

ORDINANCE NUMBER O- 17170 (NEW SERIES)

ADOPTED ON NOV 1 1988

AN EMERGENCY ORDINANCE LIMITING ISSUANCE OF
BUILDING PERMITS AND COMMENCEMENT OF
CONSTRUCTION IN A PORTION OF CENTRE CITY SAN
DIEGO 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 City Council has initiated the preparation of and intends to adopt an updated community plan for the Centre City Community; and

WHEREAS, a Centre City San Diego Community Plan is currently being prepared by the Planning Department of The City of San Diego in conjunction with the 26-member Centre City Planning Committee appointed by the Mayor; 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 and urban design legislation; and

WHEREAS, the existing zoning in portions of the Centre City area only regulates land use and development design in a very general manner; and

WHEREAS, new projects under consideration or to be proposed in a certain area of Centre City may well be nonconforming to the

final recommendations of the Centre City Planning Committee and the Planning Department of The City of San Diego; and

WHEREAS, in order to proceed with the Centre City San Diego Community Plan process allowing certain project approvals could be inconsistent with the objectives of proposed zoning and urban design legislation to be incorporated into that plan; and

WHEREAS, San Diego 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 on 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 Harborview in the Centre City San Diego Community Plan area and bounded by Laurel Street on the north, Interstate 5, and Front Street on the east, Beech Street on the south and Pacific Highway on the west as shown on Map Drawing No. C-776, a copy of which is on file in the office of the City Clerk as Document No. 00-17170, no building permits shall be issued for construction of any structure generally over 50 feet in height and a maximum floor area ratio ("FAR") of 6.0.

Section 2. Within the area known as the Ash Street Mall in the Centre City San Diego Community Plan area and described as beginning at the northwest intersection of Beech Street and Pacific Highway continuing east on Beech Street to Front Street, north on Front Street to Interstate 5, continuing southeast on Interstate 5 to Fourth Avenue, south on Fourth Avenue to "A"

Street, west on "A" Street to Union Street, north on Union Street to Ash Street, west on Ash Street to Pacific Highway to point of beginning as shown on Map Drawing No. C-776, a copy of which is on file in the office of the City Clerk as Document No. 0017170. No building permit shall be issued for construction of any structure over 250 feet in height and a maximum base FAR of 7.0.

Section 3. Within the area known as Cortez Hill in the Centre City San Diego Community Plan area and bounded by Fourth Avenue on the west, Interstate 5 on the north, State Route 163 on the east and "A" Street on the south, as shown on Map Drawing No. C-776, a copy of which is on file in the office of the City Clerk as Document No. 00-17170, no building permit shall be issued for construction of any structure over a maximum FAR of 6.0, height governed by local rules and regulations.

Section 4. Within the area known as the Core in the Centre City San Diego Community Plan area and bounded by "A" Street on the north, Eleventh Avenue on the east, "E" Street on the south, Sixth Avenue on the west, north on Sixth Avenue to Broadway, west on Broadway to Union Street and north on Union Street to "A" Street as shown on Map Drawing No. C-776, a copy of which is on file in the office of the City Clerk as Document No. 00-17170, no building permit shall be issued for construction of any structure that exceeds a maximum FAR of 10.0. There will be no height restrictions except those governed by local rules and regulations.

Section 5. Within the area known as Centre East in the Centre City San Diego Community Plan area, the existing Planned

District Ordinance adopted by the City Council on October 27, 1986, shall apply (Ordinance No. O-16735 (New Series)).

Section 6. All projects will be reviewed by the City Council.

Section 7. Any requested variances to Sections 1., 2., 3. and 4. shall be processed as a ten-day noticed public hearing before the City Council. This action will require environmental review.

Section 8. In addition to the provisions of this ordinance, all development proposals in these designated areas shall be reviewed in accordance with the Centre City Overlay Zone in effect since March 1987, and the Urban Design Program adopted as an element of the 1976 Centre City San Diego Community Plan in October 1983. The following design criteria will also be used by the City Council to evaluate projects.

1. Provision of one (1) or more parks, setback areas or widened and enhanced public right-of-way. Such areas are improved by the developer.

2. All on-site parking is underground.

3. The structure provides an appropriate transition to adjacent higher or lower structures to be determined by the City Council.

4. Height will not add significant shadows on public sidewalks, plazas and parks.

5. The tower portion of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant streetwall on the block and to preserve view corridors.

6. One percent (1%) of total development cost (land and improvements) is expended to benefit the downtown or immediate neighborhood for public art, public plaza or park.

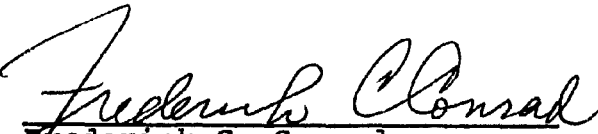
7. Each facade of the structure with the exception of the first level is no more than fifty percent (50%) glass which is up to thirty percent (30%) in reflectivity. The remaining fifty percent (50%) of the facade is masonry, stone or other appropriate material.

8. A minimum of fifty percent (50%) of the street level of all street frontages is devoted to commercial activity.

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 according to San Diego Municipal Code Section 101.0203.1.

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.

APPROVED: John W. Witt, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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10/27/88
11/02/88 REV. 1
Or.Dept:Plan.
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NOV 1 1988

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"/>
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 Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 *Rhonda R. Barnes*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
NOV 1 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 *Rhonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17170** NOV 1 1988
Number Adopted