

(O-86-7)

ORDINANCE NUMBER O- 16461 (NEW SERIES)

ADOPTED ON JUL 8 1985

AN EMERGENCY ORDINANCE TO PROVIDE FOR THE IMMEDIATE PRESERVATION AND RESTORATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE BY FACILITATING THE ISSUANCE OF BUILDING PERMITS TO RECONSTRUCT HOMES AND STRUCTURES DESTROYED BY FIRE AND PRECLUDE DEVELOPMENT INCONSISTENT WITH THAT WHICH EXISTED BEFORE THE FIRE THROUGH THE USE OF DISCRETIONARY PERMITS.

WHEREAS, on June 30, 1985, the area covered by Zone Map Drawing No. C-701, a copy of which is attached hereto as Exhibit "A", was devastated by a fire which destroyed or damaged many homes and other structures within the area; and

WHEREAS, all reasonable steps must be taken by The City of San Diego to facilitate the reconstruction of the destroyed homes and restoration of the community; and

WHEREAS, many of the homes and structures damaged or destroyed by the fire were constructed before the adoption and application of present zoning provisions with which provisions the existing homes and structures did not comply; and

WHEREAS, the application of present zoning provisions would, in many instances, preclude reconstruction of the homes and structures which have been destroyed or damaged and cause severe hardship for those citizens whose property has been destroyed or damaged; and

WHEREAS, it is in the interest of the public health, safety and general welfare to permit the reconstruction of those homes and structures in a manner consistent with the development that existed before the fire; and

WHEREAS, it is imperative that this ordinance be adopted as an emergency measure which will become effective immediately upon its adoption in order to provide those citizens whose homes have been destroyed or damaged the opportunity to immediately commence reconstruction; and

WHEREAS, the Community Plan applicable to the area designated and the City Council zoned the area devastated by the fire for low-density single-family dwellings, which designation and zoning were consistent with the development of the area as it existed at the time of adoption of the Community Plan and application of zoning; and

WHEREAS, the designation and zoning would allow redevelopment of the devastated area through the use of Planned Developments at densities and intensities which would far exceed those contemplated and provided for in the Community Plan and introduce a type of development totally inconsistent with that which existed in the devastated and surrounding areas; NOW, THEREFORE,

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

Section 1. Within the area covered by Zone Map Drawing No. C-701, applications for building permits to construct a single-family dwelling or accessory structure on a parcel or lot which was developed with a single-family dwelling and/or accessory structure that was destroyed or damaged by fire shall be issued without regard to the development regulations applicable to the lot or parcel under the zoning applicable to the lot or parcel provided the proposed single-family dwelling

and/or accessory structure is constructed to observe either the development regulations of the applicable zone or those observed by the structure or structures which were destroyed or damaged by the fire.

No zone variance or other discretionary permit shall be required for construction of buildings which do not conform to the present development regulations of the zone in which the property is located provided the nonconformity of the proposed construction does not exceed that of the buildings which have been destroyed or damaged.

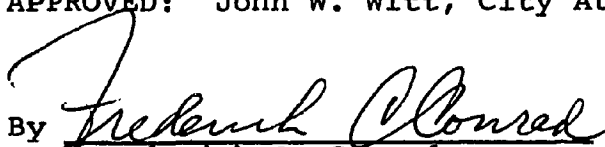
Section 2. Within the area covered by Zone Map Drawing No. C-701, no application for Planned Developments shall be accepted or processed by the Planning Department, nor shall permits for such developments be issued by the Planning Director, Planning Commission or City Council.

Section 3. This ordinance shall remain in force and effect for one year from the date of its adoption.

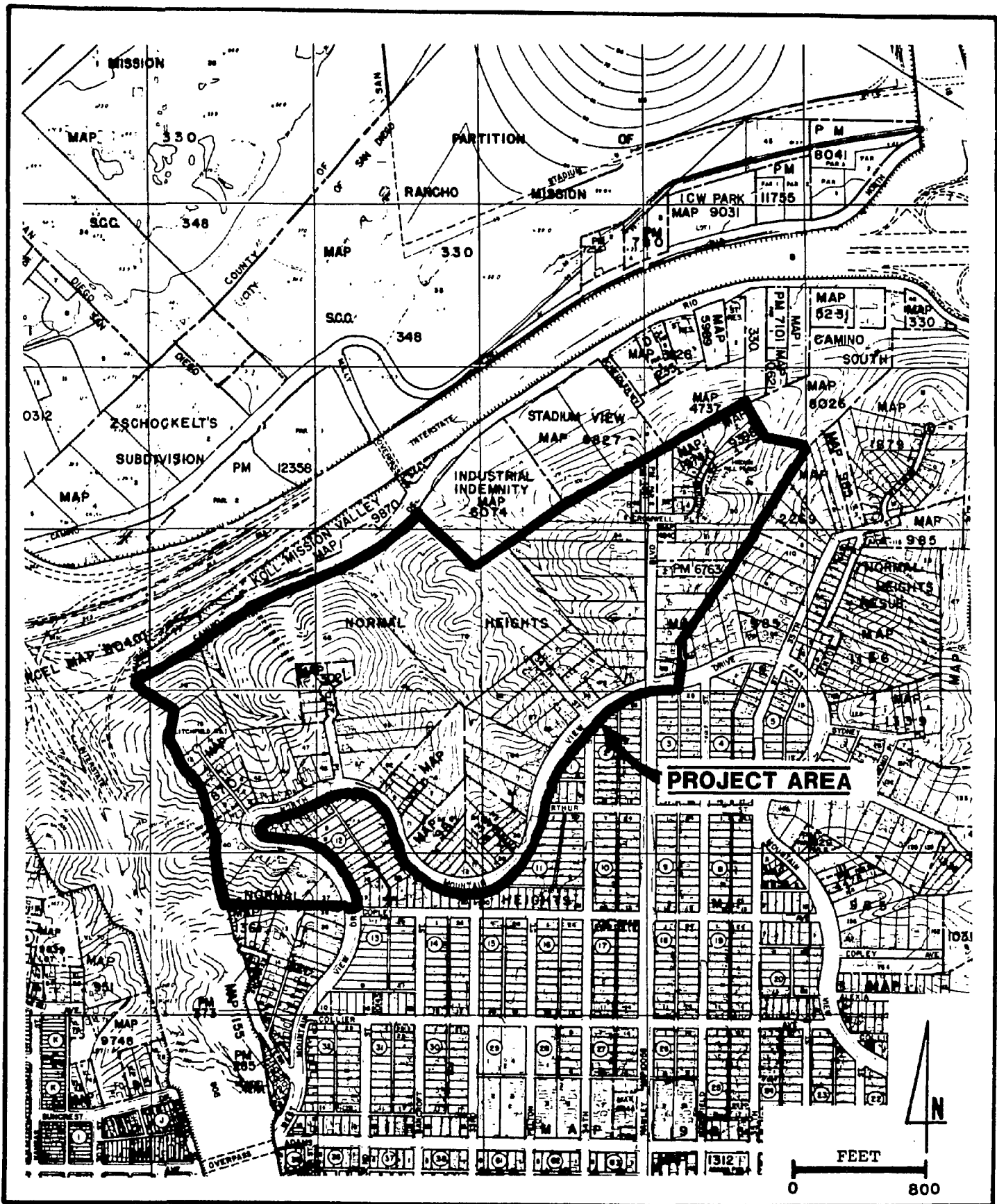
Section 4. This ordinance shall take effect and be in force immediately upon its introduction.

APPROVED: John W. Witt, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:630
07/08/85
Or.Dept:Council-McColl
0-86-7
Form=o.none



PRD MORATORIUM AREA
Location Map

EXHIBIT "A"

0-16461



UC#2

Passed and adopted by the Council of The City of San Diego on JUL 8 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 Struiksmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
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 G. Blackwell, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
JUL 8 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 G. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16461 Adopted JUL 8 1985

CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
202 "C" STREET - 12TH FLOOR
SAN DIEGO CA 92101

IN THE MATTER OF

NO.

AN EMERGENCY ORDINANCE TO PROVIDE FOR THE IMMEDIATE PRESERVATION AND RESTORATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE BY FACILITATING THE ISSUANCE OF BUILDING PERMITS TO RECONSTRUCT HOMES AND STURCTURES DESTROYED BY FIRE AND PRECLUDED DEVELOPMENT INCONSISTENT WITH THAT WHICH EXISTED BEFORE THE FIRE THROUGH THE USE OF DESCRETIONARY PERMITS.

**ORDINANCE NUMBER O-16461 (NEW SERIES)
ADOPTED ON JULY 8, 1985**

AN EMERGENCY ORDINANCE TO PROVIDE FOR THE IMMEDIATE PRESERVATION AND RESTORATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE BY FACILITATING THE ISSUANCE OF BUILDING PERMITS TO RECONSTRUCT HOMES AND STRUCTURES DESTROYED BY FIRE AND PRECLUDE DEVELOPMENT INCONSISTENT WITH THAT WHICH EXISTED BEFORE THE FIRE THROUGH THE USE OF DESCRETIONARY PERMITS.

WHEREAS, on June 30, 1985, the area covered by Zone Map Drawing No. G-701, a copy of which is attached hereto as Exhibit "A", was destroyed by a fire which destroyed or damaged many homes and other structures within the area; and

WHEREAS, all reasonable steps must be taken by The City of San Diego to facilitate the reconstruction of the destroyed homes and restoration of the community; and

WHEREAS, many of the homes and structures damaged or destroyed by the fire were constructed before the adoption and application of present zoning provisions with which provisions the existing homes and structures did not comply; and

WHEREAS, the application of present zoning provisions would, in many instances, preclude reconstruction of the homes and structures which have been destroyed or damaged and cause severe hardship for those citizens whose property has been destroyed or damaged; and

WHEREAS, it is in the interest of the public health, safety and general welfare to permit the reconstruction of those homes and structures in a manner consistent with the development that existed before the fire; and

WHEREAS, it is imperative that this ordinance be adopted as an emergency measure which will become effective immediately upon its adoption in order to provide those citizens whose homes have been destroyed or damaged the opportunity to immediately commence reconstruction; and

WHEREAS, the Community Plan applicable to the area designated and the City Council zoned the area devastated by the fire for low-density single-family dwellings, which designation and zoning were consistent with the development of the area as it existed at the time of adoption of the Community Plan and application of zoning; and

WHEREAS, the designation and zoning would allow redevelopment of the devastated area through the use of Planned Developments at densities and intensities which would far exceed those contemplated and provided for in the Community Plan and introduce a type of development totally inconsistent with that which existed in the devastated and surrounding areas; NOW THEREFORE,

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

Section 1. Within the area covered by Zone Map Drawing No. G-701, applications for building permits to construct a single-family dwelling or accessory structure on a parcel or lot which was developed with a single-family dwelling and/or accessory structure that was destroyed or damaged by fire shall be issued without regard to the development regulations applicable to the lot or parcel under the zoning applicable to the lot or parcel provided the proposed single-family dwelling and/or accessory structure is constructed to observe either the development regulations of the applicable zone or those observed by the structure or structures which were destroyed or damaged by the fire.

I, Michael L. Ungabsick, 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 NUMBER O-16461 (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:

July 12, 1985

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

Dated at San Diego, California this 12th day of July, 1985.


(Signature)

No zone variance or other discretionary permit shall be required for construction of buildings which do not conform to the present development regulations of the zone in which the property is located provided the nonconformity of the proposed construction does not exceed that of the buildings which have been destroyed or damaged.

Section 2. Within the area covered by Zone Map Drawing No. G-701, no application for Planned Developments shall be accepted or processed by the Planning Department, nor shall permits for such developments be issued by the Planning Director, Planning Commission or City Council.

Section 3. This ordinance shall remain in force and effect for one year from the date of its adoption.

Section 4. This ordinance shall take effect and be in force immediately upon its introduction.

Passed and adopted by the Council of The City of San Diego on JULY 8, 1965.

YEAS: Mitchell, Cleator, McCall, Jones, Struikema, Martinez, Hedgecock.

NAYS: None.

NOT PRESENT: Gotoh.

VAGANT: District 7.

AUTHENTICATED BY:
ROGER HEDGECOCK,
Mayor of The City of San Diego, California

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 JULY 8, 1965, 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

By JUNE A. BLACKNELL,
Deputy.

Printed July 12, 1965

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