

(R-86-1144)

RESOLUTION NUMBER R- 264743

ADOPTED ON DEC 17 1985

WHEREAS, in connection with the City's approval of a planned residential development in 1982, a lawsuit was filed challenging the City's action by Buena Vista Gardens Apartments Association, et al.; and

WHEREAS, the California Court of Appeal, Fourth Appellate District, has recently determined that, while there was substantial evidence to support the City's finding that the proposed project would not be detrimental to the health, safety or general welfare of the community, the City's Housing Element is defective in one respect; and

WHEREAS, a proposed new Housing Element has been reviewed by the Planning Commission and is scheduled for review by the City Council in early 1986; and

WHEREAS, it is appropriate on an interim basis to adopt an amendment to the City's existing Housing Element to cure the defect described in the court decision (Superior Court No. 507584); and

WHEREAS, the defect, as determined by the court, is that the present Housing Element does not specify a program which shall "conserve and improve the condition of the existing affordable housing stock;" and

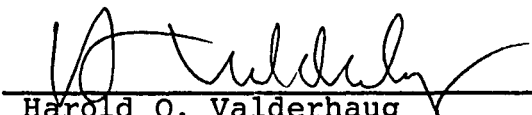
WHEREAS, it is appropriate to adopt policies and programs as contained in the proposed new Housing Element in order to identify such a program; and

WHEREAS, the Council of The City of San Diego held a public hearing to consider the amendment of the Housing Element; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council hereby approves the amendment to the Housing Element of the General Plan, a copy of which amendment is on file in the office of the City Clerk as Document No. ~~R~~R- 264743.

BE IT FURTHER RESOLVED, that this amendment shall become effective immediately upon adoption of this resolution.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug  
Deputy City Attorney

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12/10/85  
Or.Dept:Plan.  
R-86-1144  
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Passed and adopted by the Council of The City of San Diego on DEC 17 1985,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

ED STRUIKSMA  
Deputy Mayor of The City of San Diego, California.

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

(Seal)

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-264743 Adopted DEC 17 1985