

ORDINANCE NO. 10516  
(New Series)

MAR 4 1971

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE  
SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.4  
RELATING TO THE HEIGHT LIMITATION ZONE - MISSION  
HILLS.

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 101.0452.4 to  
read as follows:

SEC. 101.0452.4 HEIGHT LIMITATION ZONE - MISSION  
HILLS

A. PURPOSE AND INTENT

The purpose of this section is the limitation of  
height of buildings and structures within the Mission  
Hills area to 30 feet except in those areas where it  
has been determined by the Planning Commission or City  
Council that buildings may exceed 30 feet in height.

It is the intent of this section to preserve the  
low density environment of Mission Hills and insure that  
land development in the Mission Hills area will occur  
in an orderly manner to the end that buildings exceeding  
30 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,

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effect on community development and the public health, safety and general welfare.

**B. HEIGHT LIMITATION**

All that portion of Mission Hills in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-287.1 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 735102, is hereby incorporated into the Mission Hills Height Limitation Zone, which zone establishes a height limitation for new or altered buildings or structures therein of 30 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. EXEMPTION**

Property on which is located a building or structure exceeding 30 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, is exempt from the provisions of Section 101.0452.4 of this Code.

**D. EXCEPTION PROCEDURE**

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the Mission Hills 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 <sup>101.0506-C</sup> ~~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.

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

a. 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, landscaping 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 30-foot height limitation and the other zoning regulations applicable to the property in question.

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

c. 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 101.0506 of this Code.

E. EXPIRATION DATE

This section shall remain in force and effect until April 1, 1972.

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 30-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 Section 101.0452.4 of this Code or, unless an exception has been granted in accordance with paragraph "D" of Section 101.0452.4 of this Code.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad  
Frederick C. Conrad, Deputy

MAR 4 1971

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 Martinet	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 J. Hamel, 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

FEB 18 1971

MAR 4 1971

, 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 J. Hamel, Deputy.

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Ordinance Number **10516** Adopted **MAR 4 1971**

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ATTORNEY (5)

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San Diego, California

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**CERTIFICATE OF PUBLICATION**

No.

IN THE MATTER OF

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION  
101.0452.4 RELATING TO THE HEIGHT LIMITATION  
ZONE--MISSION HILLS

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. 10516 (NEW SERIES)

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

March 12, 1971

I certify under penalty of perjury that the foregoing is  
true and correct, at San Diego, California, on March 12, 1971

*Patricia M. Applestill*  
(Signature)

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**ORDINANCE NO. 10610**  
(NEW BUSINESS)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.4 RELATING TO THE HEIGHT LIMITATION ZONE — MISSION HILLS.

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 101.0452.4 to read as follows:

**SEC. 101.0452.4 HEIGHT LIMITATION ZONE — MISSION HILLS**  
**A. PURPOSE AND INTENT**

The purpose of this section is the limitation of height of buildings and structures within the Mission Hills area to 30 feet except in those areas where it has been determined by the Planning Commission or City Council that buildings may exceed 30 feet in height.

It is the intent of this section to preserve the low density environment of Mission Hills and insure that land development in the Mission Hills area will occur in an orderly manner to the end that buildings exceeding 30 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 Mission Hills in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-287.1 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 735102, is hereby incorporated into the Mission Hills Height Limitation Zone, which zone establishes a height limitation for new or altered buildings or structures therein of 30 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. EXEMPTION**

Property on which is located a building or structure exceeding 30 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, is exempt from the provisions of Section 101.0452.4 of this Code.

**D. EXCEPTION PROCEDURE**

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the Mission Hills 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 101.0506-C 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 Mission Hills Height Limitation Zone, if the Planning Commission finds from the evidence presented at the hearing that all of the following facts exist:

a. 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, landscaping 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 30-foot height limitation and the other zoning regulations applicable to the property in question.

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

c. 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 101.0506 of this Code.

**E. EXPIRATION DATE**

This section shall remain in force and effect until April 1, 1972. 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 30-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 Section 101.0452.4 of this Code or, unless an exception has been granted in accordance with paragraph "D" of Section 101.0452.4 of this Code.

Introduced on February 18, 1971.  
Passed and adopted by the Council of The City of San Diego on March 4, 1971.

**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. HAMEL,  
Deputy.

(SEAL)