

ORDINANCE NUMBER O- 16940 (NEW SERIES)

ADOPTED ON SEP 14 1987

AN ORDINANCE AMENDING ORDINANCE NO. O-16908 (NEW SERIES) 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) BY AMENDING SECTIONS 2., 4., 6., 7., AND 8.; SECTIONS 1., 3., 5. AND 9. REMAIN THE SAME; ADDING A NEW SECTION 10.; AND RENUMBERING OLD SECTION 10. TO SECTION 11.

WHEREAS, the City Council of The City of San Diego heard public testimony and introduced the Interim Development Ordinance (hereinafter called "IDO") on June 22, 1987; and

WHEREAS, the IDO was adopted by the City Council on July 21, 1987; and

WHEREAS, public testimony was heard on proposed amendments to the IDO on July 21, 1987; and

WHEREAS, the Citizens Advisory Committee on Growth and Development reviewed the proposed amendments to the IDO on August 5, 1987; and

WHEREAS, the Planning Commission of The City of San Diego conducted public hearings on the proposed amendments to the IDO on August 6, 1987; NOW, THEREFORE,

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

Section 1. That Ordinance No. O-16908 (New Series) entitled "AN ORDINANCE 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)" be and the same is hereby amended by amending the following sections:

Section 1. AFFECTED AREA

[No change in this section.]

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. In no event shall this ordinance be extended beyond the eighteen (18) month period referred to in the first sentence of this section.

Section 3. SCOPE OF INTERIM REGULATIONS

[No change in this section.]

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) low income housing projects which meet the criteria for exemption as defined in San Diego Housing Commission Policy 3.02; (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 vacant 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 with the exception of those located in the San Ysidro, Tijuana River Valley and Otay Mesa Nestor Community plan areas; (9) the Mid-City and Greater North Park transportation corridors; (10) within the Southeast San Diego Community plan area, single-family subdivisions of ten (10) lots or less, if approved by the Southeast San Diego and Skyline-Paradise Hills Development Committees and the Subdivision Review Board prior to April 29, 1987; (11) building permits for projects which have received discretionary development approvals prior to April 29, 1987, and for which building permit applications were submitted between April 29, 1987 and June 22, 1987. This exemption shall not exceed one hundred seventy-five (175) units per project, per developer, per community plan area. The dwelling units permitted pursuant to this exemption shall be counted

against the community allocation and the reserve allocation to the extent available; and (12) building permits for projects which have been applied for between April 29, 1987, and June 22, 1987, and which do not exceed thirty (30) units per project, per developer, per community plan. The dwelling units permitted pursuant to this exemption shall be counted against the community allocation and the reserve allocation to the extent available.

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.

[No changes in Subsections B. through F.]

Section 5. ENVIRONMENTALLY SENSITIVE LANDS

[No change in this section.]

Section 6. PROCEDURE FOR DEVELOPMENT APPROVAL DURING INTERIM PERIOD

A. The Planning Director, City Manager and City Engineer, 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.

[No changes in Subsections B. and C.]

D. The standards and criteria for the review of applications by the Administrator shall take into account the following factors in the priority order established herein:

1. Planned Urbanizing Areas.

a. Development approvals granted prior to the effective date of this ordinance pursuant to a vesting tentative map, development agreement, or other entitlement which may create a legally vested right to development of the whole or part of the project under California law.

b. An approved subdivision map in which substantial improvements were installed prior to the issuance of building permits.

c. Proposed developments which provide facilities currently operating and adequate pursuant to the community plan and adjacent to existing development which can be served by public facilities without extensions or expansions through intervening lands.

d. Proposed developments which have a discretionary permit as granted by the Planning Director, the Planning Commission or the City Council (i.e., planned development permits, planned district permits, conditional use permits, coastal permits).

e. Multiple-family development to the extent consistent with the land use element of community plans and only in those communities reflecting a community plan goal encouraging construction of multiple-family dwellings.

f. If building permit applications pursuant to a category above provide for more dwelling units than permitted pursuant to the quarterly allotment for the applicable community plan area, the Administrator shall allocate units proportional to the number of recorded vacant final map and tentative map lots with signed improvement plans, but not exceeding the specified quarterly allotment.

Applications that are denied shall receive first priority in the next quarterly review.

2. Urbanized Areas.

a. Development approvals granted prior to the effective date of this ordinance pursuant to a vesting tentative map, development agreement, or other entitlement which may create a legally vested right to development of the whole or part of the project under California law.

b. An approved subdivision map in which substantial improvements were installed prior to the issuance of building permits.

c. Proposed developments which have a discretionary permit as granted by the Planning Director, the Planning Commission or the City Council (i.e., planned development permits, planned district permits, conditional use permits, coastal permits).

d. Proposed developments which will not detrimentally impact the adequacy of public facilities, pursuant to a community plan analysis.

e. Multiple-family development to the extent consistent with the land use element of community plans and only in those communities

reflecting a community plan goal encouraging construction of multiple-family dwellings.

f. If the building permit applications, pursuant to a preference category, in the urbanized areas provide for more dwelling units than permitted pursuant to the quarterly allotment for the applicable community plan area, the Administrator shall allocate units proportional to the number of units requested until the quarterly community dwelling unit allocation is reached. Applications that are denied shall receive first priority in the next quarterly review.

[No changes in Subsections E. through J.]

Section 7. VARIANCES

A. AUTHORITY

The City Council shall have the power to: (a) grant accelerated variances as hereinafter defined for dwelling unit allocations of three (3) units or less; and (b) grant nonaccelerated variances from the terms of this ordinance. The City Council shall make such variance or modification 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. Any variance granted shall be subject to such conditions, including limitations on the number of building permits requested, as the City Council shall deem appropriate. Any variance granted shall be the minimum necessary to achieve the purpose of this ordinance.

B. ACCELERATED VARIANCES

1. An applicant for an accelerated variance may, at any time, submit an IDO Application Form to the Administrator which shall indicate the nature of the variance requested and which shall supply information sufficient to establish the basis for such variance request. The Administrator shall be responsible for ensuring that the application is complete. The Administrator shall forward the application to the City Council within fourteen (14) days after receipt including a report and recommendation.

2. The City Council shall duly notice a public hearing for all requests for accelerated variances within fourteen (14) days after receipt of the report and recommendation from the Administrator and shall expeditiously make appropriate findings and determinations.

3. Accelerated variances shall be available for small subdivisions and projects which meet either of the following criteria:

a. The subdivision or lot split for which building permits are requested consists of not more than three (3) dwelling units.

b. The project for which building permits are requested consists of not more than three (3) multiple-family dwelling units on a single lot.

4. All dwelling unit allocations granted pursuant to accelerated variance approvals shall be taken from the reserve allocation as set forth in SCHEDULE A of this ordinance.

C. NONACCELERATED VARIANCES

1. An applicant for a nonaccelerated variance shall submit a variance application form to the Administrator no later than thirty (30) days after the Administrator's determination pursuant to Section 6.G. of this ordinance. The application form shall indicate the nature of the variance requested and shall supply such information sufficient to establish the basis for such variance request. The Administrator shall be responsible for ensuring that the application is complete. The Administrator shall batch the applications and submit them to the City Council with a report and recommendation within fourteen (14) days after the period for applications has closed.

2. The City Council shall duly notice a public hearing for all requests for nonaccelerated variances within twenty-one (21) days after receipt of the report and recommendations and shall make appropriate findings and determinations within thirty (30) days after the close of the public hearing.

3. Nonaccelerated variances shall be available for the following categories:

a. Projects which have received discretionary development approvals prior to April 29, 1987, and for which building permit applications were submitted between April 29, 1987 and June 22, 1987 (inclusive).

b. Projects with vesting tentative maps, development agreements or other entitlements which may create a legally vested right to development of the whole or part of the project under California law.

c. All other projects which meet the criteria included in Section 7. of this ordinance.

4. All dwelling unit allocations granted for Subsections C.3.a. and C.3.c. of this section shall be taken from the reserve allocations as set forth in SCHEDULE A of this ordinance.

5. All dwelling unit allocations granted for Subsection C.3.b. of this section shall be in addition to the community plan and reserve allocations set forth in SCHEDULE A of this ordinance and shall not be subject to any building permit limitations under this ordinance. Dwelling unit allocations shall not be granted for Subsection C.3.b. of this section unless the applicant has first applied for dwelling unit allocations for the community plan area in which the project is located pursuant to Section 6. of this ordinance and shall only be granted for the excess of any allocations granted pursuant to Section 6. of this ordinance.

6. For variances to be granted under Subsection C.3.b. of this section, the City Council shall make a determination and finding as to whether the building permit limitations imposed by this ordinance are consistent with Chapter 4.5 of the California Government Code entitled "Development Rights," Section 66498.1(b), or Chapter 4, Article 2.5 of the California Government Code entitled "Development Agreements," Section 65864, et seq., including, but not limited to the general plan, the community plan and Council policy resolutions in effect at the time a vesting

tentative map application is deemed complete pursuant to California Government Code Section 66498.1, or the date the development agreement is effective pursuant to Government Code Section 65866. If the City Council makes a finding or determination that the project in whole or in part is vested and exempt from this ordinance, then the City Council shall grant building permits for such exempt and vested project, in whole or in part.

Section 8. ADDITIONAL REGULATIONS

[No change to this section.]

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

[No change in this section.]

Section 2. That a new Section 10. be and it is hereby enacted in Ordinance No. O-16908 (New Series), to read as follows:

Section 10. TOLLING OF TIME

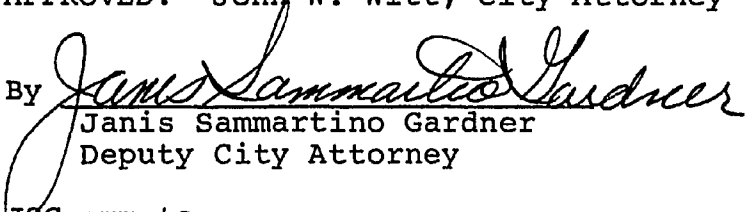
As to any tentative map, planned development permit, subdivision improvement agreement or land development (or public improvement or encroachment) permit approved, issued or granted by the City, the expiration date, period of utilization or time for completion of improvements, as the case may be, shall be extended by a period of time equal to the effective period of this Interim Development Ordinance.

Section 3. That the old Section 10. of Ordinance No. O-16908 (New Series) be and the same is hereby renumbered to Section 11.

Section 4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage.

APPROVED: John W. Witt, City Attorney

By


Janis Sammartino Gardner
Deputy City Attorney

JSG:smm:ta

08/03/87

08/04/87 REV. 1

08/06/87 REV. 2

08/18/87 REV. 3

Or.Dept:Plan.

O-88-31

Form=o.none

3403

SEP 14 1987

Passed and adopted by the Council of The City of San Diego on.....
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 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"/>	
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
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"/>	
Judy McCarty	<input checked="" type="checkbox"/>	<input 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 *Raynell L. Melcor*, 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

AUG 07 1987

SEP 14 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 *Raynell L. Melcor*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16940

SEP 14 1987

Adopted