

EMERGENCY ORDINANCE NO. O-15265  
(New Series)

MAY 12 1980

EMERGENCY ORDINANCE PURSUANT TO SECTION 91.01 OF THE SAN DIEGO MUNICIPAL CODE AND SECTION 17 OF THE CITY CHARTER PROHIBITING THE CONSTRUCTION OF STRUCTURES OVER FOUR (4) STORIES IN HEIGHT WITHIN 1000 YARDS OF MISSION TRAILS REGIONAL PARK.

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 by the adoption of Resolutions Nos. 221186 and 221187 on June 19, 1978, and Resolution No. 223163 on March 27, 1979, has heretofore indicated a need for a review of the land uses surrounding the proposed Mission Trails Regional Park (formerly known as the Lake Murray, Cowles, and Fortuna Mountain Regional Park) in order that they reflect proposals made in the Master Development Plan Report for the Park dated July 1976; and

WHEREAS, said review is presently being conducted by the Planning Department and Planning Commission and is not expected to be completed until next September or October; and

WHEREAS, certain land use zones which presently abut Mission Trails Regional Park in the City of San Diego permit the construction of high rise structures; and

WHEREAS, the construction of a 17-story building is presently being contemplated on a site within 1000 yards of the Park; and

WHEREAS, there are other properties within 1000 yards of the Regional Park which could be developed or redeveloped with high rise structures in excess of four stories; and

WHEREAS, the construction of buildings of such height appears to be incompatible with the following portions of the Master Development Plan Report for the Regional Park:

General Planning

. . . .

3. The County and City of San Diego should place a specific zoning overlay or other development controls on all land adjoining the Park boundary to ensure compatible edges.

At page II-2.

Development Controls

. . . The Current and Advance Planning staffs of the City and County should jointly recommend specific changes in Community Plans, General Plan Elements, zoning, and subdivision regulations that will achieve visual and functional compatibility in terms of landscaping and edge treatments, view and trail corridors, building heights and masses, night lighting, and dwelling unit densities. . . .

. . . .

One mechanism to integrate planning for these areas would be to develop a "Specific Plan" for all areas surrounding the Park. Intended as an implementing tool for general plans, a Specific Plan is particularly applicable in setting comprehensive policies, standards, and regulations for protecting open space and trail corridors along canyon bottoms, and establishing building height, bulk, and setback limits adjacent to flood plains or in excessively steep or unstable terrain--especially where development would have a negative impact on wildlife corridors, soil erosion, and/or conflict with County or City Open Space Elements.

At page V-9.

; and

WHEREAS, such a high structure at a location in close proximity with a park appears likewise to be in conflict with the following portions of the City's Progress Guide and General Plan adopted by Resolution No. 222918 on February 26, 1979:

RECOGNIZE AND PROTECT MAJOR VIEWS IN THE CITY WITH PARTICULAR ATTENTION TO THOSE OF OPEN SPACE AND WATER.

At page 162.

Views contribute immeasurably to the quality of the city and to the lives of its residents. Protection should be given to major views whenever it is feasible, with special attention to the characteristic views of open space and water that reflect the natural setting of the city and give a colorful and refreshing contrast to man's development.

. . . Structures should stand out prominently in the city scape only when they signify the presence of important community facilities and occupy visual focal points that benefit from buildings and structures of such design.

At page 163.

. . . Views from streets and other public areas should be preserved, created, and improved where they include the water, open space, large buildings and other major features.

At page 164.

THE RATE AND CHARACTER OF DENSIFICATION SHOULD NOT DESTROY EXISTING COMMUNITY CHARACTER.

Particular guidelines will be needed for each community. Guidelines can deal with the control of parking and paved areas, the provision of landscaping, the design of buildings so as not to destroy the privacy or overshadow smaller neighbors, . . .

At page 180.

. . . Concern about height has usually been prompted by the construction of buildings that are out of scale and character with the existing community. . . .

At page 182.

Tall buildings should occur closest to major centers of employment and community services which themselves produce significant building height, and at locations where height will achieve visual interest consistent with other neighborhood considerations. IN ALL CASES, THE HEIGHT AND CHARACTER OF EXISTING DEVELOPMENT SHOULD BE CONSIDERED.

At pages 186, 187.

Prepare a plan for the location and control of highrise buildings. . . . If the plan is not prepared on a city-wide basis priority should be given to hillside and shoreline area, areas with the greatest development pressures.

At page 187.

WHEREAS, there is a need for additional time so that the zoning and Community Plan review process presently in progress can be completed and any zones changes required to protect the park and for the benefit of the community can be implemented; and

WHEREAS, pending the study and recommendation of zoning restriction which will come from said review process there is an immediate need for an interim zoning ordinance pursuant to Section 101.0203.1 of the San Diego Municipal Code to protect the public safety, health and welfare so that uses incompatible with the aforementioned Master Development Plan and Progress Guide and General Plan may not be initiated; NOW, THEREFORE,

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

Section 1. No building permit for any structure exceeding four stories in height shall be issued in the City of San Diego for any building in an area 1000 yards in width immediately abutting and adjacent to Mission Trails Regional Park.

Section 2. This ordinance is declared to be an emergency measure required for the immediate protection of the public safety, health and welfare pursuant to Section 17 of the Charter of The City of San Diego and shall take effect immediately and continue in force for a period of nine (9) months from the day of adoption thereof by two-thirds of the members of the City Council.

APPROVED

AS TO FORM:

JOHN W. WITT, City Attorney

By



Robert S. Teaze  
Assistant City Attorney

RST:rc:263.22

4/21/80 REVISED 4/22/80 5/13/80

Or. Dept.: Council

MAY 12 1980

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on  
MAY 12 1980, 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 Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15265 Adopted MAY 12 1980