

(O-87-151)

ORDINANCE NUMBER O- 16800 (NEW SERIES)

ADOPTED ON JAN 26 1987

AN EMERGENCY MEASURE AMENDING ORDINANCE NO. O-16780 (NEW SERIES) BY AMENDING SECTION 1. TO PROVIDE FOR A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE DEMOLITION OR REMOVAL OF EXISTING BUILDINGS AND STRUCTURES WITHIN THE SHERMAN HEIGHTS NEIGHBORHOOD OF THE SOUTHEAST COMMUNITY PLAN AREA WHICH SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS ENACTMENT.

WHEREAS, The City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to act to protect and promote the public health, safety and welfare of its citizens; and

WHEREAS, the City Council has approved and adopted the Project First Class Urban Design Study which proposes that The City of San Diego initiate a historic district nomination of the Sherman Heights Neighborhood; and

WHEREAS, the City Council has allocated funds to the Planning Department for the conduct of a historical survey of buildings and structures within the Sherman Heights Neighborhood, bounded on the west by Interstate 5, on the north by State Route 94, on the east by 25th Street, and on the south by Imperial Avenue; and

WHEREAS, the Historical Site Board will utilize said historical survey in a determination of whether to designate the area as a historic district, pursuant to the requirements of San Diego Municipal Code Section 26.02; and

WHEREAS, the Sherman Heights Neighborhood Element of the draft revision of the Southeast San Diego Community Plan calls for the protection, preservation, and enhancement of buildings and structures of architectural and historical significance which help to define the cultural and developmental character of the neighborhood; and

WHEREAS, there are no existing restrictions on the potential demolition and/or removal of the buildings and structures being surveyed, before they can be considered by the Historical Site Board; and

WHEREAS, the provisions of San Diego Municipal Code Section 101.0205.2 provide that in the event the City Council initiates a change of zone, the City Council may adopt an ordinance providing that no development inconsistent with the provisions of the most restrictive zone under consideration shall take place pending a determination by the City Council of the proposed change of zone; such ordinance may be adopted only if the City Council finds that development inconsistent with the proposed change of zone would be detrimental to the public health, safety, general welfare and good zoning practice and that such development appears imminent; and

WHEREAS, on December 9, 1986, the City Council adopted Ordinance No. O-16780 (New Series), which placed zoning and development restrictions on various neighborhoods of the Southeast San Diego planning area in order to avoid compromising the implementation of the Southeast San Diego Community Plan; and

WHEREAS, it has been determined by the City Council that an emergency situation exists within the Sherman Heights Neighborhood, with respect to the possible precipitous demolition and/or removal of historic and architecturally significant buildings and structures; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public's health, safety and general welfare, and that the issuance of any permits for either the demolition and/or removal of buildings and structures in the Sherman Heights Neighborhood would conflict with an ongoing City Council initiated study of the area and with the goals and objectives of the City Council adopted Project First Class Urban Design Study and the draft Southeast San Diego Community Plan;

NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, that the following provision is adopted as an emergency measure amending Ordinance No. O-16780 (New Series) by amending Section 1. to read as follows:

Section 1. Within that area known as Sherman Heights and generally bounded by State Route 94 on the north, Interstate 5 on the west, 25th Street on the east and Imperial Avenue on the south, and shown more specifically on Map No. C-729; that all property presently zoned R-1000 and CC (Community Commercial) shall not be developed with more than one dwelling unit per 5,000 square feet of parcel area unless a Planned Residential Development Permit or a Conditional Use Permit is obtained. Within the area described above, no permit shall be issued for

the demolition and/or removal of any buildings or structures.
The provisions of this section shall not apply to the following:

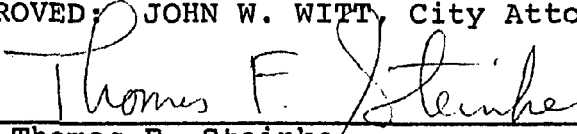
A. To any building or structure found by the City Manager of The City of San Diego to present a hazard to public health or safety, and for which an emergency permit for demolition must be issued; or

B. To any permit approved by the Planning Director, Planning Commission or City Council as part of a development project submitted, reviewed and approved in accordance with this ordinance, and provided that such development application includes an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property and such report is reviewed by the Historical Site Board for the purpose of recommending to the Planning Director whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s) and their likelihood to contribute to the significance of the proposed Sherman Heights Historic District.

Section 2. This ordinance shall take effect and be in force immediately upon its introduction and adoption.

APPROVED: JOHN W. WITT, City Attorney

By



Thomas F. Steinke
Deputy City Attorney

TFS:ta:634
01/20/87
Or.Dept:Plan.
O-87-151
Form=o.none

5400

JAN 26 1987

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"/>
Bill Cleator	<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"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<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"/>
Celia Ballesteros	<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 Board* , Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
JAN 26 1987, 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 Board* , Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	<i>0-16800</i> Adopted JAN 26 1987

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET
2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN EMERGENCY MEASURE AMENDING ORDINANCE
NO. 0-16780 (NEW SERIES)

**ORDINANCE NUMBER O-16800 (NEW SERIES)
ADOPTED ON January 26, 1987**

AN EMERGENCY MEASURE AMENDING ORDINANCE NO. 0-16780 (NEW SERIES) BY AMENDING SECTION 1. TO PROVIDE FOR A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE DEMOLITION OR REMOVAL OF EXISTING BUILDINGS AND STRUCTURES WITHIN THE SHERMAN HEIGHTS NEIGHBORHOOD OF THE SOUTHEAST COMMUNITY PLAN AREA WHICH SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS ENACTMENT.

This ordinance amends Ordinance No. 0-16780 (New Series) by imposing an additional limitation which prohibits the demolition or removal of buildings or structures, without first obtaining a discretionary permit, within the area known as Sherman Heights. Sherman Heights is an area generally bounded on the west by Interstate 5, on the north by State Route 94, on the east by 25th Street, and on the south by Imperial Avenue. Because this ordinance is an emergency measure, it becomes effective upon its introduction and adoption.

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 January 26, 1987

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. February 9

68808

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

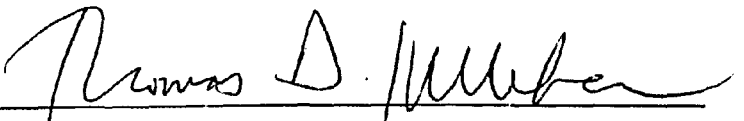
ORDINANCE NUMBER 0-16800
(NEW SERIES)

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:

FEBRUARY 9, 1987.

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

Dated at San Diego, California this 9 day of Feb., 1987.


(Signature)

5 3/4" x #10.24 = \$58.88