

ORDINANCE NO. 10655 AUG 12 1971
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION
101.0452.5 RELATING TO THE HEIGHT LIMITATION
ZONE - WEST CLAIREMONT.

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 101.0452.5 to read as
follows:

SEC. 101.0452.5 HEIGHT LIMITATION ZONE - WEST CLAIREMONT

A. PURPOSE AND INTENT

The purpose of this section is the limitation of height
of buildings and structures within the West Clairemont 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 insure that land
development in the West Clairemont 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.

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APR 28 1978

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B. HEIGHT LIMITATION

All that portion of West Clairemont in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-307 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736936, is hereby incorporated into the West Clairemont 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. EXEMPTIONS

The following properties are exempt from the provisions of Section 101.0452.5.

1. Property which is in any zone or area subject to a height limitation of 30 feet or less.
2. 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.

D. APPLICATION OF HEIGHT LIMITATION ZONE TO PROPERTY REZONED

Any property located within the boundaries of the West Clairemont Height Limitation Zone as described in Section

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APR 28 1978

101.0452.5 rezoned to a zone which does not contain a regulation limiting the height of buildings or structures to 30 feet or less shall be deemed subject to all of the provisions of Section 101.0452.5.

E. EXCEPTION PROCEDURE

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

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APR 28 1978

- 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 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

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APR 28 1978

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maximum height, yards, open space, access and site development, as it may deem necessary or desirable to meet the requirements of Section 101.0452.5. 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 Section 101.0452.5. 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 June 1, 1972.

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APR 29 1978

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 101.0452.5 of this Code, or unless an exception has been granted in accordance with paragraph "E." of Section 101.0452.5 of this Code.

APPROVED: JOHN W. WITT, City Attorney

BY 
Frederick C. Conrad, Deputy

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APR 28 1978

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FCC:cav
5/26/71

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AUG 12 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

AUTHENTICATED BY:

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

(Seal)

By Elfa D. 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 27 1971

AUG 12 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.

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

(Seal)

By Elfa D. Hamel, Deputy.

RECEIVED
 CITY CLERK'S OFFICE
 1971 JUN 21 AM 11:26
 m/ SAN DIEGO, CALIF

FORM CC-1255-A (1-70)

Office of the City Clerk, San Diego, California

Ordinance Number 10655 Adopted AUG 12 1971

APR 28 1978

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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

RELATING TO THE HEIGHT LIMITATION ZONE-WEST
CLAIREMONT

RECEIVED
CITY CLERK'S OFFICE
1971 AUG 31 AM 11:06
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

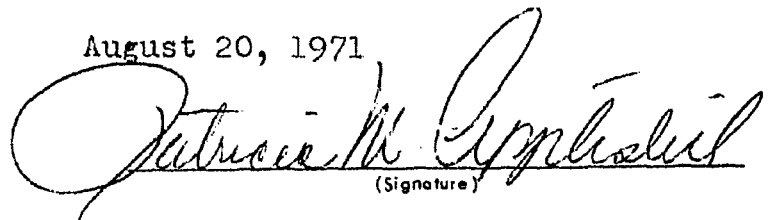
ORDINANCE NO. 10655 (NEW SERIES)

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

August 20, 1971

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

August 20, 1971


(Signature)

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20" \$84.00

ORDINANCE NO. 10555
(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.5 RELATING TO THE HEIGHT LIMITATION ZONE - WEST CLAIREMONT.

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SEC. 101.0452.5 - HEIGHT LIMITATION ZONE - WEST CLAIREMONT

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It is the intent of this section to insure that land development in the West Clairemont 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.

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D. APPLICATION OF HEIGHT LIMITATION ZONE TO PROPERTY REZONED

Any property located within the boundaries of the West Clairemont Height Limitation Zone as described in Section 101.0452.5 rezoned to a zone which does not contain a regulation limiting the height of buildings or structures to 30 feet or less shall be deemed subject to all of the provisions of Section 101.0452.5.

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2. Decision. After the public hearing, the Planning Commission may, by resolution, grant an exception to the West Clairemont 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 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 Section 101.0452.5. 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 Section 101.0452.5. 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.

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F. EXPIRATION DATE

This section shall remain in force and effect until June 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 101.0452.5 of this Code, or unless an exception has been granted in accordance with paragraph "E" of Section 101.0452.5 of this Code.

Introduced on July 27, 1971.

Passed and adopted by the Council of The City of San Diego on August 12, 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 ELBA F. HANDEL, Deputy

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