

ORDINANCE NO. 11555
(New Series)

APR 10 1975

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE
BY 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, Division 4, 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 36 feet except in those areas
where it has been determined by the Planning Commission
or City Council that buildings may exceed 36 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
36 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 West Clairemont in The City of San Diego, California, designated on that certain Zone Map Drawing No. C-390 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 750814, 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 36 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 36 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. 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:

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- 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 36- 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 exceptions, 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 the requirements of this section. 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

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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.

E. EXPIRATION DATE

This section shall remain in force and effect until May 10, 1980.

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
Frederick C. Conrad
Chief Deputy City Attorney

FCC:cav
2/20/75
Rev. 4-3-75

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Passed and adopted by the Council of The City of San Diego on APR 10 1975
 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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 Patricia Polen, 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

MAR 27 1975, and on APR 10 1975

~~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 Patricia Polen, Deputy.

RECEIVED
 1975 APR -4 AM 11:58
 SAN DIEGO, CALIF.

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 MAY 5 1978

Office of the City Clerk, San Diego, California	
Ordinance Number <u>11555</u>	Adopted <u>APR 10 1975</u>

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RECEIVED
CITY CLERK'S OFFICE *EW*

1975 APR 24 AM 11:07

SAN DIEGO, CALIF.

ATTORNEY(S)

San Diego, City of
12th Floor City Admin. Bldg.
San Diego, Ca. 92101

Polen

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

Height Limitation Zone West Clairemont

APR 24 1975 *EW*

I, PATRICIA M. APPELSTILL 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; and the

ORDINANCE 11555
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is a true and correct copy of which this certificate is annexed and was published in said newspaper on

April 17, 1975

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

April 17, 1975

Patricia M. Appelstill
(Signature)

02391

18 1/2" @ 4.42 \$ 81.77 *EW*

(New Section)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0452 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, Division 4, of the San Diego Municipal Code be amended by amending Section 101.0452 to read as follows:

SEC. 101.0452 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 36 feet except in those areas where it has been determined by the Planning Commission or City Council that buildings may exceed 36 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 36 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-280 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 750814, 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 36 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 36 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. 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 3, of the San Diego Municipal Code. It is the intent hereof that such hearing 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 shall, 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 conditions exist:

- a. The proposed structure at the particular location and under the proposed conditions of development with regard to sound 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 36-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 structure.
- 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 exceptions, 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 the requirements of this section. 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 3, of this Code.

E. EXPIRATION DATE

This section shall remain in force and effect until May 10, 1980.

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

Passed and adopted by the Council of The City of San Diego on April 11, 1975.

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California
EDWARD NIELSEN
City Clerk of The City of San Diego, California