

ORDINANCE NUMBER O- 17128 (NEW SERIES)

ADOPTED ON AUG 09 1988

AN INTERIM ORDINANCE OF THE CITY OF SAN DIEGO TO PROTECT SINGLE-FAMILY NEIGHBORHOODS IN MULTI-FAMILY ZONED AREAS FROM INCOMPATIBLE DEVELOPMENT PENDING THE CLASSIFICATION OF SUCH NEIGHBORHOODS.

WHEREAS, The City of San Diego, California (hereinafter "City"), has adopted a Charter pursuant to California Constitution, article 11, section 3, and has, pursuant to section 5 of the same article, the authority by virtue of its Charter to make and enforce all ordinances and regulations in respect to municipal affairs . . . , " including the authority to enact and enforce plans and interim and permanent land use control measures to protect and promote the public health, safety and welfare of its citizens; and

WHEREAS, the City, in 1979, adopted the Progress Guide and General Plan (hereinafter "General Plan") which contains the following guidelines and standards: (1) that the environment of existing communities shall be stabilized and improved; (2) that the small scale visual qualities that make the City a comfortable and often exciting place in which to live shall be retained; (3) that densification of existing communities shall only occur in accordance with community plans; and (4) that only development which is sensitive to the particular needs of individual areas should be promoted; and

WHEREAS, there are neighborhoods in the City which are primarily single-family in character, but which are zoned for multi-family residential uses; and

WHEREAS, the single-family character of such neighborhoods is jeopardized by the underlying multi-family zoning which allows the replacement of single-family dwelling units with multi-family residential and nonresidential development; and

WHEREAS, such single-family neighborhoods in multi-family zoned areas are increasingly being converted to multi-family and nonresidential land uses; and

WHEREAS, continued multi-family and nonresidential development at densities permitted by the present zoning will adversely affect and threaten the character of certain existing single-family neighborhoods which the City intends to maintain; and

WHEREAS, the City has placed on the ballot of the November, 1988, general election, a Growth Management Element of the General Plan which contains a section titled "Preservation of Neighborhood Character;" and

WHEREAS, the neighborhood classification requirement incorporated in the proposed Growth Management Element is an integral part of an implementation program designed to protect single-family neighborhoods; and

WHEREAS, the proposed Growth Management Element, if adopted by the electorate, will not become effective until January 1, 1989; and

WHEREAS, an interim ordinance is needed to preserve the status quo in existing single-family neighborhoods pending the completion of the neighborhood classifications; and

WHEREAS, an interim ordinance is needed to prevent accelerated multi-family residential development in single-family neighborhoods from unduly influencing the outcome of the neighborhood classification study; and

WHEREAS, the public interest, convenience, health, safety, welfare and necessity require the immediate enactment of this interim ordinance as an urgency measure so as (1) to prevent the replacement of single-family residences by multi-family and nonresidential development, and (2) to preserve the status quo, thereby prohibiting uses of property which may be in conflict with the contemplated changes to the General Plan and applicable community plans, pending the completion, consideration, review and implementation of the neighborhood classifications; and

WHEREAS, Municipal Code section 101.0203.1 empowers the Council to adopt, as an emergency measure in the interest of public safety, health and welfare, a temporary interim zoning ordinance pending the neighborhood classifications and implementation thereof; and

WHEREAS, the specific housing programs and activities being undertaken by the City to fulfill the City's housing goals as required by California law will not be impaired by the adoption of this ordinance; and

WHEREAS, with reference to and based on each of the facts set forth above, the Council finds that there exists a current and

immediate threat to public health, safety and welfare with regard to protection of the environment for the public benefit and with regard to evaluating the best uses for the subject area to provide for the immediate and future needs of the public; NOW, THEREFORE,

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

SECTION 1. RESTRICTION ON REPLACEMENT OF SINGLE-FAMILY RESIDENCES IN MULTI-FAMILY ZONED AREAS.

The Council does hereby adopt as an urgency measure, an interim ordinance restricting the issuance of building permits on any lot or premises which:

A. Is in a multi-family zone (including multi-family areas of planned districts); and

B. Was the site of one single-family residence on or after the effective date of this ordinance.

This restriction shall not apply to any lot or premises with a valid Interim Development Ordinance (O-17015 N.S.) allocation granted prior to the effective date of this ordinance.

SECTION 2. BUILDING PERMITS WHICH MAY BE ISSUED.

On such lots or premises identified in Section 1. above, building permits may be issued and plans accepted by the Building Inspection Department only for the following:

A. One single-family residence per lot or premises where there will be no more than one residence upon completion of construction.

B. Accessory structures customarily incidental to a single-family residence.

C. A structure or structures in a public park.

D. A structure or structures serving a use allowed by Conditional Use Permit in the R-1 Zones, as specified in section 101.0510 of the San Diego Municipal Code; provided, however, that such uses are required to first obtain a Conditional Use Permit as if the use were located in an R-1 zone.

E. Repairs, remodeling, alterations, and rehabilitation of existing structures, provided there is no increase in the number of dwelling units.

F. Low-income housing developments as approved by the San Diego Housing Authority.

G. Demolition or relocation of a single-family residence, provided:

1. The Demolition or Relocation Permit clearly notes that only the uses listed in paragraphs A. through F. of this Section may replace the demolished or removed residence, and

2. The Building Inspection Department notes such limitation on its records.

SECTION 3. APPLICABILITY TO INDIVIDUAL NEIGHBORHOODS.

This ordinance shall be applicable and shall remain in effect with respect to individual neighborhoods until:

A. The City Council classifies the neighborhood by resolution and pursuant to such resolution releases the

neighborhood (or any portion of the neighborhood) from the provisions of this ordinance; or

B. The City Council classifies the neighborhood, by resolution, and pursuant to such resolution imposes by ordinance measures to protect the single-family character of such neighborhood, or, as appropriate, to guide the transition of the neighborhood to multi-family use.

SECTION 4. EFFECTIVE DATE.

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 from and after its effective date no building permits for development inconsistent with the provisions of this ordinance shall be issued.

SECTION 5. DURATION.

Unless extended pursuant to Section 101.0203.2 of the Municipal Code, this ordinance shall expire at the earlier of the following occurrences:

1. One year after the effective date of this ordinance; or
2. When all neighborhoods have been classified by the City Council as set forth above.

SECTION 6. EFFECT OF INTERIM REGULATIONS ON EXISTING CITY REGULATIONS AND ORDINANCES.

This ordinance is additional and supplemental to and shall not affect, except as specifically provided herein, any provision of the San Diego Municipal Code relating to the permissible use

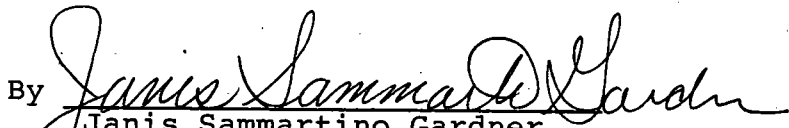
of property, density of development, design standards, improvement standards and requirements or any other aspect of the development of land or provision of public improvements which shall continue to be subject to the zoning, subdivision, building or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED: John W. Witt, City Attorney

By


Janis Sammartino Gardner
Deputy City Attorney

JSG:ps
08/05/88
08/09/88 REV. 1
08/10/88 REV. 2
Or.Dept:Plan.
O-89-23
Form=o.none

Passed and adopted by the Council of The City of San Diego on **AUG 09 1988**
 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"/>
Gloria McColl	<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"/>
Ed Struiksmma	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" 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 *Maureen G. O'Connor*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on **AUG 09 1988**, 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 *Maureen G. O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17128** Adopted **AUG 09 1988**