

ORDINANCE NO. 0-15407
(New Series)

O-81-134
REV.
DEC 16 1980

AN EMERGENCY ORDINANCE TO PROHIBIT RESIDENTIAL CONSTRUCTION ON THE CA-ZONED PROPERTY IN THE AREA BOUNDED ON THE NORTH BY IMPERIAL AVENUE, ON THE WEST BY 61ST STREET, ON THE EAST BY 62ND STREET AND THE CITY LIMITS ON THE SOUTH, IN THE SOUTHEAST COMMUNITY PLAN, AND ALSO THAT CA-ZONED PROPERTY WITHIN THE SOUTH BAY TERRACES SKYLINE/PARADISE HILLS PLANNING AREA FOR A PERIOD ENDING APRIL 15, 1981.

WHEREAS, the adopted plans for the area bounded on the north by Imperial Avenue, to the west by 61st Street, 62nd Street to the east and south by the City boundaries and the South Bay Terraces Skyline/Paradise Hills Community Planning Area include areas planned for commercial use and zoned CA; and

WHEREAS, there has been a lack of commercial development in these areas with an existing population of over 100,000 people and with projected population to exceed 160,000 people; and

WHEREAS, the CA Zone permits residential development as a part of the total development; and

WHEREAS, residential development has occurred on 15+ acres of land shown on the plan for commercial; and

WHEREAS, the further development of residential structures will preclude the necessary commercial development needed by the community and called for in the community plan; and

WHEREAS, the lack of commercial development will have detrimental effects in that:

1. Area residents will be deprived of nearby commercial support uses.

2. The existing commercial-zoned properties are threatened with residential development.

3. Area residents and the region will be impacted by a greater need to travel substantial distances for commercial activities and services.

4. There are no major commercial stores to service the needs of the community.

5. No other areas are available in the community to make up the loss if these commercial sites are permitted to develop with residential uses; and

WHEREAS, the foregoing effects will detrimentally affect the health, safety and general welfare of a significant portion of the citizens of The City of San Diego; and

WHEREAS, the provisions of Municipal Code, Section 91.01, provide that the City Council can, by ordinance, prohibit any construction which would be detrimental to the health, safety and general welfare of The City of San Diego; and

WHEREAS, notice of the time, place and date of the public hearing on this ordinance was given in the SAN DIEGO DAILY TRANSCRIPT newspaper on December 4, 1980; and

WHEREAS, the publication was completed on December 4, 1980, a date more than five (5) days before the date on which this ordinance was considered by the City Council; and

WHEREAS, a notice has been sent to all property owners affected by this ordinance; and

WHEREAS, in order to preserve the health, safety and general welfare this ordinance must become immediately effective as an emergency measure; and

WHEREAS, the Council of The City of San Diego finds from the evidence presented to it at the public hearing on December 15, 1980, that the facts recited above are true and the conclusions based thereon are reasonable, justified and compelled by the circumstances; NOW, THEREFORE,

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

Section 1. That within the areas designated "CA Zone" and shown on C Sheet Nos. C-662 and C-663, copies of which are on file in the office of the City Clerk as Document No. 768023, no building permits shall be issued by The City of San Diego for the construction of residential dwelling units after the introduction and adoption of the ordinance enacting these provisions.

The provisions of this ordinance shall be of no further force or effect on April 15, 1981.

Section 2. This ordinance shall become effective upon its introduction and adoption as an emergency measure based upon the facts related in the preamble to this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By 

Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
11/28/80
REV. 12/10/80
Or.Dept.:Planning

DEC 16 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
DEC 16 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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1981 JAN -6 AM 10:19
SAN DIEGO, CALIF.

San Diego, City of
202 C St., 12th floor
San Diego, CA 92101
ATTN: Ellen Bovard

IN THE MATTER OF

NO.

AN EMERGENCY ORDINANCE TO PROHIBIT RESIDENTIAL
CONSTRUCTION ON THE CA-ZONED PROPERTY IN THE
AREA BOUNDED ON THE NORTH BY IMPERIAL AVENUE, ETC.

O-15407 N.S.

ORDINANCE NO. O-15407
(New Series)
AN EMERGENCY ORDINANCE TO PROHIBIT RESIDENTIAL
CONSTRUCTION ON THE CA-ZONED PROPERTY IN THE
AREA BOUNDED ON THE NORTH BY IMPERIAL AVENUE,
ON THE WEST BY 61ST STREET, ON THE EAST BY 62ND
STREET AND THE CITY LIMITS ON THE SOUTH, IN THE
SOUTHEAST COMMUNITY PLAN, AND ALSO THAT CA-
ZONED PROPERTY WITHIN THE SOUTH BAY TERRACES
SKYLINE/PARADISE HILLS PLANNING AREA FOR A
PERIOD ENDING APRIL 15, 1981.
WHEREAS, the adopted plans for the area bounded on the
north by Imperial Avenue, to the west by 61st Street, 62nd Street
to the east and south by the City boundaries and the South Bay
Terraces Skyline/Paradise Hills Community Planning Area in-
clude areas planned for commercial use and zoned CA; and
WHEREAS, there has been a lack of commercial develop-
ment in these areas with an existing population of over 100,000
people and with projected population to exceed 160,000 people;
and
WHEREAS, the CA Zone permits residential development as
a part of the total development; and
WHEREAS, residential development has occurred on 15+
acres of land shown on the plan for commercial; and
WHEREAS, the further development of residential struc-
tures will preclude the necessary commercial development
needed by the community and called for in the community plan;
and
WHEREAS, the lack of commercial development will have
detrimental effects in that:
1. Area residents will be deprived of nearby commercial sup-
port uses.
2. The existing commercial-zoned properties are threatened
with residential development.
3. Area residents and the region will be impacted by a
greater need to travel substantial distances for commercial ac-
tivities and services.
4. There are no major commercial stores to service the
needs of the community.
5. No other areas are available in the community to make up
the loss if these commercial sites are permitted to develop with
residential uses; and
WHEREAS, the foregoing effects will detrimentally affect
the health, safety and general welfare of a significant portion of
the citizens of The City of San Diego; and
WHEREAS, the provisions of Municipal Code, Section 91.01,
provide that the City Council can, by ordinance, prohibit any con-
struction which would be detrimental to the health, safety and
general welfare of The City of San Diego; and
WHEREAS, notice of the time, place and date of the public
hearing on this ordinance was given in the SAN DIEGO DAILY
TRANSCRIPT newspaper on December 4, 1980; and

Camille Simpson

I, _____, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-15407 (New Series.)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

December 29, 1980

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 29th day of Dec., 19 80.

Camille Simpson

(Signature)

Page 1 of 2 pages

8" X 2 x 7.33 = 117.28

WHEREAS, the publication was completed on December 15, 1980, more than five (5) days before the date on which this ordinance was considered by the City Council; and

WHEREAS, a notice has been sent to all property owners affected by this ordinance; and

WHEREAS, in order to preserve the health, safety and general welfare this ordinance must become immediately effective as an emergency measure; and

WHEREAS, the Council of The City of San Diego finds from the evidence presented to it at the public hearing on December 15, 1980, that the facts recited above are true and the provisions based thereon are reasonable, justified and compelled by the circumstances; NOW, THEREFORE,

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

Section 1. That within the areas designated "CA Zone" and shown on G Sheet Nos. C-862 and C-863, copies of which are on file in the office of the City Clerk as Document No. 788023, no building permits shall be issued by The City of San Diego for the construction of residential dwelling units after the introduction and adoption of the ordinance enacting these provisions. The provisions of this ordinance shall be of no further force or effect on April 15, 1981.

Section 2. This ordinance shall become effective upon its introduction and adoption as an emergency measure based upon the facts related in the preamble to this ordinance.

Passed and adopted by the Council of The City of San Diego on December 15, 1980, by the following vote:

YEAS: Mitchell, Williams, Gotch, Murphy, Killen, Wilson

NAYS: None

NOT PRESENT: Cramer, Lowery, Schnaubell.

AUTHENTICATED BY: PETE WILSON,
Mayor of The City of San Diego, California.

Attest: ABDELNOUR,
City Clerk of The City of San Diego, California.

By: JILL EN BOVARD, Deputy
City Clerk

Published December 20, 1980