

ORDINANCE NUMBER O- 18184 (NEW SERIES)

ADOPTED ON JUN 26 1995

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3,
DIVISION 15, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 103.1504 RELATING TO
DEMOLITION REVIEW PROCEDURES

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

Section 1. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code be and the same is hereby amended by amending Section 103.1504, to read as follows:

SEC. 103.1504 PROJECT REVIEW REGULATIONS

A. through I. [No changes to these subsections.]

J. DEMOLITION PERMITS

1. Section 103.1504(J) shall cease to be in force and effect if and when a citywide demolition review procedure is approved by the City Council and in force and effect.

2. Within the area shown on Map C-872, on file in the office of the City Clerk as Document No. OO- 18184, generally the Uptown, North Park, and westerly portion of the Mid-City Community Plan areas (bounded by: I-8 on the north; Fairmount Avenue, Aldine Drive and Euclid Avenue on the east; Home Avenue, I-805, the southern boundary of the North Park Community Plan area and I-5 on the south; and I-5 north of downtown on the west), no permits may be issued for the demolition or removal of any building or structure, unless the application for the permit has been reviewed and

approved by the Development Services Director or his or her designee, hereafter "Director."

a. The Director may approve an application for a demolition permit if the Director determines that the structure in question is not a potential historical structure. The Director shall use the same criteria as those used by the City's Historical Site Board to determine whether a site or structure should be officially designated as historic, which criteria are maintained by and are on file with the Historical Site Board.

b. The Director shall make a written determination within ten (10) working days of the receipt of the application. If the 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 the Director determines that a building or structure is a potential historical structure, the demolition or removal permit application may not be approved during the succeeding ninety (90) day period or until the date the Historical Site Board determines the site's historical significance, whichever date first occurs.

3. The provisions of this Section 103.1504(J) shall not apply to the following:

a. Any building or structure found by the Director 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 as part of a development project reviewed and approved in accordance with this Division, and provided that such development application included an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic or architectural significance of the property. Such report shall be reviewed by the Historical Site Board for the purpose of recommending whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

c. To the extent Section 103.1504(J) is inconsistent with and controlled by any state law, it is understood and agreed that if such state law precludes the application of the section to any property, such property will not be subject to the provisions in Section 103.1504(J).

4. If any structure or building is intentionally demolished or intentionally substantially damaged without obtaining a demolition permit, a building permit for that site may not be issued pending a determination of:

a. whether the building or structure was a potential historical structure;

b. if so, whether it should be designated as such; and

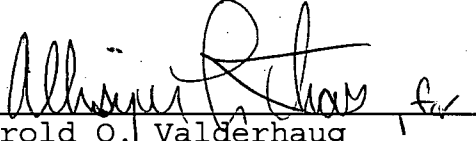
c. what legal alternatives or penalties shall be imposed as a result of such unpermitted damage or demolition.

Section 2. The previously enacted Section 103.1504(J) ceased to be in force as of January 31, 1995, and the City Clerk shall delete it from the Municipal Code.

Section 3. The Director shall notify the City Clerk in writing when a citywide demolition review process is approved by the City Council and in force and effect. Once so notified, the City Clerk shall delete this Section 103.1504(J) from the Municipal Code.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

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