

ORDINANCE NO. 0-15410
(New Series)

O-81-140

JAN 5 1981

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.6 REGARDING HEIGHT LIMITATION ZONE - MISSION TRAILS REGIONAL PARK PERIPHERAL DEVELOPMENT.

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, and it is hereby amended by adding Section 101.0452.6 to read as follows:

SEC. 101.0452.6 HEIGHT LIMITATION ZONE - MISSION TRAILS REGIONAL PARK PERIPHERAL DEVELOPMENT

A. PURPOSE AND INTENT

The purpose of this section is the limitation of height of buildings and structures within 1000 yards of the boundary of Mission Trails Regional Park to 40 feet except in those areas where it has been determined by the Planning Commission or City Council that buildings may exceed 40 feet in height.

It is the intent of this section to insure that land development in the Mission Trails Regional Park area will occur in an orderly manner to the end that buildings exceeding 40 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 ZONE ESTABLISHED

All that portion of the Navajo, Tierrasanta, and East Elliott communities within 1000 yards surrounding Mission Trails Regional Park in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-660 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 768091, is hereby incorporated into the Mission Trails Park Peripheral Height Limitation Zone.

C. HEIGHT LIMITATION ZONE PROVISIONS

The Mission Trails Park Peripheral Height Limitation Zone establishes a height limitation for new or altered buildings or structures of 40 feet in height. The height of the buildings or structures shall be determined according to the provisions of Section 101.0101.62 of this Code.

D. APPLICATION OF HEIGHT LIMITATION PROVISIONS

1. All property within the Mission Trails Park Peripheral Height Limitation Zone shall be governed by the provisions of paragraph C above, or the provisions of the zone in which the property is located, whichever is more restrictive.

2. The provisions of paragraph C above shall not apply to property on which is located a building or structure exceeding 40 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.

E. EXCEPTION PROCEDURE

1. Application. Upon filing of a letter of request with the Planning Department for an exception of the Mission Trails Park Peripheral 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 Mission Trails Park Peripheral 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 40-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 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.

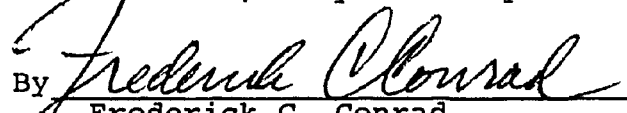
F. EXPIRATION DATE

This section shall remain in force and effect for one year from the effective date of this ordinance, or until a zone for development controls adjacent to Mission Trails Regional Park becomes effective, whichever first occurs.

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 City Attorney

FCC:clh
12/4/80
638
Or.Dept.:Planning

Passed and adopted by the Council of The City of San Diego on JAN 5 1981,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input 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"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, 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 9 1980, and on JAN 5 1981.

~~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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15416 Adopted JAN 5 1981

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1981 JAN 22 AM 9:59
SAN DIEGO, CALIF.

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
ATTN: Elle n Bovard

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.6 REGARDING HEIGHT LIMITATION ZONE - MISSION TRAILS REGIONAL PARK PERIPHERAL DEVELOPMENT. 0-15416 N.S.

ORDINANCE NO. 0-15416
(New Series)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.6 REGARDING HEIGHT LIMITATION ZONE - MISSION TRAILS REGIONAL PARK PERIPHERAL DEVELOPMENT.
BE IT ORDAINED, by the Council of The City of San Diego,
That Chapter X, Article 1, Division 4 of the San Diego Municipal Code, be, and it is hereby amended by adding Section 101.0452.6 to read as follows:
SEC. 101.0452.6 HEIGHT LIMITATION ZONE - MISSION TRAILS REGIONAL PARK PERIPHERAL DEVELOPMENT
A. PURPOSE AND INTENT
The purpose of this section is the limitation of height of buildings and structures within 1000 yards of the boundary of Mission Trails Regional Park to 40 feet except in those areas where it has been determined by the Planning Commission or City Council that buildings may exceed 40 feet in height.
It is the intent of this section to insure that land development in the Mission Trails Regional Park area will occur in an orderly manner to the end that buildings exceeding 40 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 ZONE ESTABLISHED
All that portion of the Navajo, Tierrasanta, and East Bluff communities within 1000 yards surrounding Mission Trails Regional Park in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-880 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 788061, is hereby incorporated into the Mission Trails Park Peripheral Height Limitation Zone.
C. HEIGHT LIMITATION ZONE PROVISIONS
The Mission Trails Park Peripheral Height Limitation Zone establishes a height limitation for new or altered buildings or structures of 40 feet in height. The height of the buildings or structures shall be determined according to the provisions of Section 101.0101.82 of this Code.
D. APPLICATION OF HEIGHT LIMITATION PROVISIONS
1. All property within the Mission Trails Park Peripheral Height Limitation Zone shall be governed by the provisions of paragraph C above, or the provisions of the zone in which the property is located, whichever is more restrictive.
2. The provisions of paragraph C above shall not apply to property on which is located a building or structure exceeding 40 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.

I, Camille Simpson, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 0-15416 (New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

January 19, 1981

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 19th day of Jan., 1981

Camille Simpson
(Signature)

11 3/4" x 2 x 7 = 172.26

E. EXCEPTION PROCEDURE

1. Application. Upon filing of a letter of request with the Planning Department for an exception of the Mission Trails Park Peripheral Height Limitation Zone, such 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 Mission Trails Park Peripheral 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 40-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 5 of this Code.

F. EXPIRATION DATE

This section shall remain in force and effect for one year from the effective date of this ordinance, or until a zone for development controls adjacent to Mission Trails Regional Park becomes effective, whichever first occurs.

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

Introduced on December 9, 1980
Passed and adopted by the Council of The City of San Diego on January 5, 1981

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)
By ELLEN BOVARD, Deputy.
Publish January 19, 1981

92-1197