

(O-87-156)

ORDINANCE NUMBER O- 16822 (NEW SERIES)

ADOPTED ON MAR 3 1987

WHEREAS, the Council of The City of San Diego ("City Council") intends to adopt an updated community plan for the Southeast San Diego Community; and

WHEREAS, it is the intention of the City Council that implementation of the updated community plan's land use designations take place in the form of new zoning legislation and comprehensive rezonings in the community; and

WHEREAS, the existing zoning in the community is in conflict with the adopted SOUTHEAST SAN DIEGO COMMUNITY PLAN or proposed update revisions, or both; and

WHEREAS, the City Council finds that development in conflict with the SOUTHEAST SAN DIEGO COMMUNITY PLAN and proposed update revisions can occur and that such development would compromise the implementation of said community plan; and

WHEREAS, such development would be detrimental to the health, safety, general welfare, and good zoning practice, and such development appears imminent; and

WHEREAS, the provisions of 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, rezoning the subject property from its existing zoning to zoning consistent with the SOUTHEAST SAN DIEGO COMMUNITY PLAN as reflected on Zone Map Drawing No. C-729 will prohibit development not in conformance with the community plan;
and

WHEREAS, the City Council, on December 9, 1986, adopted an emergency ordinance (Ordinance No. 16780 (New Series)), to be effective for a period of 90 days; and

WHEREAS, the City Council, on January 26, 1987, adopted an emergency ordinance (Ordinance No. 16800 (New Series)), amending Section 1. of Ordinance No. 16780 (New Series)), adopted December 9, 1986; and

WHEREAS, it is necessary to extend that 90-day emergency ordinance in order to provide for an adequate period of time during which to prepare and adopt zoning regulations implementing the SOUTHEAST SAN DIEGO COMMUNITY PLAN; and

WHEREAS, a noticed public hearing has been conducted by the City Council in accordance with the provisions of Municipal Code Section 101.0205.2; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, 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. Within that area generally bounded by Martin Luther King Jr. Way on the north, 47th Street on the west, 49th Street on the east, and the San Diego Arizona Eastern Railroad tracks on the south and shown more specifically on Map No. C-729; that all property presently zoned R-400 and R-1000 shall not be developed with more than one dwelling unit per 1,500 square feet of parcel area unless a Planned Residential Development Permit or a Conditional Use Permit is obtained.

Section 3. Within that area generally bounded by the San Diego Arizona Eastern Railroad tracks on the north; Euclid Avenue on the west, Naranja Street on the south, and 54th Street on the east; that all property presently zoned R-400 shall not be developed with more than one dwelling unit per 1500 square feet of parcel area unless a Planned Residential Development or a Conditional Use Permit is obtained.

Section 4. For purposes of this ordinance, the requirements of Section 101.0900, paragraph L., and Council Policy 600-4, paragraph I.D.5.(a)(2), requiring guest parking spaces in planned residential developments need not be observed. However, guest parking, not to exceed 0.50 space per dwelling unit may be required as a condition of obtaining a Planned Residential Development Permit, Planned Commercial Development Permit or Conditional Use Permit.

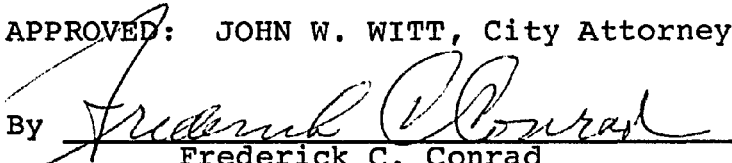
Section 5. Projects permitted under Planned Residential Development Permits or Conditional Use Permits approved prior to the effective date of this ordinance may develop in accordance with the provisions of the approved permit; provided, however, that any requested amendments to approved permits shall be subject to the provisions of this ordinance.

Section 6. The provisions of this ordinance shall remain in force and effect until March 8, 1988.

Section 7. 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 no building permits or demolition 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

FCC:cc:600
02/13/87
Or.Dept:Plan.
O-87-156

1287

MAR 3 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 Struiksma	<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.

(Seal)

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

By *Barbara Carter*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
MAR 3 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 *Barbara Carter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16822** Adopted **MAR 3 1987**

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CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1987 MAR 20 AM 11:06
SAN DIEGO, CALIF.

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

IN THE MATTER OF

NO.

Southeast San Diego Community Plan

ORDINANCE NUMBER O-16822 (NEW SERIES)

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WHEREAS, the provisions of 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

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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

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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:

MARCH 16

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

Dated at San Diego, California this 16 day of MARCH, 19 87.

Thomas D. Kelleher

(Signature)

21" x \$10.24 = \$215.04

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 historical/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.

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Introduced, reading dispensed with and adopted by the City Council of The City of San Diego on MAR 3 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 BARBARA BAXTER Deputy