAL REQUIREMENTS.

The City Council will adopt policies and regulations imposing fees for residential, industrial and commercial development in community plan areas in which facility benefit assessments have not been established. Once established, the fees must be paid prior to the issuance of building permits.

#### Section 9. EFFECT OF INTERIM REGULATIONS ON EXISTING CITY REGULATIONS AND ORDINANCES.

A. This ordinance does not affect provisions of the San Diego Municipal Code relating to permissible use of property, density, design and improvement standards and requirements of any other aspect of the development of land or provision of public improvement subject to zoning, building or other City regulations.

B. This ordinance is in addition to and supplemental to other temporary, emergency or moratorium ordinances enacted by the City Council.

#### Section 10. SEVERABILITY.

Should any part of this ordinance be found to be invalid for any reason, that portion shall be deemed to be separate and distinct from the balance and shall in no way affect the validity of the remainder.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on June 22, 1987

Passed and adopted by the Council of The City of San Diego on July 21, 1987

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

By ELLEN BOVARD, Deputy

Pub. August 10

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