

ORDINANCE NUMBER O- 16486 (NEW SERIES)

ADOPTED ON JUL 30 1985

AN EMERGENCY MEASURE ESTABLISHING A TEMPORARY INTERIM ORDINANCE LIMITING FOR A PERIOD OF SIXTY DAYS THE ISSUANCE OF BUILDING PERMITS AND COMMENCEMENT OF CONSTRUCTION WITHIN THE GREATER GOLDEN HILL PRECISE PLAN AREA WHICH SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS ENACTMENT.

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 act to protect and promote the public health, safety and welfare of its citizens; and

WHEREAS, the construction of new high density residential development within the Greater Golden Hill Precise Plan has accelerated during the recent two-year period; and

WHEREAS, under existing zoning, recent experience has shown that development has and will continue to greatly exceed the density set forth in the Greater Golden Hill Precise Plan; and

WHEREAS, a reasonable period of time is necessary to prepare rezonings and updates of the Greater Golden Hill Precise Plan; and

WHEREAS, Section 101.0203.1 of the Municipal Code provides that the City Council may adopt as an emergency measure an interim ordinance prohibiting uses which may be in conflict with a contemplated zoning proposal or study which the City Council, Planning Commission or the Planning Department is considering, or studying, or intends to study within a reasonable time; and

WHEREAS, it has been determined by the City Council that an emergency situation exists within Council District 8 with respect to the design and development of new building; and

WHEREAS, the Council of The City of San Diego has directed the preparation of a rezoning program to provide for consistency with the adopted Greater Golden Hill Precise Plan; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety or welfare and that the approval of additional subdivisions, rezonings, land use permits, building permits or any other applicable entitlement for use would result in a threat to the public safety or welfare unless such entitlements are subject to appropriate development design and density control; and

WHEREAS, the aforesaid findings are supported by documentary evidence in the public record of examples or inappropriate development, specifically:

1. In the Open Space designated areas of 32nd Street and 34th Street canyon.

2. The continuing number of low income and senior housing projects seeking 25 to 50 percent bonus densities, that exceed the densities originally recommended by the Greater Golden Hill Community Plan; and

WHEREAS, the public improvement infrastructure may not be able to support the maximum buildout permitted by existing zoning; and

WHEREAS, continued development in excess of the density set forth in the Greater Golden Hill Precise Plan 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; and

WHEREAS, the Council of The City of San Diego held a hearing in compliance with Section 101.0203.1 of the San Diego Municipal Code; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, that the following provisions are adopted as an emergency measure:

Section 1. BOUNDARY

This ordinance shall apply to the area commonly known as the Greater Golden Hill Precise Plan area; a copy of this boundary is on file in the office of the City Clerk as Document No. 00-16486, excluding therefrom the Golden Hill Planned District.

Section 2. PROHIBITION

Within the boundary as indicated in Section 1. above, no building permit shall be issued for construction of any structure except the following:

A. Any building permit found by the Planning Director to be consistent with the Greater Golden Hill Precise Plan.

B. Building permits for interior modifications or minor exterior modification of an existing building such as repair or a building facade enhancement.

C. Building permits for:

1. One-family buildings.
2. Accessory buildings or improvements to one and two-family buildings, multi-family and nonresidential buildings, except where the accessory building or improvement is located in the Hillside Review Overlay Zone.
3. Fallout shelters, except where the fallout shelter is located in the Hillside Review Overlay Zone.
4. Mechanical installations.

D. Building permits for development projects where a discretionary permit incorporating design review in the form of Planned Residential Development, Planned Commercial Development, Planned Industrial Development has been granted; or is approved subsequent to the adoption of this ordinance.

E. Any building permit applications filed with the Building Inspection Department prior to July 13, 1985.

Section 3. The provisions of this ordinance shall not apply to the land encompassed by Final Map No. 10375 on file in the office of the County Recorder of San Diego County, provided:

A. Development on said land may be developed with 90 dwelling units of which 18 shall be made available to low or moderate income persons pursuant to a contract between the developer and the Housing Commission of The City of San Diego;

B. A Planned Residential Development Permit is obtained prior to the issuance of any building permits;

C. The provisions of HRP No. 146 are incorporated into the project; and


D. A dismissal with prejudice as to all defendants of Superior Court Case No. 534910 is filed in the office of the Clerk of the Superior Court of San Diego County no later than October 1, 1985.

The provisions of this section are included herein expressly for the purpose of settling the litigation referred to above.

Section 4. This ordinance shall take effect and be in force immediately upon its introduction and adoption by the City Council of The City of San Diego and shall remain in effect for a period of 60 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:cc:630
7/19/85
7/23/85 Rev. 1
7/24/85 Rev. 2
7/30/85 Rev. 3
7/30/85 Rev. 4
Or.Dept:Plan.
O-86-10
Form=o.none

3500

Passed and adopted by the Council of The City of San Diego on JUL 30 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 Struiksma	<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"/>
District 7	<input 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"/>

VACANT

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. Blackwell, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUL 30 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. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16486 Adopted JUL 30 1985

CERTIFICATE OF PUBLICATION

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 MEASURE ESTABLISHING A TEMPORARY INTERIM ORDINANCE

ORDINANCE NUMBER O-16488
NEW SERIES
AN EMERGENCY MEASURE ESTABLISHING A TEMPORARY INTERIM ORDINANCE LIMITING FOR A PERIOD OF 90 DAYS THE ISSUANCE OF BUILDING PERMITS AND RESUMPTION OF CONSTRUCTION WITHIN THE GREATER GOLDEN HILL PRECISE PLAN AREA WHICH SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.
This ordinance imposes, as an emergency measure, a temporary moratorium limiting for a period of 90 days construction of any building that is not consistent with the Greater Golden Hill Precise Plan. This ordinance does not apply to interior modifications or alterations, the construction of single family dwellings or accessory structures, or projects for which building permit applications were on file with the Building Inspection Department before July 13, 1985. This ordinance became effective on July 29, 1985.
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
This ordinance was introduced and adopted by the Council of The City of San Diego on July 13, 1985 by the following vote:
AYES: Atchell, Cleator, McColl, Jones, Gotch, Martinez, Hedgecock.
NAYS: None.
PRESENT: Struikama.
CERTIFICATED BY:
RODER 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 30, 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 reading of said ordinance in full was completed with by a vote of not less than a majority of the members present 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.
Passed August 6, 1985 28481

I, Martha Duran, 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-16488

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:

August 8, 1985

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

Dated at San Diego, California this 8th day of Aug., 1985.

Martha Duran
(Signature)

4578" x 24976 = 90.28

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