

ORDINANCE NO. _____

10822

APR 27 1972

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 101.0452.6 RELATING TO THE HEIGHT LIMITATION ZONE - ADDITION NO. 1 TO WEST CLAIREMONT AND AMENDING 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 repealing Section 101.0452.6 - HEIGHT LIMITATION ZONE - ADDITION NO. 1 TO WEST CLAIREMONT - to permit consolidation with the Height Limitation Zone for the West Clairemont area.

Section 2. That Chapter X, Article 1, of the San Diego Municipal Code be amended by amending 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

MICROFILMED

MAY 1 1978
00838

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 West Clairemont in The City of San Diego, California, designated on that certain Zone Map Drawing No. C-360 and described in the appended boundary description, filed in the office of the City Clerk under Document No.

739437, 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 this section:

1. Property which is in any R-1, R-2, or CN Zone.
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 this section 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 this section.

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 Chapter X, Article 1, Division 5, 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:

- 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 spaces, access and site development, as it may deem necessary or desirable

MICROFILMED
10822

MAY 1 1978

00841

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 Chapter X, Article 1, Division 5, of this Code.

F. EXPIRATION DATE

This section shall remain in force and effect until June 1, 1973.

Section 3. 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

MICROFILMED

10822

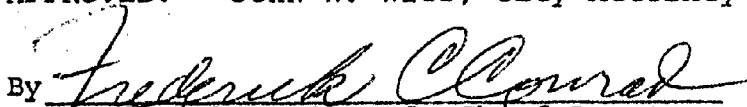
MAY 1 1978

00842

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, Chief Deputy

FCC:nkr
4-5-72

-6-

MICROFILMED

10822

MAY 1 1978

00843

APR 27 1972

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

RECEIVED
CITY CLERK'S OFFICE
1972 APR -7 AM 11:01
SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<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"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathryn M. Noel*, 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

APR 13 1972

APR 27 1972

....., 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

City Clerk of The City of San Diego, California.

(Seal)

By *Kathryn M. Noel*, Deputy.

MICROFILMED 30

Office of the City Clerk, San Diego, California

MAY 1 1978

Ordinance Number 10822 Adopted APR 27 1972

Ord. 10822

RECEIVED
CITY CLERK'S OFFICE
1972 MAY 10 PM 4:55
SAN DIEGO, CALIF. *lc*

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-WEST CLAIREMONT

I, Patricia M. Applestill hereby certify that San Diego 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. 10822

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

May 5, 1972

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

May 5, 1972

Patricia M. Applestill
(Signature)

00845

Corrected 20 1/2" # 86.10 ~~21~~ # 90.30

ORDINANCE NO. 10822
(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 101.0452.6 RELATING TO THE HEIGHT LIMITATION ZONE—ADDITION NO. 1 TO WEST CLAIREMONT AND AMENDING 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 repealing Section 101.0452.6—HEIGHT LIMITATION ZONE—ADDITION NO. 1 TO WEST CLAIREMONT—to permit consolidation with the Height Limitation Zone for the West Clairemont area.

Section 2. That Chapter X, Article 1, of the San Diego Municipal Code be amended by amending 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.

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-360 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 730437, 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 this section:

1. Property which is in any R-1, R-2, or CN Zone.
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 this section 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 this section.

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 Chapter X, Article 1, Division 5, 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:

- 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 spaces, 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 Chapter X, Article 1, Division 5, of this Code.

F. EXPIRATION DATE

This section shall remain in force and effect until June 1, 1973.
Section 3. 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.

Passed and adopted by the Council of The City of San Diego on April 27, 1972.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By KATHRYN M. NOE, Deputy.