

ORDINANCE NUMBER O- 17552 (NEW SERIES)

ADOPTED ON NOV 13 1990

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 22, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0260 RELATING TO
INTERIM DEVELOPMENT CONTROL.

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

Section 1. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0160, to read as follows:

SEC. 101.0260 INTERIM DEVELOPMENT CONTROL

A. Purpose.

1. and 2. [No change.]

3. The growth in population and housing units, commerce and industry since 1979 has exceeded the City's ability to provide public facilities concurrent with residential, commercial and industrial growth and has led to facility deficiencies, reductions in levels of service, reductions in environmental quality, loss of open land, traffic congestion, and other land use, public facility, and environmental problems.

4. and 5. [No changes.]

B. [No change.]

C. Scope of the Regulations

The specific provisions of this ordinance shall apply to residential, commercial and industrial development.

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CITY CLERK'S OFFICE *cc*

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SAN DIEGO, CALIF.

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D. Regulations for Development

The following categories for residential development are deemed exempt:

1. through 3. [No change.]
4. Development in Redevelopment Areas adopted pursuant to the Community Redevelopment Law.
5. Projects for which all required discretionary permits have been approved and recorded and/or for which building permits have been issued prior to the first date of notice by publication pursuant to Section G.

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.

The maximum number of dwelling units for residential development or square footage for commercial and industrial development, except exempt development, for which building permits may be issued in the affected area shall be established by Council resolution at the time the ordinance is implemented. This resolution shall specify the maximum number of

dwelling units or square footage to be allotted to each type of development through a standard allocation and through an established reserve. The City Council may by resolution review, revise or update the dwelling unit or square footage allocation for the affected area as necessary.

E. Procedure for Development Approval

1. 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:

a. Administering the dwelling unit or square footage allocation pursuant to the procedure set forth in Section E3, and as specified in the implementing resolution;

b. and c. [No change.]

2. The Building Inspection Department shall not accept building permit applications for any developments regulated by this ordinance until the applicant obtains approval of the dwelling unit or units or square footage from the Administrator or through the variance process.

3. [No change.]

F. Variances

An applicant may request a variance from the decision of the Administrator within thirty (30) days

of the Administrator's determination. The applicant shall indicate the nature of the variance requested and shall supply information sufficient to establish the basis for such variance request. The Administrator shall forward the variance application to the Planning Commission within thirty (30) days after notification of compliance with Section J of this Ordinance, approval of all discretionary permits, and recommendations/comments of the requested variance by the applicable community planning group. All allocations granted pursuant to a variance approval shall be taken from the reserve allocation as set forth in the implementing resolution. In the event that the granting of variances by the Planning Commission depletes the reserve allocation, the City Council shall either (1) re-establish a reserve allocation or (2) discontinue acceptance of variance requests pursuant to this section. The Planning Commission may grant such variance or modification upon its determination and its discretion that such variance or modification will (1) not result in any material damage or prejudice to other property in the vicinity and will not be detrimental to the public health, safety and general welfare; (2) there are special circumstances unique to the development of this project and property which are not of the applicant's making; and which outweigh the policy and purpose of this Ordinance; and (3) the

strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land; and (4) the variance granted is the minimum variance that will accomplish this purpose. Any variance granted shall be subject to conditions, including limitations on the number of building permits requested, as the Planning Commission shall deem appropriate. The decision of the Planning Commission shall be appealable to the City Council.

G. Method of Implementation

The City Council by resolution may implement this ordinance. Notice of the proposed implementation shall be provided by publication in a newspaper of general circulation and by mail to the applicable community planning group(s) at least ten (10) days before the date set for the Council hearing on the implementing resolution. The resolution shall include the following:

1. and 2. [No changes.]

3. The establishment of a standard and a reserve allocation.

H. through L. [No changes.]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Janis Sammartino
Janis Sammartino
Deputy City Attorney

PS:JS:pev
10/11/90
10/30/90 Rev. 1
Or.Dept:Mgr.
O-91-63
Form=o+t

51B

Passed and adopted by the Council of The City of San Diego on.....
by the following vote: NOV 13 1990

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 *Linda Lugano* , 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 29 1990**, and on **NOV 13 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.

(Seal) CHARLES G. ABDELNOUR
.....
City Clerk of The City of San Diego, California.
By *Linda Lugano* , Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17552** **NOV 13 1990**
 Number Adopted

CERTIFICATE OF PUBLICATION

RECORDED
CITY OF SAN DIEGO
92070-0 (112) 27
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
ATTN: LINDA LUGANO
CITY ADM. BLDG
202 C ST., 2ND FLOOR
SAN DIEGO, CA. 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 22,...

ORDINANCE NUMBER O-17552 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 22, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0260 RELATING TO INTERIM DEVELOPMENT CONTROL.
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.
INTRODUCED ON October 29, 1990 Passed and Adopted by the Council of The City of San Diego on November 13, 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. Nov. 27 809230

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

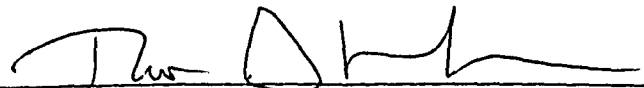
ORDINANCE NUMBER O-17552 (NEW SERIES)

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:

NOV. 27

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

Dated at San Diego, California this 27TH day of NOV, 1990.



(Signature)

1 3/4 x 2 = 43.68