

ORDINANCE NO. 10638
(New Series)

JUL 29 1971

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.7 RELATING TO THE HEIGHT LIMITATION ZONE - LA JOLLA SHORES AREA.

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 101.0452.7 to read as follows:

SEC. 101.0452.7 HEIGHT LIMITATION ZONE - LA JOLLA SHORES AREA

A. PURPOSE AND INTENT

The purpose of this section is the limitation of height of buildings and structures within that area known as La Jolla Shores and its immediate vicinity to 50 feet except in those areas where it has been determined by the Planning Commission or City Council that buildings or structures may exceed 50 feet in height.

It is the intent of this section to insure that land development in the La Jolla Shores 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 area in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-311.1 and

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FCC:cav
Rev. 8/6/71

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described in the appended boundary description, filed in the office of the City Clerk under Document No. 736769, is hereby incorporated into the Height Limitation Zone - La Jolla Shores Area, which zone establishes a height limitation for new or altered buildings or 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 properties are exempt from the provisions of Section 101.0452.7.

1. Property which is in any zone or area subject to a height limitation of 50 feet or less.
2. Property on which there is, on AUGUST 29, 1971, located or under construction a building or structure exceeding upon completion 50 feet in height; provided, however, any repair, alteration or modification of such building or structure shall not increase the height of such building or structure.

D. APPLICATION OF HEIGHT LIMITATION ZONE TO PROPERTY REZONED

Any property located within the boundaries of the Height Limitation Zone - La Jolla Shores Area as described in Section 101.0452.7 rezoned to a zone which does not contain a regulation limiting the height of buildings or structures to 50 feet or less shall be deemed subject to all of the provisions of this section.

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E. EXCEPTION PROCEDURE

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the Height Limitation Zone - La Jolla Shores Area, 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 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 Height Limitation Zone - La Jolla Shores Area, if the Planning Commission finds from the evidence presented at the hearing that all of the following facts exist:
 - a. The proposed building or 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

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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. The proposed building or 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 Facts and a copy of

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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 this Code.

F. EXPIRATION DATE

This section shall remain in force and effect until October 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 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 Section 101.0452.7 of this Code or unless an exception has been granted in accordance with paragraph "E." of Section 101.0452.7 of this Code.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad, Deputy

FCC:cav
Rev. pp. 1,
2, 4 and 5
7/20/71

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Passed and adopted by the Council of The City of San Diego on JUL 29 1971,
by the following vote:

RECEIVED
CITY CLERK'S OFFICE

1971 JUL 21 AM 11:30

SAN DIEGO, CALIF.
me

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 F. 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 15 1971, and on JUL 29 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 F. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 10638 Adopted JUL 29 1971

FORM CC-1255-A (1-70)

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MR

ATTORNEY (S)

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

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

RELATING TO THE HEIGHT LIMITATION ZONE--
LA JOLLA SHORES AREA

RECEIVED
CITY CLERK'S OFFICE
1971 AUG 12 AM 10:56
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

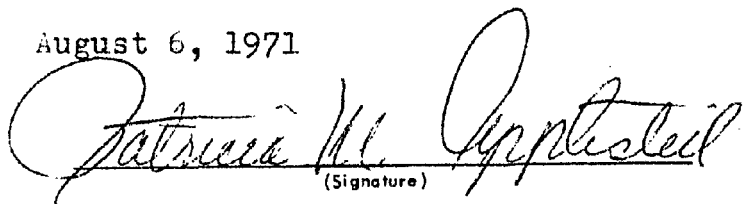
ORDINANCE NO. 10638

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

August 6, 1971

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

August 6, 1971


(Signature)

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\$ 87.15

ORDINANCE NO. 10630
(NEW SERIES)

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It is the intent of this section to insure that land development in the La Jolla Shores 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 area in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-311.1 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736789, is hereby incorporated into the Height Limitation Zone - La Jolla Shores Area, which zone establishes a height limitation for new or altered buildings or 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 properties are exempt from the provisions of Section 101.0452.7.

1. Property which is in any zone or area subject to a height limitation of 50 feet or less.
2. Property on which there is, on August 29, 1971, located or under construction a building or structure exceeding upon completion of 50 feet in height; provided, however, any repair, alteration or modification of such building or structure shall not increase the height of such building or structure.

D. APPLICATION OF HEIGHT LIMITATION ZONE TO PROPERTY REZONED

Any property located within the boundaries of the Height Limitation Zone - La Jolla Shores Area as described in Section 101.0452.7 rezoned to a zone which does not contain a regulation limiting the height of buildings or structures to 50 feet or less shall be deemed subject to all of the provisions of this section.

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- a. The proposed building or 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 50-foot height limitation and the other zoning regulations applicable to the property in question.
- b. The proposed building or 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 Facts 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 101.0509, paragraph "E." of this Code.

F. EXPIRATION DATE

This section shall remain in force and effect until October 1, 1974.

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 Section 101.0452.7 of this Code or unless an exception has been granted in accordance with paragraph "E." of Section 101.0452.7 of this Code.

Introduced on July 15, 1971.

Passed and adopted by the Council of The City of San Diego on July 29, 1971.

AUTHENTICATED BY:

FRANK CURRAN,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
BY ELFA F. HAMEL, Deputy.

(SEAL)

Published August 6, 1971

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