

JUL 29 1971

AN EMERGENCY 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.

WHEREAS, public hearings were held on July 15 and 29, 1971 concerning the imposition of a height limitation on construction in the area commonly called La Jolla Shores; and

WHEREAS, compelling evidence was presented that the construction of buildings at heights greater than 50 feet would cause irreparable damage to the landscape of the La Jolla Shores community; and

WHEREAS, the intrusions of structures of a height exceeding 50 feet were conclusively shown to adversely affect the health, safety and general welfare of the community by creating intolerable interference with the reasonable use of the general area of La Jolla Shores; and

WHEREAS, it was shown by uncontrovertible evidence that intrusions would nullify, defeat and render meaningless the recently adopted La Jolla Shores Community Plan thereby endangering the community identity and character; and

WHEREAS, the foregoing facts having been found to exist, the health, safety and welfare of the citizens of the City of San Diego require and necessitate that an emergency ordinance be adopted to impose a height limitation of 50 feet which shall be effective immediately on introduction and adoption; and

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WHEREAS, from the foregoing facts, the Council finds that the immediate preservation of the public peace, property, health and safety requires that a 50-foot height limitation which shall be immediately effective be imposed on the La Jolla Shores Area; NOW, THEREFORE,

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 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.

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.

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

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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 101.0506, paragraph "E." of this Code.

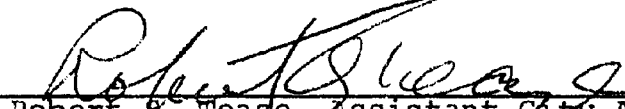
F. EXPIRATION DATE

This section shall remain in force and effect until August 31, 1971.

Section 2. This ordinance shall take effect and be in force on the date of introduction and adoption. No building permits for buildings or structures exceeding the 50-foot height limitation zone shall be issued on or after the date of introduction and adoption of this ordinance unless an exception has been granted in accordance with paragraph "E." of Section 101.0452.7 of this Code.

APPROVED AS TO FORM: JOHN W. WITT, City Attorney

By


Robert S. Teaze, Assistant City Attorney

RST:cav
7/29/71

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

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:

FRANK CURRAN

Mayor of The City of San Diego, California.

(Seal)

~~JOHN LOCKWOOD~~

City Clerk of The City of San Diego, California.

By Elfa P. Hamel, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
JUL 29 1971, said ordinance being of the kind and character
authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the final reading of said ordinance was in full.

~~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. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 10640 Adopted JUL 29 1971

FORM CC-1255-B (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

HEIGHT LIMITATION ZONE - LA JOLLA SHORES
AREA

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

EMERGENCY ORDINANCE NO. 10640 (NEW SERIES)

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

Patricia M. Applestill
(Signature)

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26" \$109.20

EMERGENCY ORDINANCE NO. 10640
(NEW SERIES)

AN EMERGENCY 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.

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A. PURPOSE AND INTENT

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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 so that the buildings exceeding 50 feet in height will be so located and designed as to be compatible with the area and its character and to be in accordance with 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. 788709, 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 101.0462 of this Code.

C. EXEMPTIONS

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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 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.

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

YEAS: Lottin, Landt, Williams, Morrow, Martinet, Schaefer.

NAYS: None.

ABSENT: Cobb, Hitch, Curran.

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)

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on July 29, 1971, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the final reading of said ordinance was in full.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By ELFA F. HAMEL, Deputy

(Seal)

Published Aug. 6, 1971.

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