

(O-86-47)

ORDINANCE NUMBER O- 16523 (NEW SERIES)

ADOPTED ON OCT 28 1985

AN ORDINANCE AMENDING THE MISSION VALLEY INTERIM DEVELOPMENT INTENSITY REGULATORY OVERLAY DISTRICT ORDINANCE, ORDINANCE NO. O-16460 (NEW SERIES), ADOPTED JULY 8, 1985, TO CREATE A HEIGHT LIMIT FOR STRUCTURES LOCATED SOUTH OF INTERSTATE 8; TO EXEMPT APPROVED HILLSIDE REVIEW PERMITS; TO ALLOW PLANNING DIRECTOR APPROVAL FOR MINOR MODIFICATIONS TO EXISTING STRUCTURES; AND CORRECT A TYPOGRAPHICAL OMISSION.

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

Section 1. That Section 2., Paragraph 2., of Ordinance No. 16460 (New Series), adopted July 8, 1985, be and the same is hereby amended to read as follows:

2. 140 ADT per gross acre for projects in the area lying north of the center line of Interstate 8 and east of the center line of State Route 163 except for any project lying within the Hillside Review (HR) Overlay District which shall have 140 ADT per net acre as set forth in Paragraph 3. of this section.

(No change to Paragraph Nos. 1. and 3.)

Section 2. That Section 7. of Ordinance No. 16460 (New Series), adopted July 8, 1985, be and the same is hereby amended to read as follows:

Section 7. The provisions of this ordinance shall not apply to any building permit which has been obtained from the City's Building Inspection Department prior to the effective date of this ordinance or to a project proposing modifications to an already constructed building; provided, however, that the affected parcel's existing level of traffic generation is not exceeded.

Notwithstanding any other provision hereof to the contrary, the Planning Director may:

1. Waive the permit requirements for an activity regulated under this ordinance when it is determined that the proposed activity is necessary to avoid or abate a hazardous or other unsafe condition; or

2. Modify the permit requirements for an activity regulated under this ordinance if, due to the small size, location or other circumstances of the activity, it is demonstrated that such application requirements are not necessary to assure implementation of the purpose and intent of this ordinance.

Section 3. That Section 8. of Ordinance No. 16460 (New Series), adopted July 8, 1985, be and the same is amended to read as follows:

Section 8. The following exceptions to the provisions of this ordinance shall be permitted:

1. Projects permitted under Planned Industrial Development, Planned Commercial Development, Planned Residential Development, or Hillside Review Permits approved prior to the effective date of this ordinance may develop in accordance with the provisions of the approved permit; provided, however, that any requested amendments to approved permits which increase traffic generation shall be subject to the provisions of this ordinance.

(No change to Paragraph Nos. 2, 3, 4 and 5.)

Section 4. That Section 9. of Ordinance No. 16460 (New Series), adopted July 8, 1985, be and the same is hereby amended to read as follows:

Section 9.

1. PURPOSE AND INTENT

The purpose of this section is the limitation of the height of buildings and structures to 40 feet within that portion of the Mission Valley Interim Development Intensity Regulatory Overlay District located south of Interstate 8. It is the intent of this section to ensure that all land development in this area will consider the unique relationship of such development to the south slopes of Mission Valley and be so located and designed as to be appropriate to the area, taking into account conditions of development, traffic generation, viewsheds, sound planning practices, the effect on the community and the public health, safety and general welfare.

2. HEIGHT LIMITATION ZONE

That portion of the Mission Valley Interim Development Intensity Regulatory Overlay District designated on amended Zone Map Drawing No. C-688.1 as Area 3, and filed in the office of the City Clerk as Document No. 00-16523, is hereby designated as the Height Limitation Zone of the Mission Valley Interim Development Intensity Regulatory Overlay District.

3. HEIGHT LIMITATION CRITERIA

Within the Mission Valley Interim Development Intensity Regulatory Overlay District, no building or structure shall be established, constructed or altered to a height greater than 40 feet above grade as measured under the provisions of Section 101.0101.62 of the San Diego Municipal Code.

4. EXEMPTIONS

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

a. Projects for which building permits have been obtained from the City's Building Inspection Department prior to the effective date of this ordinance.

b. Projects proposing repairs, alterations or modifications to an already constructed building or structure; provided, however, that the existing building height is not exceeded, and that the proposed repair, alteration or modification does not exceed the 40-foot height limitation.

c. Projects permitted under Planned Industrial Development, Planned Commercial Development, Planned Residential Development, or Hillside Review Permits approved prior to the effective date of this ordinance may develop in accordance with the provisions of the approved permit; provided, however, that any requested amendments to approved permits which increase building heights shall be subject to the provisions of this ordinance.

d. Projects contained within specific plans which have been approved or specific plans which have been initiated by the Planning Commission prior to the effective date of this ordinance may be developed according to the approved specific plans.

5. EXCEPTION PROCEDURE

a. Application.

Upon the filing of a letter or request with the Planning Department for an exception to the Mission Valley Interim Development Intensity Regulatory Overlay District Height Limitation Zone, which letter shall be accompanied by appropriate schematic plot plans, preliminary grading plans, typical floor plans, building elevations, and sections showing the relationship of the project structure to the existing hillsides, the Planning Director 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.

b. Development standards.

Exceptions to the 40-foot height limitation may be approved up to 65 feet in height provided that all of the following standards are met:

(1) A minimum of 30 percent of the total site area located outside of the Hillside Review Zone shall be landscaped in accordance with the standards of the City-Wide Landscape Ordinance;

(2) Natural existing hillside vegetation and topography shall be preserved. Any non-natural hillsides disturbed by grading shall be recontoured into a naturalistic form and revegetated with native plants;

(3) Buildings and structures shall be designed and sited so that an open public view corridor is created to the hillside from adjacent public streets and freeways;

(4) Roof areas shall be designed to enclose mechanical equipment and provide an attractive visual appearance when viewed from above; which may include roof gardens, terraces, or other unique architectural or recreational features; and

(5) In unique or unusual circumstances, where no occupied floor area is proposed, such as for the construction of a church steeple, theater proscenium, or other similar situation (excluding mechanical equipment) exceptions above the 65-foot height may be granted by the Planning Director as part of a Planned Development Permit, Hillside Review Permit or Conditional Use Permit.

c. Decision.

After a public hearing, the Planning Director may grant an exception to the height restrictions of the Mission Valley Interim Development Intensity Regulatory Overlay District if the Planning Director finds from the evidence presented at the public hearing that all of the following facts exist:

(1) The proposed structure at the particular location and under the proposed conditions of development has been designed to meet the development standards established in Paragraph 5.b., subparagraphs (1) through (5), with regard to landscaping, open space, grading and related matters;

(2) The proposed structure will comply with all of the zoning regulations and conditions specified in the San Diego Municipal Code for such structures; and

(3) The granting of an exception will not adversely affect any adopted plan of any governmental agency.

In addition to requiring compliance with the applicable provisions of the San Diego Municipal Code, the Planning Director, in granting an exception, may impose other or additional conditions relating to maximum height, landscaping, open space, access, site development and building design as may be necessary or desirable to meet the requirements of this section.

In granting any exceptions, the Planning Director shall make a written finding which shall specify facts relied upon in rendering the decision and shall set forth wherein the facts and circumstances fulfill the requirements of this section. A copy of the Planning Director's action granting the exception shall be filed with the City Clerk, the Building Inspection Department, the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

d. Appeal procedure.

Appeal may be made to the Planning Commission from the decision of the Planning Director. 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 an 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.

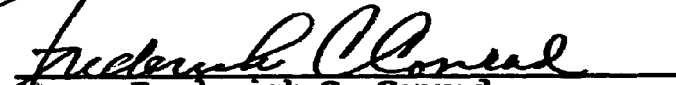
6. EXPIRATION DATE

This section shall expire concurrently with the Mission Valley Interim Development Intensity Regulatory Overlay District Ordinance.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued after this date.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad  
Chief Deputy City Attorney

FCC:cc:630  
09/16/85  
Or.Dept:Plan.  
O-86-47

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Passed and adopted by the Council of The City of San Diego on 001 28 1985,  
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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Charles G. Abdelnour, 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

OCT 15 1985

OCT 28 1985

, 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Charles G. Abdelnour, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16523

OCT 28 1985

Adopted

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 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"/>	
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District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

**ROGER HEDGECOCK**

Mayor of The City of San Diego, California.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By *Maxwell L. Porterson*, 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

**OCT 15 1985**

**OCT 28 1985**

~~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 *Maxwell L. Porterson*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance  
 Number

*0-16523*

**OCT 28 1985**

Adopted

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
OCT 18 11 21 54  
SAN DIEGO, CALIF.

THE CITY OF SAN DIEGO  
OFFICE OF THE CITY CLERK  
202 "C" STREET  
12TH FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16460 (NEW SERIES)

ORDINANCE NUMBER O-16460 (NEW SERIES)  
ORDINANCE AMENDING THE MISSION VALLEY INTERIM DEVELOPMENT INTENSITY REGULATORY OVERLAY DISTRICT ORDINANCE, ORDINANCE NO. O-16460 (NEW SERIES), ADOPTED JULY 2, 1985, TO CREATE A HEIGHT LIMIT FOR STRUCTURES LOCATED SOUTH OF INTERSTATE 8 TO EXIST, IMPROVED HILLSIDE REVIEW PERMITS, TO ALLOW PLANNING DIRECTOR APPROVAL FOR MINOR MODIFICATIONS TO EXISTING STRUCTURES, AND CORRECT A TYPOGRAPHICAL ERROR.  
The Ordinance amends the Mission Valley Interim Development Intensity Regulatory Overlay District Ordinance by adding the following for the height limit of 40 feet which shall apply to the area south of Interstate 8. A procedure is established for constructing buildings to a height of 85 feet under conditions specified. The height limit ordinance expires concurrently with the Mission Valley Interim Development Intensity Regulatory Overlay District Ordinance.  
A complete copy of the Ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.  
Introduced on OCTOBER 18, 1985.  
Passed and adopted by the Council of the City of San Diego on OCTOBER 28, 1985.  
AUTHENTICATED BY:  
ROGER HEDGECOCK,  
Mayor of the City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of the City of San Diego, California.  
By MAYDELL L. MONTECORVO,  
Deputy  
CITY CLERK

I, Gerald F. Blair, 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 NUMBER O-16523 (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:

November 11, 1985

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

Dated at San Diego, California this 11th day of Nov., 19 85.

Gerald F. Blair  
(Signature)

3x2x 9.76 = 58.56

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