

ORDINANCE NO. 10867
(New Series)

JUL 6 1972

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.15
RELATING TO THE HEIGHT LIMITATION ZONE - SAN DIEGO
AVENUE.

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 101.0452.15 to read
as follows:

SEC. 101.0452.15 HEIGHT LIMITATION ZONE -
SAN DIEGO AVENUE

A. PURPOSE AND INTENT

The purpose of this section is the limitation of height
of buildings and structures within the San Diego Avenue 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 that land development
in the San Diego Avenue area will occur in an orderly manner
to the end that buildings and structures 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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B. HEIGHT LIMITATION

All that portion of San Diego Avenue area in The City of San Diego, California, designated on that certain Zone Map Drawing No. C-370 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 740074, is hereby incorporated into the San Diego Avenue 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 there is located, or under construction, a building or structure exceeding 30 feet in height upon completion. Such building or structure may be 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 filing of a letter of request with the Planning Department for an exception to the San Diego Avenue 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 the 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 San Diego Avenue 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 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 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 30-foot height limitation and

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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

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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 the San Diego Municipal Code.

E. EXPIRATION DATE

This section shall remain in force and effect until
AUG 5 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:jh
6-14-72

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JUL 6 1972

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

RECEIVED
CITY CLERK'S OFFICE
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SAN DIEGO, CALIF. *da*

| 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 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 *Patrick M. Doe*, 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 22 1972

JUL 6 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 *Patrick M. Doe*, Deputy.

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MAY 5 1978

| | |
|---|------------|
| Office of the City Clerk, San Diego, California | |
| Ordinance Number | 10867 |
| Adopted | JUL 6 1972 |

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1972 JUL 20 11:09

SAN DIEGO, CALIF. 50

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

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. 10867 (NEW SERIES)

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

July 13, 1972

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

July 13, 1972

Patricia M. Applestill
(Signature)

Ord 10867 NS

18" \$75.60

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ATTORNEY (S)

1972 JUL 20 AM 11:09

SAN DIEGO, CALIF. 92101

CITY OF SAN DIEGO
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Community Concourse
San Diego, California 92101

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