

(O-94-14)

ORDINANCE NUMBER 0-17961 (NEW SERIES)

ADOPTED ON SEP 07 1993

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 18, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.1840 AS AN INTERIM MORATORIUM ON THE ISSUANCE OF PERMITS FOR ANY NEW ADULT ENTERTAINMENT ESTABLISHMENTS WITHIN THE CITY OF SAN DIEGO.

WHEREAS, the City Council finds that an interim moratorium on the issuance of permits for any new adult entertainment establishments is necessary for the following reasons:

1. The experience in the City of San Diego, as well as the cities of Los Angeles, Renton, Seattle and Detroit have demonstrated that adult entertainment establishments have adverse secondary effects upon the adjacent and surrounding residential and commercial areas. The City Council recognizes and relies upon the experience and findings made by these cities in regulating adult entertainment establishments; and

2. The City Council finds that a zoning dispersal ordinance is necessary to mitigate the secondary effects caused by and associated with the concentration of adult entertainment establishments. Dispersal ordinances can help prevent crime and prostitution, protect businesses and retail trade, maintain property values, preserve neighborhoods, and protect against the spread of sexually transmitted diseases; and

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SAN DIEGO, CA

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3. The City Council finds that no study of the City's existing adult entertainment dispersal ordinance has occurred since San Diego Municipal Code section 101.1810 was amended on September 13, 1982; and

4. The City Council has directed the City Manager to coordinate a study of the existing regulations and make appropriate recommendations and revisions to improve the effectiveness of the dispersal ordinance; and

5. The City Council finds that several recent applications have been submitted for new adult entertainment establishments which may preempt the City's ability to implement any new adult entertainment regulations and might frustrate the purpose of the Manager's proposed study;

6. The City Council further finds that in light of recent litigation regarding the City's adult entertainment regulations, an immediate review of the existing dispersal ordinance is necessary to ensure its enforceability. The outcome of these cases may also influence the scope of the City's study to ensure that all requirements imposed upon new adult entertainment establishments are legally supportable and will not cause unnecessary litigation; and

WHEREAS, the City Council is aware that certain types of adult entertainment have been recognized by the Supreme Court as constitutionally protected speech; and

WHEREAS, the City Council declares that this ordinance and any ordinance recommended or adopted pursuant to the City Manager's study is a time, place and manner restriction necessary to further the

important governmental interest of mitigating and preventing the secondary effects of blight and deterioration associated with the concentration of adult entertainment establishments.

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

Section 1. That Chapter X, Article 1, Division 18 of the San Diego Municipal Code be and the same is hereby amended by adding Section 101.1840, to read as follows:

§101.1840 Interim Moratorium on New Adult Entertainment Establishments

(a) An interim moratorium is imposed on the processing and issuing of any zoning, land use permits, conditional use permits, variances and building permits for the establishment of any new adult entertainment businesses, as defined by San Diego Municipal Code Section 101.1801.3.

(b) This interim moratorium shall expire on October 6, 1994 unless subsequently extended by the City Council.

(c) This interim moratorium retroactively applies to any pending zoning and building permit applications submitted after July 1, 1993.


Section 2. As directed by the City Council, the City Clerk shall insert the expiration date of the moratorium in Section 101.1840(b). The expiration date shall be 365 days from the effective date of this ordinance.

Section 3. All other sections of Chapter X, Article 1, Chapter 18, including Sections 101.1800 through 101.1830 and Section 101.1899

shall apply to existing adult businesses and remain in effect during the period of this interim moratorium until amended by ordinance.

Section 4. This ordinance shall apply in the Coastal Zone, but does not require approval of the California Coastal Commission because this interim moratorium does not make substantive changes to the local Coastal Plan.

APPROVED: JOHN W. WITT, City Attorney

By 
Joseph M. Schilling
Deputy City Attorney

JMS:mac
07/23/93
Or.Dept:City Attorney
O-94-14
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FROM: [Illegible]
SUBJECT: [Illegible]

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Passed and adopted by the Council of The City of San Diego on SEP 07 1993
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
 Mayor of The City of San Diego, California.

(Seal)

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

By Linda Sugano, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 09 1993, and on SEP 07 1993

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

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.

(Seal)

By Linda Sugano, Deputy.

Office of the City Clerk, San Diego, California

Ordinance 0-17961 Adopted SEP 07 1993
 Number.....

CERTIFICATE OF PUBLICATION

RECEIVED
93 SEP 22 AM 10:59
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
2ND FLOOR
CITY ADMINISTRATION BUILDING
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION...

ORDINANCE NUMBER 17961 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 18, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.1840 TO ESTABLISH AN INTERIM MORATORIUM ON THE ISSUANCE OF PERMITS FOR ANY NEW ADULT ENTERTAINMENT ESTABLISHMENTS WITHIN THE CITY OF SAN DIEGO

San Diego Municipal Code section 101.1840 will impose an interim moratorium on the processing and issuing of all zoning and building permits for establishment of any new adult entertainment businesses. This interim moratorium is necessary so the City Manager can coordinate a study of the existing adult entertainment zoning ordinance and make recommendations to improve its effectiveness. The interim moratorium will expire within a specified period of time unless extended by another ordinance.

A complete copy of this ordinance is on file in the office of the City Clerk, City Administration Building, 202 C Street, 2nd floor, San Diego, CA 92101
INTRODUCED ON August 9, 1993

Passed and adopted by the Council of the City of San Diego on September 7, 1993.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of the City of
San Diego

Charles G. Abdelnour
City Clerk of the City of San Diego
By Linda Lugano
Deputy

SEAL

Pub. Sept. 20

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I, Corey Donahue, 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 17961 (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:

SEPT. 20

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

Dated at San Diego, California this 20th day of SEPT., 19 93.

Corey Donahue

(Signature)

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