

ORDINANCE NO. 10726
(New Series)

NOV 23 1971

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION
101.0452.8 RELATING TO THE HEIGHT LIMITATION
ZONE - MISSION BEACH.

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 101.0452.8 to read as follows:

SEC. 101.0452.8 HEIGHT LIMITATION ZONE - MISSION BEACH

A. PURPOSE AND INTENT

The purpose of this section is the limitation of height
of buildings and structures within the Mission Beach area to
35 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
35 feet in height.

It is the intent of this section that land development
in the Mission Beach area will occur in an orderly manner to
the end that buildings exceeding 35 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 Beach in the City of San Diego,

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California, designated on that certain Zone Map Drawing No. C-345 and described in the appended boundary description, filed in the office of the City Clerk under Document No.

737997, is hereby incorporated into the Mission Beach Height Limitation Zone, which zone establishes a height limitation for new or altered buildings or structures therein of 35 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 101.0452.8.

1. Property which is in any zone or area subject to a height limitation of 35 feet or less.
2. Property on which there is, on January 1, 1972, located or under construction a building or structure exceeding upon completion 35 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. EXCEPTIONS

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the Mission Beach 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 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 Beach 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 35 foot height limitation and the other zoning regulations applicable to the property in question.

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- 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 developments, 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 shall be filed with the City Clerk, the Department of Building Inspection, the City Planning Department, and 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 the San Diego Municipal Code.

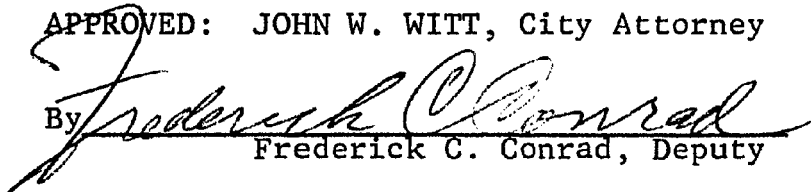
E. EXPIRATION DATE

This section shall remain in force and effect until December 31, 1972.

Section 2. This ordinance shall take effect and be in force on December 31, 1971, and no permits for construction, alteration or repair of any building or structure which do not conform with this ordinance shall be issued unless the application and all plans therefor have been filed prior to December 1, 1971.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad, Deputy

FCC:plm

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Passed and adopted by the Council of The City of San Diego on NOV 23 1971,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Eric J. Cobb Gil Johnson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Judith A. Dillon, 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

NOV 9 1971, and on NOV 23 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.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Judith A. Dillon, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>10726</u>	Adopted <u>NOV 23 1971</u>

FORM CC-1255-A (1-70)

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ATTORNEY (S)

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

RECEIVED
1971 DEC 14 AM 9:55
SAN DIEGO, CALIF. *MM*

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

RELATING TO THE HEIGHT LIMITATION ZONE -
MISSION BEACH

ORDINANCE NO. 10726

AN ORDINANCE AMENDING CHAPTER 101 OF THE MUNICIPAL CODE OF THE CITY OF SAN DIEGO, CALIFORNIA, BY ADDING SECTION 101.0452.8 RELATING TO THE HEIGHT LIMITATION ZONE - MISSION BEACH. BE IT ORDAINED by the Council of the City of San Diego as follows: Section 1 of this Chapter, Article 101 of the San Diego Municipal Code be amended by adding Section 101.0452.8 to read as follows:

SECTION 101.0452.8 HEIGHT LIMITATION ZONE - MISSION BEACH

A. PURPOSE AND INTENT

The purpose of this section is the limitation of height of buildings and structures within the Mission Beach area. In those areas where a restrictive height limitation has been established by the Planning Commission or City Council that buildings may exceed 35 feet in height.

It is the intent of this section that the development in the Mission Beach area will occur in an orderly manner and that buildings exceeding 35 feet in height will be planned 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 Beach in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-945 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 737967, is hereby incorporated into the Mission Beach Height Limitation Zone, which zone establishes a height limitation for new or altered buildings or structures therein of 35 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 101.0452.8:

1. Property which is in any zone or area subject to a height limitation of 35 feet or less.
2. Property on which there is, on January 1, 1972, located or under construction, a building or structure exceeding upon completion 35 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.

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. 10726 (NEW SERIES)

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

December 3, 1971

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

December 3, 1971

Patricia M. Applestill
(Signature)

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16 1/2"

\$ 69.30

D. EXCEPTIONS

1. Application Upon filing of a letter of request with the Planning Department for an exception to the Mission Beach 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 101.0806 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 matters 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 Beach 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 uses the proposed conditions of development with regard to good planning practice, including provisions for height, setbacks, bulk yards, open space, 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 developed to the limits imposed by the 35-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 developments, 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 shall be filed with the City Clerk, the Department of Building Inspection, the City Planning Department, and 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 101.0806 of the San Diego Municipal Code.

EXPIRATION DATE
This section shall remain in force and effect until December 31, 1972.

Section 2. This ordinance shall be in force on December 1, 1971, and no permit for construction or repair of any building structure which do not conform to this ordinance shall be issued on the application and all plans therefor have been filed prior to December 1, 1971.

Introduced on November 9, 1971.
Passed and adopted by the Council of the City of San Diego on November 23, 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 JUDITH A. DILLON,
Deputy.

(SDAL)
Published Dec 8, 1971 M-442