

(O-85-186)

ORDINANCE NUMBER O- 16426 (NEW SERIES)

ADOPTED ON MAY 13 1985

AN EMERGENCY ORDINANCE LIMITING FOR A PERIOD OF 90 DAYS THE ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF ANY STRUCTURE EXCEEDING THIRTY FEET IN HEIGHT WITHIN THAT PORTION OF THE UPTOWN COMMUNITY PLAN AREA DESIGNATED ON ZONE DRAWING NO. C-697.

WHEREAS, a height limitation zone along San Diego Avenue was created in July 1972 to stay in effect until November 21, 1976, or six months after the effective date of the resolution adopting a community plan for the area, whichever came first; and

WHEREAS, the existing recommendations of the Uptown Community Plan (1976) have not been effective in the limitation of heights associated with development; and

WHEREAS, scenic hillsides should be protected from development out of scale with existing development; and

WHEREAS, views of scenic areas from public places should be preserved; and

WHEREAS, out-of-scale development may impair the existing continuity of low-profile development on hillsides and due to shortcomings in existing zoning, development may impair the existing form, configuration and character of the Uptown hillsides; and

WHEREAS, a reasonable period of time is necessary to prepare the update of the Urban Design Element and implementation of the Uptown Community Plan; and

WHEREAS, development in that portion of the Uptown area in the City of San Diego designated on that certain Zone Drawing No. C-697 and described in appended boundary, filed in the office of the City Clerk as Document No. 00-16426 could impair the ability of the City of San Diego to implement solutions which are in the interest of the public health, safety and general welfare of the citizens of the City of San Diego; NOW, THEREFORE,

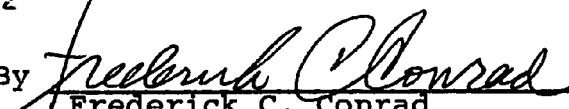
BE IT ORDAINED, by the Council of The City of San Diego as follows:

Section 1. That within that portion of the Uptown area of the City of San Diego shown on Zone Drawing No. C-697, a copy of which is on file in the office of the City Clerk as Document No. 00-16426, no building permits shall be issued for construction of any structure if the height for all proposed and existing buildings on the premises exceeds thirty feet.

Section 2. As provided for in Section 101.0205.2 of the San Diego Municipal Code, this ordinance shall take effect and be in force upon its adoption and shall remain in effect for a period of ninety days unless it is extended by act of the City Council or is superseded by new legislation.

APPROVED: John W. Witt, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:630
04/29/85
Or.Dept:Plan.
O-85-186
Form=o.none

1001

Passed and adopted by the Council of The City of San Diego on MAY 13 1985,
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 Struiksmma	<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 June A. Blacknell, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
MAY 13 1985, 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 June A. Blacknell, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-16426</u>	Adopted <u>MAY 13 1985</u>

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1985 JUN -3 AM 8:30
SAN DIEGO, CALIF.

THE CITY OF SAN DIEGO
202 C Street, 12th Fl.
San Diego, CA 92101

IN THE MATTER OF
AN EMERGENCY ORDINANCE LIMITING FOR A PERIOD OF 90 DAYS THE
ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF ANY STRUCTURE
EXCEEDING THIRTY FEET IN HEIGHT WITHIN THAT PORTION OF THE UP-
TOWN COMMUNITY PLAN AREA DESIGNATED ON ZONE DRAWING NO. C-697.

NO.

ORDINANCE NUMBER 0-16426 (NEW SERIES)
NINETY DAYS THE ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF ANY STRUCTURE EXCEEDING THIRTY FEET IN HEIGHT WITHIN THAT PORTION OF THE UPTOWN COMMUNITY PLAN AREA DESIGNATED ON ZONE DRAWING NO. C-697.
REAS: A height limitation zone along San Diego Avenue was established in July 1972 to stay in effect until November 21, 1974, and since that time the effective date of the resolution adopting a new plan for the area, whichever came first; and
REAS: the existing recommendations of the Uptown Community Plan (1978) have not been effective in the limitation of development with development; and
REAS: scenic hillsides should be protected from out-of-scale development with existing development; and
REAS: Views of scenic areas from public places should be protected; and
REAS: out-of-scale development may impair the aesthetic quality of low-profile development on hillsides and due to its proximity to existing zoning, development may impair the existing configuration and character of the Uptown hillsides; and
REAS: a reasonable period of time is necessary to prepare and implement the Urban Design Element and Implementation of the Uptown Community Plan; and
REAS: development in that portion of the Uptown area of the City of San Diego designated on that certain Zone Drawing No. C-697, as described in appended boundary, filed in the office of the City Clerk as Document No. 00-16426, could impair the ability of the City of San Diego to implement solutions which are in the interest of the health, safety and general welfare of the citizens of the City of San Diego; **NOW, THEREFORE,**
ORDAINED, by the Council of The City of San Diego as follows:
Section 1. That within that portion of the Uptown area of the City of San Diego shown on Zone Drawing No. C-697, a copy of which is on file in the office of the City Clerk as Document No. 00-16426, no building permits shall be issued for construction of any structure in excess of thirty feet in height for all proposed and existing buildings on the premises within thirty feet.
Section 2. As provided for in Section 101.0205.2 of the San Diego Municipal Code, this ordinance shall take effect and be in force upon its adoption and shall remain in effect for a period of ninety days unless it is extended by act of the City Council or is superseded by subsequent legislation.
Ordinance read, reading dispensed with and adopted by the City Council of The City of San Diego on May 13, 1985.
ATTEST:
TESTIFIED BY:
WALTER HEDGECOCK
Mayor of The City of San Diego, California
WILLIAM G. ABDELNOUR
Deputy Mayor of The City of San Diego, California
WILLIAM A. BLACKNELL, Deputy
City Clerk
May 27, 1985 16881

I, Michael L. Ungashick, 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:

May 27, 1985

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

Dated at San Diego, California this 27th day of May, 19 85.

Michael L. Ungashick
(Signature)

478 x 9.76 = 47.59

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