

(O-88-113)

ORDINANCE NUMBER O- 17015 (NEW SERIES)

ADOPTED ON JAN 25 1988

AN ORDINANCE AMENDING ORDINANCE NO. O-16908 (NEW SERIES) AND ORDINANCE NO. O-16940 (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 4. AND 7.; ADDING SECTIONS 10. AND 11.; SECTIONS 1., 2., 3., 5., 6., 8. AND 9. REMAIN THE SAME; AND SECTIONS 10. AND 11. ARE RENUMBERED TO SECTIONS 12. AND 13.

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

Section 1. That Ordinance No. O-16908 (New Series) and Ordinance No. O-16940 (New Series) entitled "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, 1987)" be and the same is hereby amended by amending Sections 4. and 7.; adding new Sections 10. and 11.; Sections 1., 2., 3., 5., 6., 8. and 9. remain the same; and Sections 10. and 11. are renumbered to Sections 12. and 13., to read as follows:

Section 1. AFFECTED AREA

[No change in this section.]

Section 2. DURATION OF INTERIM REGULATIONS
(INTERIM PERIOD)

[No change in 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 and student dormitories 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.

[B. through F. - No change.]

Section 5. ENVIRONMENTALLY SENSITIVE LANDS

[No change in this section.]

Section 6. PROCEDURE FOR DEVELOPMENT APPROVAL
DURING INTERIM PERIOD

[No change in this section.]

Section 7. VARIANCES

[A. - No change.]

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 thirty (30) days after receipt of the evaluation of the Building Inspection Department pursuant to Section 11. herein and recordation of all discretionary permits.

2. The City Council shall duly notice a public hearing for all requests for accelerated variances within thirty (30) days after receipt of the application 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 and compliance with Section 11. herein is obtained. The Administrator shall batch the

applications and submit them to the City Council within thirty (30) 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 forty-five (45) days after receipt of the application and shall make appropriate findings and determinations within sixty (60) 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 in this section.]

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

[No change in this section.]

Section 10. FEES/DEPOSITS

Prior to the filing of any application for accelerated or nonaccelerated variances, released projects or communities, or an appeal of the Administrator, the applicant shall pay to the City, fees/deposits equal to the cost of processing said request including necessary deposits for evaluation by the Environmental Quality Division of the Planning Department. Fees/deposits will be adjusted periodically by resolution of the City Council to ensure full cost recovery for the services. A list of current fees/deposits is on file in the office of the City Clerk. Where deposits are required, if the deposit is insufficient to cover the actual cost to the City, the

applicant shall be required to make additional deposits with the City which, in the opinion of the Administrator are sufficient to cover incurred costs. Where actual City processing costs plus an applicable percentage to cover general overhead are less than the deposit, the difference will be returned to the applicant.

Section 11. CODE COMPLIANCE

All Interim Development Ordinance variance applications, quarterly allocations, appeals of the Administrator decision and released projects are to receive a full zoning plan check by the Building Inspection Department. No Interim Development Ordinance variance request, appeal or released project is to be brought forth for public hearing for potential allocation unless full zoning code compliance is present and any required discretionary permits approved and recorded.

Section 10. TOLLING OF TIME

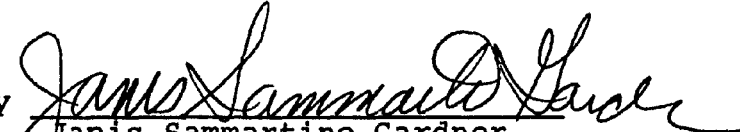
[Renumbered to Section 12.]

Section 11. SEVERABILITY

[Renumbered to Section 13.]

Section 2. 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:fs
01/06/88
Or.Dept:Plan.
O-88-113
Form=o.none

FI 357A

Passed and adopted by the Council of The City of San Diego on JAN 25 1988
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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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 Bhanda B. Barnes, 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

JAN 12 1988, and on JAN 25 1988

~~I FURTHER CERTIFY that said ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of 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 Bhanda B. Barnes, Deputy.

Office of the City Clerk, San Diego, California

Ordinance 0-17015 Adopted JAN 25 1988
Number

RECEIVED
CITY CLERK'S OFFICE

1988 JAN 11 PM 1:01

SAN DIEGO, CALIF.

1988 JAN 11

1988

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

1988 FEB 19 AM 10:31

SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: RHONDA R. BARNES

IN THE MATTER OF
AN ORDINANCE AMENDING ORDINANCE NO. O-16908 (NEW SERIES) AND
ORDINANCE NO. O-16940 (NEW SERIES) REGULATING FOR AN INTERIM
PERIOD DEVELOPMENT IN THE URBANIZED, PLANNED URBANIZING AND
FUTURE URBANIZING AREAS OF THE CITY et al . . .

NO.

ORDINANCE NUMBER O-17015 (NEW SERIES)

AN ORDINANCE AMENDING ORDINANCE NO. O-16908 (NEW SERIES) AND ORDINANCE NO. O-16940 (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, 1978) BY AMENDING SECTIONS 4. AND 7.; ADDING SECTIONS 10. AND 11.; SECTIONS 1., 2., 3., 5., 6., 8. AND 9. REMAIN THE SAME; AND SECTIONS 10. AND 11. ARE RENUMBERED TO SECTIONS 12. AND 13.

Section 4. INTERIM REGULATIONS FOR RESIDENTIAL DEVELOPMENT, was amended to exempt student dormitories for the application for the ordinance.
Section 7. VARIANCES, B. and C. were amended to change the administrative time frame for processing variances.
Section 10. FEES/DEPOSITS was added as follows:
Prior to the filing of any application for accelerated or non-accelerated variances, released projects or communities, or an appeal of the Administrator, the applicant shall pay to the City, fees/deposits equal to the cost of processing said request including fees/deposits for evaluation by the Environmental Quality Division and Planning Department. Fees/deposits will be adjusted periodically by resolution of the City Council to ensure full cost recovery for the services. A list of current fees/deposits is on file in the office of the City Clerk. Where deposits are required, if the deposit is insufficient to cover the actual cost to the City, the applicant shall be required to make additional deposits with the City which, in the opinion of the Administrator are sufficient to cover incurred costs. Where actual City processing costs plus an applicable percentage to cover overhead are less than the deposit, the difference will be returned to the applicant.
Section 11. CODE COMPLIANCE, was added as follows:
All Interim Development Ordinance variance applications, quarterly inspections, appeals of the Administrator decision and released projects are to receive a full zoning plan check by the Building Inspection Department. No Interim Development Ordinance variance request, appeal or released project is to be brought forth for public hearing or potential allocations unless full zoning code compliance is present and any required discretionary permits approved and reported.

INTRODUCED ON 1/12/88
Passed and Adopted by the Council of The City of San Diego on 1/12/88
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By RHONDA R. BARNES, Deputy
Pub. February 16 09309

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

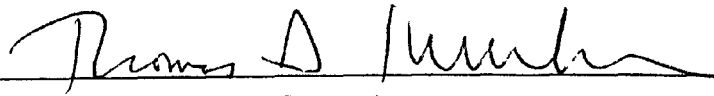
ORDINANCE NUMBER O-17015 (NEW SERIES)

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:

FEB. 16

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

Dated at San Diego, California this 16 day of FEB., 19 88



(Signature)
53 lines x .98 = 103.88
4 3/4" x 2 x 10.78 = 102.42