

ORDINANCE NO. 10456
(New Series)

DEC 15 1970

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.3
RELATING TO THE HEIGHT LIMITATION ZONE - WEST
PENINSULA.

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

Section 1. That Chapter X, Article 1, of the San Diego
Municipal Code be amended by adding Section 101.0452.3 to
read as follows:

SEC. 101.0452.3 HEIGHT LIMITATION ZONE - WEST
PENINSULA

A. PURPOSE AND INTENT

The purpose of this section is the limitation of
height of buildings and structures within the West
Peninsula area to 50 feet except in those areas where
more restrictive height limitations apply or where it
has been determined by the Planning Commission or City
Council that buildings may exceed 50 feet in height
or in those areas where property is improved with an
apartment house which observes all of the regulations
of the R-3 zone.

It is the intent of this section that land develop-
ment in the West Peninsula area will occur in an
orderly manner to the end that buildings exceeding 50
feet in height will be so located and designed as to

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be appropriate to the area, taking into account conditions of development, sound planning practices, effect on community development, and the public health, safety and general welfare.

B. HEIGHT LIMITATION

All that portion of the West Peninsula area in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-286 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 734256, is hereby incorporated into the West Peninsula Height Limitation Zone, which zone establishes a height limitation for new or altered buildings and structures therein of 50 feet above grade. The height of the buildings or structures as used herein is as set forth in Section 101.0452 of this Code.

C. EXEMPTIONS

The following property is exempt:

1. Property which is zoned RV or R-3 or is in any zone more restrictive than R-3.
2. Property which is improved with any apartment house which observes all of the regulations

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of the R-3 zone as set forth in Section 101.0411, provided, however, that the apartment house shall not be constructed, modified or converted above any other building, structure or portion of a building or structure used for other than residential purposes.

3. Property on which is located a building or structure exceeding 50 feet in height which is repaired, altered or modified provided such repairs, alterations or modifications do not increase the height of such building or structure.

D. EXCEPTIONS

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the West Peninsula Height Limitation Zone, which letter shall be accompanied by appropriate schematic plot plans, typical floor plans, building elevations and preliminary grading plans, the Planning Commission shall set a public hearing in accordance with the noticing and hearing procedures as set forth in Section 101.0505.2 of the San Diego Municipal Code. It is the intent hereof that such plans shall be limited to such detail as will inform the Planning Commission as to

matter included within the criteria set forth below.

2. Decision. After the public hearing, the Planning Commission may, by resolution grant an exception to the West Peninsula Height Limitation Zone if the Planning Commission finds from the evidence presented at the hearing that all of the following facts exist:

a. That the proposed structure at the particular location and under the proposed conditions of development with regard to good planning practice, including provisions for height, building bulk, yards, open spaces, lot coverage, grading and related matters, will provide equally as well for light and air, for the public health, safety, and convenience, and the preservation of the general welfare of the community as if developed to the limits imposed by the 50 foot height limitation and the other zoning regulations applicable to the property in question.

b. That the proposed structure will comply with the regulations and conditions specified

in the Code for such structures.

c. That the granting of an exception will not adversely affect any adopted plan of any governmental agency.

In addition to requiring compliance with applicable provisions of the San Diego Municipal Code, the Planning Commission in granting an exception may impose other and additional conditions relating to maximum height, yards, open space, access, and site development as it may deem necessary or desirable to meet the requirements of this section.

In granting any exception the Planning Commission shall make a written finding which shall specify facts relied upon in rendering its decision, and shall set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section. A copy of this written Finding of Fact and a copy of the resolution granting the exception shall be filed with the City Clerk, the Department of Building Inspection, the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

3. Appeal to the City Council from the decision of the Planning Commission. The decision of the

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Rev. 12-7-70

Planning Commission shall be final on the eleventh day following such filing in the office of the City Clerk except when appeal is taken to the City Council in accordance with the procedures as set forth in Section 101.0508 of the San Diego Municipal Code.

E. EXPIRATION DATE

This section shall remain in force and effect until July 15, 1971.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage. No building permits for buildings or structures exceeding the 50 foot height limitation zone shall be issued on or after the effective date of this ordinance unless the property on which the building or structure is to be erected is exempt in accordance with paragraph "C" of this section or unless an exception has been granted in accordance with paragraph "D" of this section.

APPROVED: JOHN W. WITT, City Attorney

By

for C. Alan Humphreys
Frederick C. Conrad, Deputy

FCC:pn
Rev. 12-7-70

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DEC 15 1970

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martiner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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NOV 25 AM 8:14
SAN DIEGO, CALIF.

AUTHENTICATED BY:

FRANK CURRAN

Mayor of The City of San Diego, California.

JOHN LOCKWOOD

City Clerk of The City of San Diego, California.

(Seal)

By Elfa P. Harrel, 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

DEC 15 1970

_____, and on _____

~~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.

JOHN LOCKWOOD

City Clerk of The City of San Diego, California.

(Seal)

By Elfa P. Harrel, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **10456**

DEC 15 1970

Adopted

FORM CC-1255-A (1-70)

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APR 28 1978

mr

ATTORNEY (S)

CITY OF SAN DIEGO
202 C Street
Community Concourse
San Diego, California

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION
101.0452.3 RELATING TO THE HEIGHT LIMITATION ZONE -
WEST PENINSULA

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1970 DEC 28 AM 11:50
SAN DIEGO, CALIF.

I, Patricia M. Applestill hereby certify
that The Daily Transcript is a daily newspaper of general
circulation within the provisions of the Government Code of
the State of California, printed and published in the City of
San Diego, County of San Diego, State of California; that
I am the principal clerk of said newspaper; that the

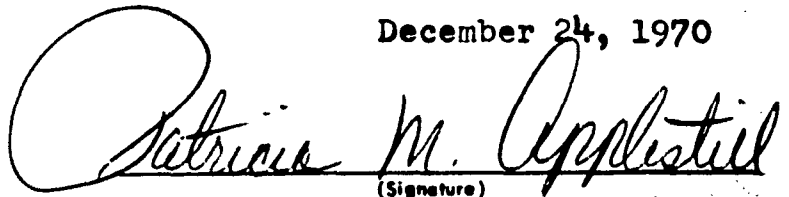
ORDINANCE NO. 10456 (NEW SERIES)

to a true and correct copy of which this certificate is annexed
was published in said newspaper on

December 24, 1970

I certify under penalty of perjury that the foregoing is
true and correct, at San Diego, California, on

December 24, 1970


(Signature)

181-7560

ORDINANCE NO. 10486
(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE I, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.3 RELATING TO THE HEIGHT LIMITATION ZONE—WEST PENINSULA.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:
Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be amended by adding Section 101.0452.3 to read as follows:

SEC. 101.0452.3 HEIGHT LIMITATION ZONE—WEST PENINSULA
A. PURPOSE AND INTENT

The purpose of this section is the limitation of height of buildings and structures within the West Peninsula area to 50 feet except in those areas where more restrictive height limitations apply or where it has been determined by the Planning Commission or City Council that buildings may exceed 50 feet in height or in those areas where property is improved with an apartment house which observes all of the regulations of the R-3 zone.

It is the intent of this section that land development in the West Peninsula area will occur in an orderly manner to the end that buildings exceeding 50 feet in height will be so located and designed as to be appropriate to the area, taking into account conditions of development, sound planning practices, effect on community development, and the public health, safety and general welfare.

B. HEIGHT LIMITATION

All that portion of the West Peninsula area in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-286 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 734256, is hereby incorporated into the West Peninsula Height Limitation Zone, which zone establishes a height limitation for new or altered buildings and structures therein of 50 feet above grade. The height of the buildings or structures as used herein is as set forth in Section 101.0452 of this Code.

C. EXEMPTIONS

The following property is exempt:

1. Property which is zoned RV or R-3 or is in any zone more restrictive than R-3.

2. Property which is improved with any apartment house which observes all of the regulations of the R-3 zone as set forth in Section 101.0411, provided, however, that the apartment house shall not be constructed, modified or converted above any other building, structure or portion of a building or structure used for other than residential purposes.

3. Property on which is located a building or structure exceeding 50 feet in height which is repaired, altered or modified provided such repairs, alterations or modifications do not increase the height of such building or structure.

D. EXCEPTIONS

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the West Peninsula Height Limitation Zone, which letter shall be accompanied by appropriate schematic plot plans, typical floor plans, building elevations and preliminary grading plans, the Planning Commission shall set a public hearing in accordance with the noticing and hearing procedures as set forth in Section 101.0505.2 of the San Diego Municipal Code. It is the intent hereof that such plans shall be limited to such detail as will inform the Planning Commission as to matter included within the criteria set forth below.

2. Decision. After the public hearing, the Planning Commission may, by resolution grant an exception to the West Peninsula Height Limitation Zone if the Planning Commission finds from the evidence presented at the hearing that all of the following facts exist:

a. That the proposed structure at the particular location and under the proposed conditions of development with regard to good planning practice, including provisions for height, building bulk, yards, open spaces, lot coverage, grading and related matters, will provide equally as well for light and air, for the public health, safety, and convenience, and the preservation of the general welfare of the community as if developed to the limits imposed by the 50 foot height limitation and the other zoning regulations applicable to the property in question.

b. That the proposed structure will comply with the regulations and conditions specified in the Code for such structures.

c. That the granting of an exception will not adversely affect any adopted plan of any governmental agency.

In addition to requiring compliance with applicable provisions of the San Diego Municipal Code, the Planning Commission in granting an exception, may impose other and additional conditions relating to maximum height, yards, open space, access, and site development as it may deem necessary or desirable to meet the requirements of this section.

In granting any exception the Planning Commission shall make a written finding which shall specify facts relied upon in rendering its decision, and shall set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section. A copy of this written Finding of Fact and a copy of the resolution granting the exception shall be filed with the City Clerk, the Department of Building Inspection, the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

3. Appeal to the City Council from the decision of the Planning Commission. The decision of the Planning Commission shall be final on the eleventh day following such filing in the office of the City Clerk except when appeal is taken to the City Council in accordance with the procedures as set forth in Section 101.0508 of the San Diego Municipal Code.

E. EXPIRATION DATE

This section shall remain in force and effect until July 15, 1971.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage. No building permits for buildings or structures exceeding the 50 foot height limitation zone shall be issued on or after the effective date of this ordinance unless the property on which the building or structure is to be erected is exempt in accordance with paragraph "C" of this section or unless an exception has been granted in accordance with paragraph "D" of this section.

Introduced on December 1, 1970.

Passed and adopted by the Council of The City of San Diego on December 15, 1970.

AUTHENTICATED BY:

FRANK CURRAN,
Mayor of The City of
San Diego, California.
JOHN LOCKWOOD,
City Clerk of The City of
San Diego, California.
By ELFA F. HANEL,
Deputy.

(SEAL)

Published Dec. 24, 1970

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