

(O-90-142)

ORDINANCE NUMBER O- 17435 (NEW SERIES)

ADOPTED ON FEB 26 1990

AN INTERIM ORDINANCE REQUIRING PLANNED DEVELOPMENT PERMITS FOR DRIVE-IN AND DRIVE-THRU FACILITIES AND REVIEW BY THE CITY ENGINEER FOR OTHER PROJECTS IN THE ADOPTED MIDWAY COMMUNITY PLANNING AREA FOR THE PURPOSE OF REVIEWING AND CONTROLLING TRAFFIC IMPACTS.

WHEREAS, the Council of The City of San Diego finds that the following facts exist:

1. The Midway Community Plan was adopted on March 21, 1970, and with but minor revisions and a boundary adjustment has served as the planning blueprint for the Midway area for almost 20 years. The plan is currently under revision but the revised plan has not yet been adopted;

2. Under the 1970 Midway Plan and existing zoning, traffic in the Midway area has continued to worsen, due not only to intensified development and redevelopment within the planning area, but also due to increasing development in adjacent communities, resulting in increased pass-through traffic to the freeway system. Intersections within the community have historically experienced problems with congestion. Existing Level-of-Service (LOS) ratings at several major intersections in the Midway are at level "F," although LOS "C" is the service goal cited in the Transportation Element of the City's **Progress Guide and General Plan**;

3. Major impediments to improved traffic flow on roadways in the Midway area include but are not limited to (a) a lack of convenient alternatives for travel through and within the community, (b) the location and design of drive-in and drive-thru facilities, (c) the high number and close spacing of curb cuts, resulting in interruptions to the traffic flow, (d) poor circulation patterns within parking lots, and narrow right-angle ingress and egress directly accessing through-traffic lanes, a design more appropriate to local or collector streets than high-volume major streets, and (e) inadequate right-of-way width for the traffic volume;

4. Development projected for the Midway area, not including the Pacific Highway area south of Witherby Street or the site of Air Force Plant 19, is expected to result in approximately 64,000 additional daily trips over the next 20 years. This will result in increasing delays at intersections and a worsened traffic flow;

5. Existing zoning and other regulations applicable to the Midway Community Planning Area allow large-scale and other high traffic generating development to occur without particular attention to the issues outlined in paragraph 3 above. To the extent that the Midway area development may contribute to worsening the traffic situation in the area, the lack of a review process or established standards to address those issues and cause appropriate design improvements and/or other mitigation is a detriment to the public's health and welfare; NOW, THEREFORE,

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

SECTION 1. REQUIREMENT FOR PLANNED DEVELOPMENT PERMITS FOR DRIVE-IN AND DRIVE-THROUGH FACILITIES WITHIN THE MIDWAY COMMUNITY PLANNING AREA.

Within the adopted Midway Community Planning Area (see Exhibit A, attached hereto), a Planned Development Permit shall be required for new construction or remodeling of a drive-in or drive-thru facility, including, but not limited to: restaurants, dry cleaning establishments, film processing establishments, car washes, and automobile service facilities.

Within commercial zones and for commercial use projects in the M-1A zone and the Midway Planned District (according to the zoning in effect when this ordinance was adopted), a Planned Commercial Development (PCD) Permit is required for qualifying projects (Section 101.0910 of the Municipal Code). For qualifying industrial use projects in the Midway Planned District or M-1A zone (as of the adoption date of this ordinance), a Planned Industrial Development (PID) Permit is required (Section 101.0920 of the Municipal Code).

The review and findings for the Planned Development Permit shall only address traffic-related design improvements and other mitigations that would warrant a determination that the project will have minimal negative impact on traffic flow in the Midway Community Planning Area. The findings for approval shall specifically address those issues enumerated in paragraph 3 of the preamble to this ordinance. The approved permit shall rely upon the recommendations of the City Engineering and Development

Department for right-of-way reservation/dedication, ingress and egress design and placement, and internal circulation design.

SECTION 2. REQUIREMENT FOR REVIEW BY THE CITY ENGINEER FOR CERTAIN PROJECTS WITHIN THE MIDWAY COMMUNITY PLANNING AREA.

Within the adopted Midway Community Planning Area, review and approval by the City Engineering and Development Department for right-of-way reservation/dedication, ingress and egress design and placement, and on-site circulation is required for all projects, not subject to the provisions of Section 1 nor exempted through Section 3, if the subject property abuts or takes access from the following streets:

Camino del Rio West

Rosecrans Street

Midway Drive

Sports Arena Boulevard

SECTION 3. EXEMPTIONS.

A. These requirements do not apply to construction for which a complete application for building permits was submitted to the Building Inspection Department prior to January 22, 1990.

B. These requirements do not apply where the building improvement is an interior improvement which does not provide additional floor area.

C. These requirements do not apply to interior modifications or repairs, nor any exterior repairs or maintenance for which a building permit is not required.

SECTION 4. MONITORING AND APPROVAL OF BUILDING, OCCUPANCY AND USE PERMITS.

For the duration of this ordinance, the following information is required with a building permit application where there would be an increase in gross floor area on a premises within the adopted Midway Community Planning Area:

Two copies of a letter to be filed with the City Building Inspection Department upon the submittal of an application for permit, signed by the property owner, stating the intended use(s) of the additional floor area.

These letters and accompanying building plans will be evaluated upon submittal to determine whether the criteria under Section 1 applies.

Where new construction or remodeling of a drive-in or drive-thru facility is proposed, no building permit shall be issued until a Planned Development Permit is obtained.

No building permits for properties abutting the streets identified in Section 2 shall be issued unless Engineering and Development Department approval has been obtained.

SECTION 5. DURATION.

This ordinance shall expire at the earliest of the following occurrences:

A. When the City Council adopts an updated Midway/Pacific Highway Corridor Community Plan and determines that such plan with associated rezonings and other regulations will obviate the need for this ordinance.

B. The City Council (1) approves a regional traffic management and improvement program for Midway and surrounding community planning areas which utilize the Midway roadway system, and (2) determines that other regulations will adequately address traffic impacts generated by development within the Midway area.

SECTION 6. EFFECT OF INTERIM REGULATIONS ON EXISTING CITY REGULATIONS AND ORDINANCES.

This ordinance is additional and supplemental to and shall not affect, except as specifically provided herein, any provision of the San Diego Municipal Code relating to the permissible use of property, density of development, design standards, improvement standards and requirements or any other aspect of the development of land or provision of public improvements which shall continue to be 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 development.

SECTION 7. SEVERABILITY.

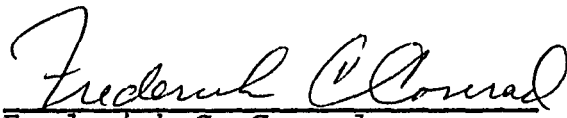
If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of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

SECTION 8. EFFECTIVE DATE.

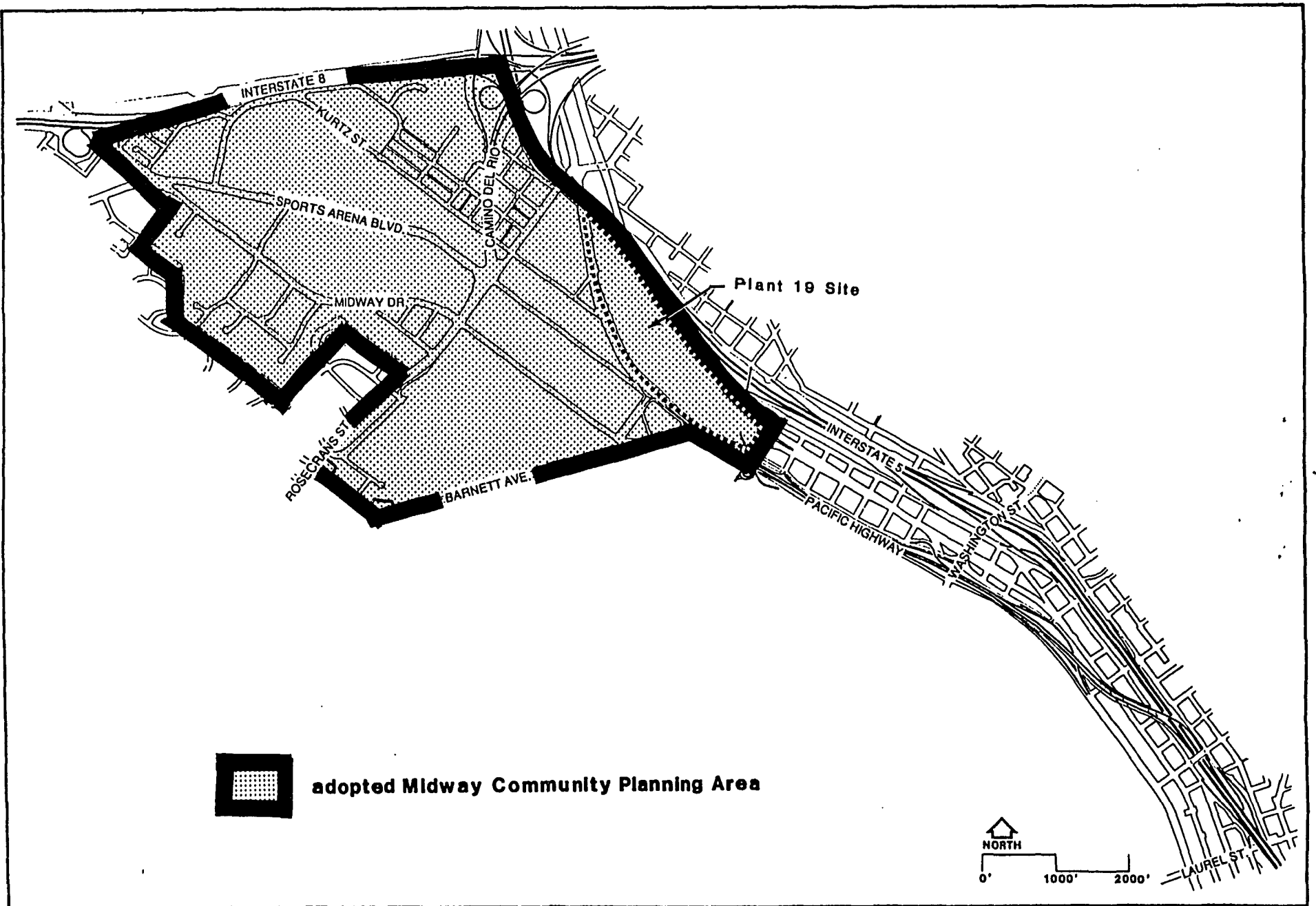
This ordinance shall take effect on the thirtieth day following the date of its adoption, no building permits proposing development inconsistent with the provisions of this ordinance

shall be issued unless a completed application was received by
the Building Inspection Department prior to January 22, 1990.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
01/31/90
Or.Dept:Plan.
O-90-142
Form=o.none



FEB 26 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

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

FEB 12 1990

FEB 26 1990

~~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 *0-17435* Adopted FEB 26 1990

RECEIVED

90 FEB -1 AM 10:18

CITY CLERKS OFFICE
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, CA. 92101.

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE...

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-17436 (NEW SERIES)
ADOPTED ON FEB 26 1990**

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 91.0303 RELATING TO PERMITS ISSUANCE.

This ordinance amends Section 91.0303 of the San Diego Municipal Code to provide that:

A building permit will expire if the entire foundation is not completed within 360 days;

A building permit will expire if substantial work is not completed each 180 days after completion of the foundation; and

The number of 180-day extensions that may be granted for a building permit have been reduced from 2 to 1.

This ordinance also clarifies:

When new and additional fees must be paid when an extension to a building permit is requested;

That a building permit for a portion of a building does not establish a right to complete the building under the regulations in effect when the permit application for the first portion of the building was filed; and

The regulations that must be complied with at the time an extension to a building permit is granted.

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 February 12, 1990 Passed and adopted by the Council of The City of San Diego on February 26, 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

Pub. March 12, 1990

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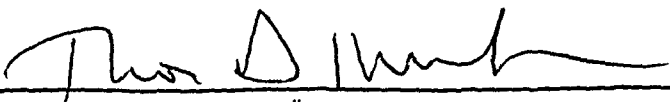
ORDINANCE NUMBER O-17436 (NEW SERIES)

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:

MAR. 12

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

Dated at San Diego, California this 12 day of MAR, 19 90.


(Signature)

3 1/4 x 2 = 76.96