

ORDINANCE NO. 10965 DEC 10 1972
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING 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 amending 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.

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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-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 was, 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

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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

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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.

- 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,

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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, 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

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MAY 1 1978

Passed and adopted by the Council of The City of San Diego on DEC 26 1972,
 by the following vote:

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 Mary Anne Nease, 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 DEC 7 1972, and on DEC 26 1972.

~~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 Mary Anne Nease, Deputy.

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MAY 1 1978

Office of the City Clerk, San Diego, California		
Ordinance Number	10965	Adopted <u>DEC 26 1972</u>
		01892

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with original Ord
JB*

RECEIVED
CITY CLERK'S OFFICE

1973 JAN 12 PM 4:18

SAN DIEGO, CALIF *JB*

ATTORNEY (S)

*CITY OF SAN DIEGO
202 "C" St.
Community Concourse
San Diego, California 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

HEIGHT LIMITATION ZONE—MISSION BEACH

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. 10965 (NEW SERIES)

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

January 4, 1973

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

January 4, 1973

Patricia M. Applestill
(Signature)

Ord 10965 NS

18 1/4 @ 4.20 = 76.65

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(New Series)

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 - 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.
 - 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.

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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.

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E. EXPIRATION DATE

This section shall remain in force and effect until December 31, 1973.

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

Introduced on December 7, 1972.

26, 1972. Passed and adopted by the Council of The City of San Diego on December

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By MARY ANNE MEASE, Deputy.

(SEAL)
Published January 4, 1973

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