

Capital Facilities Plan Ordinance of 1990

(O-91-60 REV.1)

ORDINANCE NUMBER O- 17537 (NEW SERIES)
ADOPTED ON OCT 15 1990

AN ORDINANCE ESTABLISHING A CAPITAL FACILITIES PLAN FOR THE CITY OF SAN DIEGO; PROVIDING STANDARDS AND CRITERIA FOR THE INCLUSION OF PUBLIC FACILITIES IN THE CAPITAL FACILITIES PLAN; PROVIDING GUIDELINES FOR THE PREPARATION OF THE CAPITAL FACILITIES PLAN; RELATING THE CAPITAL FACILITIES PLAN TO OTHER REGULATORY PROGRAMS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of San Diego is facing increasing levels of congestion on public facilities including Freeways, expressways, Primary Arterials, Major Streets, police protection facilities, fire protection facilities, resource-based parks, the central library, public transit, operation yards, and open space; and

WHEREAS, the current transportation system within The City of San Diego relies primarily upon a street and highway system that, unless expanded, will accommodate far fewer vehicles than are currently planned to use the system; and

WHEREAS, daily traffic congestion in the State of California causes 40,000 lost traffic hours, 200 tons of pollutants released into the air, and \$3.1 million of added costs to the motoring public in lost man-hours of labor, medical costs induced from pollution-related illness, and energy costs resulting from consumption of gasoline; and

WHEREAS, the federal government has proposed a heightened role for local governments in the provision of transportation, including reliance on user charges and transportation trust funds, according to the Statement of National Transportation Policy published by the United States Department of Transportation, entitled Making America: New Directions, New Opportunities (February 1990); and

WHEREAS, the City has designed a land development regulatory program to achieve a reduction in traffic congestion in accordance with the goals articulated in the Congestion Management Program mandated by Government Code § 65088, as amended, including (a) the adoption of Level of Service standards for roadways, (b) the provision of incentives to encourage trip reduction and travel Demand reduction including alternative transportation methods and (c) the development of a program to analyze and monitor the impacts of the City's land use decisions which, when combined with a public investment program, will improve the City's traffic and transit performance standards; and

WHEREAS, increased expenditures for public facilities are needed to promote the economic development of The City of San Diego, to maintain and enhance the quality of life, and to promote and protect the health, safety and welfare of City residents; and

WHEREAS, the provision of public facilities to address existing deficiencies and to provide facilities for new growth is needed in order to ensure that the City provides its fair share

of regional housing needs and to support the continued economic vitality of the City; and

WHEREAS, public investment in infrastructure in urbanized areas is needed to alleviate existing deficiencies in public facilities in order to promote the stabilization of neighborhoods and to ensure continued growth and development while maintaining adequate public facilities and adopted City Level of Service standards;

WHEREAS, AB 471, Chapter 106, Statutes of 1989, as amended, (codified as Government Code § 65089) declares that the growing traffic congestion in the state is an urgency matter necessary for the immediate preservation of the public peace, health or safety; and

WHEREAS, in order to revise the process of transportation funding, planning, and implementation so as to efficiently, effectively, and economically address the immediate and urgent problem of traffic congestion and deterioration of air quality in The City of San Diego, it is necessary to enact this ordinance; NOW, THEREFORE,

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

Section 1. Capital Facilities Plan Ordinance

A. Short Title. This ordinance shall be known and may be cited as the "Capital Facilities Plan Ordinance of 1990."

B. Definitions.

1. "Capacity" shall mean and refer to the maximum rate at which passenger cars, or their equivalent, can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under normal roadway, traffic and control conditions as defined and measured in Appendix C(5) of the San Diego Association of Governments (SANDAG) Regional Transportation Plan (June 1989), which is incorporated by reference herein, or the most recent version of the SANDAG Regional Transportation Plan that contains a Level of Service rating.

2. "Capital Facilities Plan" (CFP) shall mean and refer to the twenty (20) year program of capital improvements needed to attain the Preferred Level of Service standards, in accordance with the Capital Facilities Ordinance.

3. "Capital Project" shall mean and refer to the construction, reconstruction, enlargement, expansion or enhancement of a Transportation Facility and shall include all associated project costs, including planning, design, engineering, land acquisition, utility relocation, auxiliary facilities, administrative charges and contingencies.

4. "City" shall mean and refer to The City of San Diego, California.

5. "City Council" shall mean and refer to the City Council of The City of San Diego, California.

6. "Congestion Management Program" shall mean and refer to a Congestion Management Program as provided in § 9 of AB 471, Chapter 106, Statutes of 1989, as amended by § 3 of AB 1791, Chapter 16, Statutes of 1990. (Codified as California Government Code § 65089)

7. "Constrained Roadway Facility" shall mean and refer to a roadway facility that exhibits a Level of Service lower than the adopted standard because prohibitive costs or environmental limitations or community plan inconsistency prevent the construction of additional Capacity, and for which a deficiency plan has been adopted pursuant to Government Code §§ 65089 and 65089.3

8. "Demand" shall mean and refer to the amount of project Capacity which will be required by total development at the Preferred Level of Service.

9. "Developer Contributions" shall mean and refer to mandatory dedications, facilities benefit assessments and development impact fees.

10. "Freeway" shall mean and refer to Freeways as defined in the Regional Transportation Improvement Program.

11. "Level of Service" or "LOS" shall mean and refer to a standard that measures the ratio of Demand

to Capacity for a Transportation Facility. The Level of Service for roadway facilities shall be measured by the Level of Service ratings in Appendix C(5) of the San Diego Association of Governments (SANDAG) Regional Transportation Plan (June 1989), which is incorporated by reference herein, or the most recent version of the SANDAG Regional Transportation Plan that contains a Level of Service rating system. The Level of Service ratings for non-transportation facilities shall be determined within six (6) months of the effective date of this ordinance.

12. "Major Street" shall mean and refer to Major Streets as defined in the City's Street Design Manual as of the effective date of this ordinance as authorized by Council Policy 600-4.

13. "Preferred Level of Service" shall mean and refer to the Level of Service adopted by Council Resolution to govern capital investment decisions for public facilities. Pending the adoption of a Congestion Management Program for freeway facilities, the preferred level of service shall be "C" during non-peak hours and "D" during the peak hours for 70% of the freeway directional lane miles in the City of San Diego during peak hours or as such percentage may be subsequently revised by Council resolution.

14. "Primary Arterial" shall mean and refer to Primary Arterials as defined in the City's Street

Design Manual as of the effective date of this ordinance as authorized by Council Policy 600-9.

15. "Public Facility" shall include Freeways, expressways, Primary Arterials, Major Streets, police protection facilities, fire protection facilities, resource-based parks, the central library, public transit, operation yards and open space.

16. "Public Transit Conveyance" shall mean and refer to a conveyance including, but not limited to, one operated on rails or tracks, which is within the jurisdiction of the San Diego Metropolitan Transit Development Board or a similar public agency.

17. "Public Transit Project" shall mean and refer to real or personal property necessary for the operation of Public Transit Conveyance having an origin or destination within The City of San Diego including, but not limited to, land, structures and improvements thereto, works, vehicles, rolling stock, rights-of-way, easements, rail lines, rail beds, stations, platforms, switches, yards, terminals, other facilities adjacent to or nearby rail transit stations which are designed to be used in conjunction with the station, and any and all other equipment or facilities or equipment necessary or convenient for the provision of transit service, whether under, on or above the ground, including public streets, highways, bridges, or other public ways or waterways, together with the physical

structures necessary or convenient for the access of persons or vehicles thereto.

C. General Provisions.

1. The City Council shall adopt by resolution a Preferred Level of Service for each type of Public Facility.

2. The City shall prepare, within three (3) months of the effective date of this Ordinance, a Capital Facilities Plan designed to achieve the Preferred Level of Service standard for Transportation Facilities over a twenty (20) year period. The City shall prepare, and the Council shall adopt, a Capital Facilities Plan for non-transportation facilities within nine (9) months of the effective date of this ordinance.

3. The Capital Facilities Plan shall list and prioritize all Public Facility projects. To the extent feasible, Capital Projects shall be included in the Capital Facilities Plan and funded in the following order of priority:

a. First Priority shall be given to those Capital Projects that will produce a measurable improvement in existing Level of Service standards in areas that are currently below the Preferred Level of Service standard, including, without limitation, the construction of public transit

facilities within the vicinity of constrained roadway facilities.

b. Second priority shall be given to Capital Projects located in urbanized areas that will encourage continued growth and development in accordance with Preferred Level of Service standards and the "Guidelines for Future Development" chapter of the Progress Guide and General Plan.

c. Third priority shall be given to Capital Projects that achieve measurable improvements in levels of service in areas that are already meeting the preferred levels of service standards.

4. In no event shall a Capital Project be included in the Capital Facilities Plan if it will directly accommodate growth in the Future Urbanizing Area prior to the adoption of a specific or community plan for such area which provides that the area is to be transitioned to the Planned Urbanizing tier. Nothing in this ordinance shall effect the timing or priority of the construction of a Public Facility totally or partially funded by Facilities Benefit Assessments in accordance with San Diego Municipal Code § 61.

D. Contents of the Capital Facilities Plan.

1. The Capital Facilities Plan shall list all applicable Capital Projects needed to attain the

preferred levels of service by the conclusion of the twenty-year planning period and shall include all projects contained in the six-year Capital Improvement Program described in Administrative Regulation No. 1.60.

2. For each Capital Project included in the Capital Facilities Plan, the following information shall be included:

a. The justification for the project, including the proportion of the project needed to achieve the Preferred Level of Service given the Demand from existing development, and the proportion of the project needed to serve new growth at the Preferred Level of Service; and

b. the reasonably available funding source or sources for the project, including the proportion of the project to which each funding source will be applied; provided, however, that Developer Contributions shall not be indicated as a source of funding for that proportion of any project that is needed to accomplish the Preferred Level of Service due to the Demands created by existing development; and

c. the project Capacity; and

d. the projected additional population and/or employment that will generate Demand for the project; and

e. the ratio of Demand to project Capacity;
and

f. the year in which the Capital Project
will reach the following stages of completion
(where applicable):

- (1) design;
- (2) right-of-way or land acquisition;
- (3) award of construction contract;

g. the cost of the Capital Project at each
stage of completion, including the interest rate
used to determine such cost.

3. The Capital Facilities Plan shall be updated
on an annual basis. The annual update shall include,
without limitation the following:

a. The population and employment increase
during the past year and the Demand that such
development has placed on new public facilities at
the Preferred Level of Service; and

b. Additional Capital Projects that are
needed due to the failure of certain Capital
Projects to reach the anticipated stage of
completion.


Section 2. Severability. If any part or provision of
this ordinance or the application of this ordinance to any person
or circumstances is adjudged invalid by any court of competent
jurisdiction, the judgment shall be confined in its operation to
the part, provisions, or application directly involved in the

controversy in which the judgment is rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Section 3. Effective Date. This ordinance shall be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Janis Sammartino
Deputy City Attorney

JS:pev
07/06/90
09/14/90 COR.COPY
10/12/90 REV.1
Or.Dept:Mgr.
O-91-60
Form=o.none

#51

Passed and adopted by the Council of The City of San Diego on OCT 15 1990,
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 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.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Linda Sugaw, 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

OCT 01 1990

, and on OCT 15 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 Linda Sugaw, Deputy.

Office of the City Clerk, San Diego, California

Ordinance 0-17537 Adopted OCT 15 1990
Number Adopted.....

RECEIVED

90 OCT 12 PM 2:16

CITY CLERK'S OFFICE
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

RECEIVED *pc*
CITY CLERK'S OFFICE
90 NOV -1 AM 10:27
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE
CITY ADM. BLDG.
202 C ST., 2ND FLOOR
SAN DIEGO, CA. 92101
ATTN: LINDA LUGANO

IN THE MATTER OF

NO.

AN ORDINANCE ESTABLISHING A CAPITAL FACILITIES PLAN
FOR THE CITY OF SAN DIEGO: ,...

ORDINANCE NUMBER O-17537 (NEW SERIES)
AN ORDINANCE ESTABLISHING A CAPITAL FACILITIES PLAN FOR THE CITY OF SAN DIEGO; PROVIDING STANDARDS AND CRITERIA FOR THE INCLUSION OF PUBLIC FACILITIES IN THE CAPITAL FACILITIES PLAN; PROVIDING GUIDELINES FOR THE PREPARATION OF THE CAPITAL FACILITIES PLAN; RELATING THE CAPITAL FACILITIES PLAN TO OTHER REGULATORY PROGRAMS AND PROVIDING AN EFFECTIVE DATE.
A complete copy of the Ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, Ca. 92101.
INTRODUCED ON October 01, 1990 Passed and Adopted by the Council of The City of San Diego on October 15, 1990
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 LINDA LUGANO, Deputy
Pub. Oct. 29 1990

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-17537 (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:

OCT. 29

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

Dated at San Diego, California this 29TH day of OCT, 19 90.

Thomas D. Kelleher
(Signature)

2 1/4 x 2 = 53.28