

ORDINANCE NUMBER O- 17469 (NEW SERIES)

ADOPTED ON MAY 21 1990

AN ORDINANCE OF THE CITY OF SAN DIEGO LIMITING  
ISSUANCE OF DEMOLITION PERMITS AND BUILDING  
PERMITS WITHIN PORTIONS OF PACIFIC BEACH TO  
PROTECT MULTI-FAMILY NEIGHBORHOODS FROM  
INCOMPATIBLE DEVELOPMENT.

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 1983, adopted the Pacific Beach Community Plan (hereinafter "Community Plan") which contains the following guidelines and standards for the design and development of multi-family projects: (1) that new development should be consistent with the scale and character of the existing development of the surrounding areas; (2) that harmony should be promoted in the visual relationships and transitions between new and older buildings; and (3) that multi-family buildings should be designed and evaluated in the context of surrounding development; and

WHEREAS, the City's Local Coastal Program implementing ordinances containing provisions for requiring conformance with the applicable community plan and compatibility with the surrounding neighborhood for those properties within the Coastal Zone; and

WHEREAS, there are properties within the Pacific Beach Community which are zoned for multi-family use and which are outside of the coastal zone; and

WHEREAS, the existing multi-family residential zoning does not incorporate regulations to assure compatibility of new multi-family development with the existing neighborhood character and implementation of the above community plan guidelines; and

WHEREAS, continued multi-family development in those areas outside of the coastal zone could adversely affect and threaten the character of certain existing multi-family neighborhoods; and

WHEREAS, such development would be detrimental to the public interest, health, safety, and general welfare; and

WHEREAS, the Council has directed the Planning Department to prepare an ordinance which would regulate, through a ministerial permit, the design of multi-family residential development to assure compatibility with the existing neighborhood character in communities throughout the City; and

WHEREAS, the multi-family residential design ordinance is in the process of being prepared and is not yet ready for adoption and application; and

WHEREAS, an interim ordinance is needed to preserve the residential character of those multi-family neighborhoods within the Pacific Beach community which are outside of the coastal zone and are therefore not protected by the Local Coastal Program implementing ordinances; NOW, THEREFORE,

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

Section 1. Within the area known as the Pacific Beach Community Plan Area and generally bounded by the Pacific Ocean on the west, the La Jolla community on the north, Interstate 5 on the east and Mission Bay Park on the south, and specifically within those areas that are zoned for multi-family residential use and are outside of the coastal zone, as shown on Zone Map C-800, a copy of which is on file in the office of the City Clerk as Document No. 00-17469, no building permits shall be issued for construction of any structure if the total number of existing and proposed dwelling units on any one lot exceeds two units, or if the residential density for all proposed and existing buildings on the lot exceeds one dwelling unit per 3,000 square feet of lot area, unless a Planned Infill Residential Development (PIRD) Permit (San Diego Municipal Code section 101.0930) 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 3,000 square feet of lot area and the total number of existing and proposed dwelling units does not exceed two.

Section 3. No permits shall be issued for the demolition and/or removal of any building or structure, 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 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. The provisions of this ordinance shall remain in force and effect until:

A. A permanent ordinance, regulating the design of multi-family residential projects to assure compatibility with the surrounding neighborhood, is applied to the community; or

B. Within one year from the effective date of this ordinance.

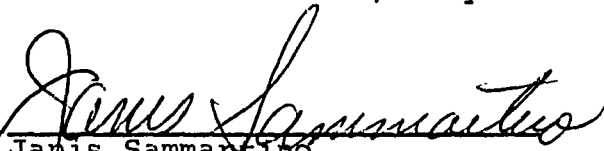
Section 5. This ordinance shall take effect on the thirtieth day following the date of its adoption.

Section 6. No permits for development inconsistent with the provisions of this ordinance shall be issued unless application for demolition permits or building permits therefore was made prior to the date of the introduction of this ordinance and

release of the Pacific Beach community from the provisions of the  
Single-Family Neighborhood Protection Ordinance.

APPROVED: JOHN W. WITT, City Attorney

By

  
Janis Sammartino  
Deputy City Attorney

JS:lc:pev  
12/18/89  
05/16/90 REV.1  
Or.Dept:Plan.  
O-90-115  
Form=o.none

MAY 21 1990

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"/>
John Hartley	<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"/>
Linda Bernhardt	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<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 *Ellen Board*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 8 1990, and on MAY 21 1990

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

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 0-17469 Adopted MAY 21 1990