

ORDINANCE NO. 10634  
(New Series)

JUL 22 1971

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF  
THE SAN DIEGO MUNICIPAL CODE BY AMENDING 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, Section 101.0452.3 of  
the San Diego Municipal Code be amended 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.

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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-286.1 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736666, 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, 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. EXCEPTION PROCEDURE

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 101.0506, paragraph 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 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,

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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.

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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, paragraph E., of the San Diego Municipal Code.

E. EXPIRATION DATE

This section shall remain in force and effect until July 15, 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 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 Section 101.0452.3, paragraph C., or unless an exception has been granted in accordance with Section 101.0452.3, paragraph D.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad  
Frederick C. Conrad, Deputy

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JUL 22 1971

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

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SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

(Seal)

FRANK CURRAN  
Mayor of The City of San Diego, California.  
~~EDWARD NIELSEN~~  
~~JOHN LOCKWOOD~~  
City Clerk of The City of San Diego, California.

By Elfa R. 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

JUL 8 1971

JUL 22 1971

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.

(Seal)

EDWARD NIELSEN  
~~JOHN LOCKWOOD~~  
City Clerk of The City of San Diego, California.

By Elfa R. Hamel Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 10634 Adopted JUL 22 1971

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ATTORNEY (S)

- City of San Diego  
202 "C" Street  
Community Concourse  
San Diego, California 92101

**CERTIFICATE OF PUBLICATION**

No.

IN THE MATTER OF

WEST PENINSULA HEIGHT LIMITATION

RECEIVED  
CITY CLERK'S OFFICE  
1971 AUG 12 AM 10:38  
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

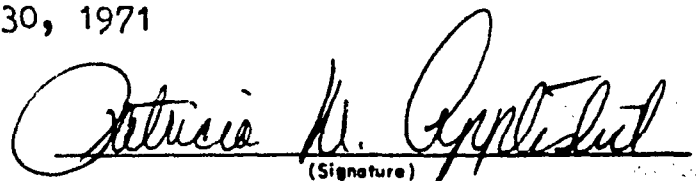
ORDINANCE NO. 1063<sup>rd</sup> (NEW SERIES)

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

July 30, 1971

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

July 30, 1971

  
(Signature)

20 1/2" \$86.10

ORDINANCE NO. 10004  
(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING 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, Section 101.0452.3 of the San Diego Municipal Code be amended 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-294.1 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736666, 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, 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. EXCEPTION PROCEDURE

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 plan, plans, typical floor plans, building elevations and preliminary grading plan, the Planning Commission shall hold a public hearing to determine if an exception is warranted.

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 101.0604, paragraph E, of the San Diego Municipal Code.

E. EXPIRATION DATE

This section shall remain in force and effect until July 15, 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 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 Section 101.0452.3, paragraph C, or unless an exception has been granted in accordance with Section 101.0452.3, paragraph D.

Introduced on July 5, 1971.

Passed and adopted by the Council of The City of San Diego on July 22, 1971.

AUTHENTICATED BY:

FRANK CURRAN,  
Mayor of The City of San Diego, California.  
EDWARD MILDEN,  
City Clerk of The City of San Diego, California.  
ELSA F. HANDEL, Deputy.