

ORDINANCE NUMBER O-17424 (NEW SERIES)

ADOPTED ON FEBRUARY 13, 1990

AN EMERGENCY INTERIM ZONING ORDINANCE APPLYING THE RESOURCE PROTECTION ORDINANCE, MUNICIPAL CODE SECTION 101.0462, TO SPECIFIED AREAS OF THE SCRIPPS MIRAMAR RANCH AND MIRAMAR RANCH NORTH COMMUNITY PLANS FOR A PERIOD OF ONE YEAR.

WHEREAS, the Council of The City of San Diego is empowered by the provisions of Article XI, Section 7, of the Constitution of the State of California to make and enforce within its limit all local, police, sanitary and other ordinances and regulations not in conflict with general law; and

WHEREAS, the Council of The City of San Diego is empowered by the provisions of Municipal Code section 101.0203.1 to enact an emergency ordinance in the interest of public safety, health and welfare; and

WHEREAS, the Council of The City of San Diego finds that within the Scripps Miramar Ranch and Miramar Ranch North community plan areas the following conditions exist which present an immediate threat to the preservation of the public safety, health and welfare:

1. Development projects have been approved or are being processed for approval which would result in the immediate construction of hundreds of dwelling units;

2. Infrastructure and facilities such as roads, libraries, schools, water and sewer utilities, fire and police stations and

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SAN DIEGO, CALIF.

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parks do not exist and construction of such facilities to serve the proposed development does not appear to be assured at levels adequate to meet the needs of future residents;

3. There does not appear to be an adequate plan to phase the rate of development to insure that essential public facilities and infrastructure will be available concurrently with the need for such improvements; and

WHEREAS, it is imperative that development, other than that already approved, not occur within Scripps Miramar Ranch and Miramar Ranch North community plan areas until the previously adopted community plans are reviewed and reevaluated by the Planning Commission and City Council; and

WHEREAS, pending review and reevaluation of the community plans, the public safety, health and welfare would be served by the immediate application of the Resource Protection Ordinance to all areas of the Scripps Miramar Ranch and Miramar Ranch North community plans which would limit the amount and rate of development during the review period; NOW, THEREFORE,

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

Section 1. The provisions of subsections E.5. and E.6. of San Diego Municipal Code section 101.0462 to the contrary notwithstanding, all areas encompassed within the Miramar Ranch North Community Plan and in the Scripps Miramar Ranch Community Plan shall be subject to the provisions of Municipal Code section 101.0462, Resource Protection Ordinance.

Section 2. The provisions of this ordinance shall not apply to any land within the area described in Section 1 of this ordinance which is subject to an approved Development Agreement, or vesting tentative map application which had been accepted by The City of San Diego as complete prior to the enactment of this ordinance.

Section 3. The provisions of this ordinance shall not apply to the two County Island projects covered by Development Agreements dated January 9, 1989, Document Nos. OO-17216 (Sunburst/Brennan-Katkov) and OO-17217 (ITEC/The Bren Co.), on file in the office of the City Clerk. With regard to those two projects, Exhibit B, the Phasing Plan, of each said document is hereby amended to read as follows:

A. Document No. OO-17216, Exhibit B, Phase III - Issuance of Building Permits:

Phase III - Issuance of Building Permits

Having been assured as to the public improvements required in Phase II, the City has issued after ministerial review 316 building permits for all of the authorized residential units. Of these permits, not more than 200 units shall be occupied during 1990. The balance of said units, including any units not so occupied in 1990, may be occupied in the year 1991 and thereafter. With regard to said building permits, said 316 permits shall expire on July 31, 1992 notwithstanding the expiration date of such permits, unless work pursuant to the terms of said permits has commenced prior to that date. Furthermore, upon approval of a Planned Commercial Development Permit and Tentative Map, the City shall issue, after ministerial review and approval of completed building permit applications, building permits for the 1.09 acres pre-zoned CN.

B. Document No. OO-17217, Exhibit B, Phase III - Issuance of Building Permits:

Phase III - Issuance of Building Permits

Having been assured of the public improvements as required in Phase II, the City has issued after ministerial review 182 building permits, and after further ministerial review and approval of completed building permit applications, the City shall issue the remaining 181 building permits for authorized residential units. Of these 363 residential units, not more than 100 shall be occupied in 1990, not more than 200 in 1991, and not more than 63 in 1992; provided, however, that to the extent any units are not occupied in any one year, that number of units shall carry-over from year to year as an add-on to the annual allocation of occupied units, which carry-over shall be cumulative. With regard to said 363 permits, said permits shall expire on July 31, 1992 notwithstanding the expiration date of such permits, unless work pursuant to the terms of said permits has commenced prior to that date.

Section 4. The provisions of this ordinance hereby repeal the Master Conceptual Grading Plan for Miramar Ranch North Community Plan area.

Section 5. The Planning Commission is directed to conduct one or more public hearings at which it shall reevaluate the Miramar Ranch North Community Plan to determine whether those areas not excluded from the provisions of this ordinance shall be developed in accordance with the existing community plan or whether the community plan should be revised or amended to provide for a different pattern, type, intensity and phasing of development, whether the public facilities provided by the existing community plan are adequate to meet the needs of the community and whether the financing plan contained within the community plan is adequate to provide the needed public facilities in a timely manner. The Planning Commission shall submit a report and recommendations to the City Council within 150 days from the enactment of this ordinance.

Section 6. Any changes, revisions and/or amendments made to the Miramar Ranch North and/or Scripps Miramar Ranch Community Plans or public facilities financing plans shall be applicable to any Development Agreement or amendment to an approved Development Agreement; Planned Development Permit; land development permit application; grading permit application; building permit application; tentative or vesting tentative map; or any other project application filed with The City of San Diego on or after the date this ordinance becomes effective.

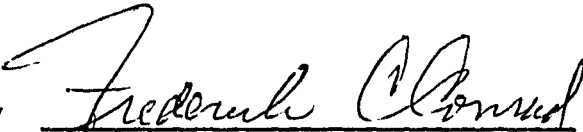
Section 7. During the effective period of this ordinance, the Subdivision Board shall submit to the City Council a recommendation to approve, conditionally approve or deny any application for a tentative or vesting tentative map and the City Council shall become the decision making body for the purpose of approving conditional approving or denying such application.

Section 8. The Planning Commission shall evaluate and submit to the City Council a recommendation concerning the advisability of combining the Miramar Ranch North and Scripps Miramar Ranch community plans into one community plan.

Section 9. The provisions of Section 1 of this ordinance shall remain in force and effect until the City Council has either acted to implement the recommendations of the Planning Commission, repealed this ordinance or one year has elapsed from the date of enactment of this ordinance, whichever first occurs. During the effective period of this ordinance, projects which are consistent with the provisions of Municipal Code section 101.0462, the General Plan, community plan and other applicable provisions of the Municipal Code may be processed for approval.

Section 10. For the reasons expressed in the preamble hereto, this ordinance shall take effect immediately upon its passage as an emergency measure necessary to protect and preserve the public health, safety and general welfare, and from and after its effective date no building permits for development inconsistent with the provisions of this ordinance shall be issued.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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FEB 13 1990

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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<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"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Ellen Boward*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
FEB 13 1990, said ordinance being of the kind and character
authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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 Boward*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17424** Adopted **FEB 13 1990**

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CERTIFICATE OF PUBLICATION

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OFFICE OF THE CITY CLERK 2ND FLOOR
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SAN DIEGO, CALIFORNIA 92101

IN THE MATTER OF

NO.

AN EMERGENCY INTERIM ZONING ORDINANCE APPLYING THE RESOURCE
PROTECTION ORDINANCE,...

THOMAS D. KELLEHER

I, _____, 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

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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, reading dispensed with and adopted by the City Council of The City of San Diego February 13, 1990

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
Publish February 26

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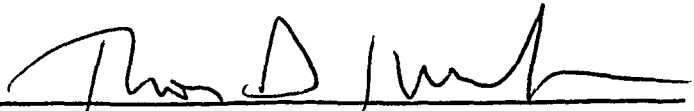
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is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

FEB. 26

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

Dated at San Diego, California this 26 day of FEB, 19 90



(Signature)

$17/8 \times 2 = 41.44$