

(O-87-198 Rev. 1)

ORDINANCE NUMBER O- 16855 (NEW SERIES)

ADOPTED ON MAY 4 1987

EMERGENCY ORDINANCE LIMITING ISSUANCE OF  
DEMOLITION PERMITS, BUILDING PERMITS AND  
COMMENCEMENT OF CONSTRUCTION IN PORTIONS  
OF UPTOWN FOR A PERIOD OF ONE YEAR.

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 react when the public health, safety and general welfare of its citizens are jeopardized; and

WHEREAS, the Council of the City of San Diego has initiated the preparation of and intends to adopt an updated community plan for the Uptown Community; and

WHEREAS, an Uptown Community Plan is currently being prepared by the Planning Department; and

WHEREAS, it is in the intention of the Council of the City of San Diego 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 is in conflict with the adopted Uptown Community Plan (August, 1975), the Uptown Medical Complex Plan (December, 1977) and the Open Space and Recreation Element of the Uptown Community Plan (November, 1985), and is expected to also be in conflict with proposed update revisions; and

WHEREAS, the Council of the City of San Diego finds that residential development in conflict with the Uptown Community Plan and proposed update revisions has occurred and is occurring at an accelerated pace and that such development would compromise the implementation of said community plan; and

WHEREAS, there are certain areas in the Uptown Community of the City of San Diego where a great number of applications for residential building permits have been filed and more are imminent; and

WHEREAS, canyon rim residential development out of character in bulk, scale and design with existing neighborhoods continues to take place; and

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

WHEREAS, historic structures deemed to be important to one of the oldest communities in San Diego are being demolished contrary to present and future community plan goals; and

WHEREAS, major development controls pertaining to density, design, landscaping and parking have been applied in surrounding communities but such controls have not yet been applied to the Uptown Community; and

WHEREAS, it has been determined that park space is deficient and that some of the streets in the community are operating over capacity; and

WHEREAS, Municipal Code Section 101.0203.1 empowers the City Council to adopt as an emergency measure in the interest of public safety, health and welfare, a temporary interim zoning ordinance pending the study and recommendation of zoning restrictions in an area of land within the City; NOW, THEREFORE,

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

Section 1. Within the area known as the Uptown Community Plan Area and generally bounded by Interstate 5 on the west and south, Interstate 8 on the north and Park Boulevard and Balboa Park on the east, as shown on Zone Map Drawing No. C-734, a copy of which is on file in the office of the City Clerk as Document No. O-16855, no building permits shall be issued for construction of any structure if the total number of existing and proposed dwelling units of any one project exceeds eleven units, or if the residential density for all proposed and existing buildings on the premises exceeds one dwelling unit for every 3000 square feet of lot area, unless a Planned Residential Development Permit or Conditional Use Permit is obtained, except as otherwise provided by this ordinance.

Section 2. Building permits for projects which comply with all applicable provisions of this ordinance and the San Diego Municipal Code shall be approved for construction if the residential density of all existing and proposed buildings on the premises is equal to or less than one dwelling unit for every

3000 square feet of lot area and the total number of existing and proposed dwelling units does not exceed eleven.

Section 3. No permits shall be issued for the demolition and/or removal of any building or structures, unless the application for the permit has been approved by the Planning Director. The Planning Director shall approve such an application if it is determined that the structure in question is not a potential historical structure. The Planning Director shall make the determination within ten working days of the receipt of the application. If the Planning Director does not make the determination within the specified period, the building or structure shall be deemed not to be a potential historical structure. If a potential historical structure is found, the demolition or removal permit application shall not be approved for 90 days or until the Historical Site Board has evaluated and acted on the site's historical significance, whichever occurs first. The provisions of this section shall not apply to the following:

A. 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. 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).

Section 4. Notwithstanding the provision of Sections 1 and 2 of this ordinance, within the area generally bounded by Pennsylvania on the north, Upas on the south, Richmond on the west and Park Boulevard on the east and designated Low Density Residential in the Uptown Community Plan, as shown on Zone Map Drawing No. B-3843, a copy of which is on file in the office of the City Clerk as Document No. 00-16855-2, property shall not be developed at a density greater than one dwelling unit per 5000 square feet of lot area unless a Planned Infill Residential Development permit or Conditional Use Permit is obtained.

Section 5. 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 minimum quantities of total and usable open space and 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 or Conditional Use Permit.

Section 6. Planned Infill Residential Development Permit, Planned Residential Development Permit and Conditional Use Permit applications required by this ordinance shall conform to the guidelines adopted as part of the Urban Design Element of the Greater North Park Community Plan (November, 1986), as well as to the adopted Uptown Community Plan.

Section 7. Projects permitted under Planned Infill Residential Development Permits, Planned Residential Development Permits, Hillside Review Permits approved under provisions of the updated Open Space Element of the Community Plan (November 1985), 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.

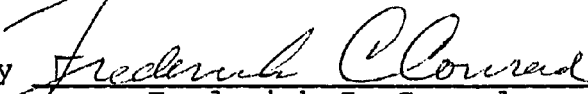
Section 8. No project which is located on property any portion of which is within the HR Zone (Municipal Code Section 101.0454) shall be approved until an HR Permit has been obtained if any construction or development is proposed within the HR Zone area or within 50 feet of the HR Zone area.

Section 9. The provisions of this ordinance shall remain in force and effect for a period of one year from the date of adoption of this ordinance unless such period is extended by

action of the City Council of The City of San Diego. In the event this ordinance is not extended, the property affected by this ordinance shall be, upon the expiration of one year from the adoption of this ordinance, regulated by the provisions of those land use zones which were applicable to the property prior to the adoption of this ordinance.

Section 10. 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, except as provided by this ordinance, no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the adoption of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:cc:600  
04/30/87  
05/06/87 Rev. 1  
Or.Dept:Council-Ballesteros  
O-87-198  
Form=o.none

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MAY 4 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

By *Ellen Board*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on  
MAY 4 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.

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16855 Adopted MAY 4 1987



CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1987 JUN - 1 PM 4:35  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: ELLEN BOVARD

IN THE MATTER OF  
AN EMERGENCY ORDINANCE LIMITING ISSUANCE OF  
DEMOLITION PERMITS, BUILDING PERMITS AND COM-  
MENCEMENT OF CONSTRUCTION IN PORTIONS OF UP-  
TOWN FOR A PERIOD OF ONE YEAR.

NO.

**ORDINANCE NUMBER O-16855 (NEW SERIES)**

**AN EMERGENCY ORDINANCE LIMITING ISSUANCE OF  
DEMOLITION PERMITS, BUILDING PERMITS AND COM-  
MENCEMENT OF CONSTRUCTION IN PORTIONS OF UP-  
TOWN FOR A PERIOD OF ONE YEAR.**

The ordinance, enacted as an emergency measure, limits residen-  
tial development within the area generally bounded by Interstate 5 on  
the west and south and Interstate 8 on the north and Park Boulevard  
and Balboa Park on the east. Residential development may not ex-  
ceed one dwelling unit per 3000 square feet of lot area except for the  
area generally bounded by Pennsylvania on the north, Upas on the  
south, Richmond on the west and Park Boulevard on the east within  
which area development may not exceed one dwelling unit per 5000  
square feet of lot area. The ordinance provides exceptions from its  
provisions for projects approved under discretionary permits prior to  
the enactment of the ordinance. The ordinance remains in effect for  
one year unless extended by action of the City Council.

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 Ad-  
ministration Building, 202 "C" Street, San Diego, CA 92101.

Introduced, reading dispensed with and adopted by the  
City Council of The City of San Diego on May 4, 1987  
AUTHENTICATED BY: MAUREEN O'CONNOR  
Mayor of The City of San Diego, California  
CHARLES G. FBDELNOUR  
City Clerk of The City of San Diego, California  
By ELLEN BOVARD Deputy  
Pub. May 27

78544

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

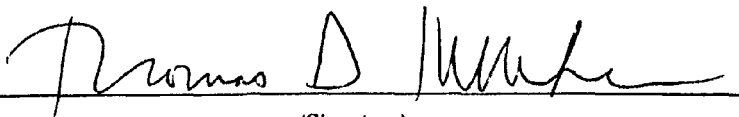
**ORDINANCE NUMBER O-16855 (NEW SERIES)**

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:

MAY 27

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

Dated at San Diego, California this 27 day of MAY, 19 87

  
(Signature)

2.625 X 10.24 X 2 2 = 53.76