

ORDINANCE NO. 10856
(New Series)

JUN 15 1972

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION
101.0452.3 RELATING TO THE HEIGHT LIMITATION
ZONE - WEST PENINSULA.

BE IT ORDAINED, by the Council of The City of San Diego, as
follows:

Section 1. That Chapter X, Article 1, Section 101.0452.3 of
the San Diego Municipal Code be amended to read as follows:

SEC. 101.0452.3 HEIGHT LIMITATION ZONE - WEST PENINSULA

A. PURPOSE AND INTENT

The purpose of this section is the limitation of height
of buildings and structures within the West Peninsula area to
50 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 50 feet
in height.

It is the intent of this section that land development in
the West Peninsula area will occur in an orderly manner to the
end that buildings and structures 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 portion of the West Peninsula area in the City
of San Diego, California, designated on that certain Zone Map

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Drawing No. C-286.2 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 740315, is hereby incorporated into the West Peninsula Height Limitation Zone, which zone establishes a height limitation for new or altered buildings and 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. EXEMPTION

The following properties are exempt from the provisions of this section:

1. Property which is in the R-1, R-2 or CN Zones.
2. Property on which there is located or under construction a building or structure exceeding 50 feet in height upon completion which is repaired, altered or modified provided such repairs, alterations or modifications do not increase the height of such building or structure.

D. EXCEPTION PROCEDURE

1. Application. Upon the filing of a letter of request with the Planning Department for an exception to the West Peninsula 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 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 West Peninsula Height Limitation Zone if the 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 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 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. Copies 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 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 set forth in Chapter X, Article 1, Division 5 of the San Diego Municipal Code.

E. EXPIRATION DATE


This section shall remain in force and effect until

July 15, 1973 .

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad, Chief Deputy

FCC:mmb
5-26-72

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JUN 15 1972

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

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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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Harvey 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

JUN 1 1972

JUN 15 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 *Harvey M. Noel*, Deputy.

MICROFILMED

MAY 1 1978

Office of the City Clerk, San Diego, California

Ordinance Number **10856** Adopted **JUN 15 1972**

C. EXEMPTION
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1. Property which is in the R-1, R-2 or CN Zones.
2. Property on which there is located or under construction a building or structure exceeding 50 feet in height upon completion which is repaired, altered or modified provided such repairs, alterations or modifications do not increase the height of such building or structure.

D. EXCEPTION PROCEDURE

1. **Application.** Upon the filing of a letter of request with the Planning Department for an exception to the West Peninsula 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 zoning 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 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 West Peninsula Height Limitation Zone if the 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 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 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.

Planning Commission in granting an exception may impose such additional conditions as to maximum height, yard coverage, access and site development as may deem necessary or desirable to meet the requirements of this section.

In granting any exception the Planning Commission shall issue a written finding which shall set forth the facts relied upon in reaching its decision and shall set forth the facts and circumstances which may or may not fulfill the requirements of this section. Copies of the resolution granting the exception shall be filed with the City Clerk, the Department of Building Inspection, County Recorder of San Diego County, and shall be mailed to the applicant.

3. **Appeal to the City Council.** The decision of the Planning Commission shall be final the eleventh day following filing in the office of the City Clerk except when appeal is made to the City Council in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of the San Diego Municipal Code.

E. EXPIRATION DATE
 This section shall remain in force and effect until July 15, 1973.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on June 1, 1972.
 Passed and adopted by the Council of The City of San Diego on June 15, 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

(SEAL)
 Published June 22, 1972