

EMERGENCY ORDINANCE NO. 0 - 16095  
(New Series)

DEC 14 1983

EMERGENCY ORDINANCE PURSUANT TO SECTION 17 OF THE CITY CHARTER LIMITING ISSUANCE OF BUILDING PERMITS AND COMMENCEMENT OF CONSTRUCTION IN PLANNED URBANIZING COMMUNITIES UNLESS AND UNTIL PROVISIONS FOR PUBLIC FACILITIES HAS BEEN MADE.

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, there are certain areas in the Planned Urbanizing Communities of The City of San Diego where a great number of applications for building permits are imminent; and

WHEREAS, it was the City's expectation that the necessary public facilities to serve these areas would be financed through Facilities Benefit Assessments (FBA) under Ordinance No. 0-15318 (New Series); and

WHEREAS, the use of FBA has been challenged twice in the California Courts and has been found at the trial level to be unconstitutional as being a tax and in violation of Article XIII A of the Constitution of the State of California; and

WHEREAS, the City has appealed those decisions; and

WHEREAS, in the meantime it is critically urgent and necessary that a method be established immediately to control construction so that development does not take place without provision being made along with it for the financing of

necessary public facilities; and

WHEREAS, unless provision is made for such public facilities before construction takes place, these areas of the City will be without the public improvements that are required for the preservation of the public peace, property, health, safety and welfare of the citizens of The City of San Diego who work or live there; and

WHEREAS, lack of public facilities will cause such major problems as:

1. Severe traffic congestion and excessive travel times and resultant pollution because needed traffic signals are not installed, or major streets or bridges are not constructed.
2. Dangerously long response time in meeting calls for assistance to fight fires and meet police emergencies.
3. Low quality of life because there are no adequate park, recreational and library facilities.

WHEREAS, the situation herein described constitutes an emergency and the Council finds that it is necessary for the immediate preservation of the public peace, property, health and safety to limit the further issuance of building permits and the commencement of construction under existing permits

in the Planned Urbanizing Communities as described in the Progress Guide and General Plan of the City unless and until provision is made for the financing of necessary public facilities; NOW THEREFORE,

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

Section 1. No building permits shall be issued nor shall construction commence under existing permits in the Planned Urbanizing Communities described in the Progress Guide and General Plan of the City unless and until provision by the applicant or permittee has been made for the development of the public facilities that are rendered necessary by the proposed construction by actual construction of such facilities or the provision of financing for such construction. The necessary public facilities are those that are required by the Progress Guide and General Plan of the City and by applicable Community Plans adopted pursuant thereto, or as more specifically set forth in applicable financing plans.

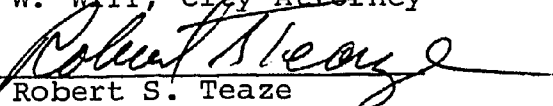
Section 2. This ordinance is declared to be an emergency measure required for the immediate protection of the public safety, health and welfare pursuant to Section 17 of the Charter of The City of San Diego and shall take effect immediately and continue in force for a period of twelve (12) months from 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:c:607

12/15/83

Or. Dept.: Council

Passed and adopted by the Council of The City of San Diego on DEC 14 1983,  
 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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<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"/>
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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By Barbara Berridge Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on DEC 14 1983, 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.~~

(Seal)

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By Barbara Berridge Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>O-16095</u>	Adopted <u>DEC 14 1983</u>
<u>01429</u>	

RECEIVED  
CITY CLERK'S OFFICE

CERTIFICATE OF PUBLICATION

1983 DEC 30 AM 10:44  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
ATTN: BARBARA BERRIDGE  
202 C St., 12th Floor  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

EMERGENCY ORDINANCE NO. O-16095

**EMERGENCY ORDINANCE NO. O-16095**  
**(New Series)**  
PURSUANT TO SECTION 17520 OF THE GOVERNMENT CODE, THE CITY CLERK'S OFFICE HAS ISSUED THIS CERTIFICATE OF PUBLICATION AND COMMENCEMENT OF OPERATION OF PLANNED URBANIZING COMMUNITIES ACT AND OTHER PROVISIONS FOR PUBLIC UTILITIES. THE CITY OF SAN DIEGO, UNDER THE POLICE POWER OF THE STATE OF CALIFORNIA, HAS DETERMINED THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITY OF SAN DIEGO REQUIRES THE ISSUANCE OF THIS ORDINANCE IN CERTAIN AREAS IN THE PLANNED URBANIZING COMMUNITIES ACT ARE IMMINENT; AND THE CITY OF SAN DIEGO HAS EXPRESSED THESE DECISIONS; AND IN THE MEANTIME, IT IS CRITICALLY URGENT AND NECESSARY THAT THE NECESSARY PUBLIC UTILITIES BE ESTABLISHED IMMEDIATELY TO CONTROL THE DEVELOPMENT DOES NOT TAKE PLACE WITHOUT PROVISION BEING MADE FOR THE FINANCING OF NECESSARY PUBLIC UTILITIES. UNLESS PROVISION IS MADE FOR SUCH PUBLIC UTILITIES, THESE AREAS OF THE CITY WILL BE SUBJECT TO THE PUBLIC PEACE, PROPERTY, HEALTH, SAFETY AND WELFARE OF THE CITY OF SAN DIEGO WHO WORK OR LIVE THERE; AND SUCH PUBLIC UTILITIES WILL CAUSE SUCH MAJOR PROBLEMS AS TRAFFIC CONGESTION AND EXCESSIVE TRAVEL TIMES AND POLLUTION BECAUSE NEEDED TRAFFIC SIGNALS ARE NOT INSTALLED; MAJOR STREETS OR BRIDGES ARE NOT CONSTRUCTED; LONG RESPONSE TIME IN MEETING CALLS FOR POLICE AND FIRE AND MAJOR POLICE EMERGENCIES; AND POLLUTION BECAUSE THERE ARE NO ADEQUATE PARKING FACILITIES. THE SITUATION HEREIN DESCRIBED CONSTITUTES AN EMERGENCY AND THE COUNCIL FINDS THAT IT IS NECESSARY FOR THE IMPROVEMENT OF THE PUBLIC PEACE, PROPERTY, HEALTH AND SAFETY OF THE CITY OF SAN DIEGO TO TAKE IMMEDIATE ACTION UNDER EXISTING PERMITS IN THE PLANNED URBANIZING COMMUNITIES ACT DESCRIBED IN THE PROGRESS GUIDE OF THE CITY OF SAN DIEGO UNTIL PROVISION IS MADE FOR THE FINANCING OF NECESSARY PUBLIC UTILITIES. NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF SAN DIEGO, AS

I, Carrie Gedeon, 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

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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 28, 1983

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

Dated at San Diego, California this 28th day of Dec., 1983.

Carrie Gedeon  
(Signature)

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01429-A

14 1/4" X 8.87 = 126.40

