

ORDINANCE NUMBER O- 17273 (NEW SERIES)

ADOPTED ON APR 3 1989

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0452.5 RELATING TO THE WEST CLAIREMONT HEIGHT LIMITATION ZONE.

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 the same is hereby 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 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 to insure that land development in the West Clairemont area will occur in an orderly manner to the end that buildings 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.

B. HEIGHT LIMITATION

[No changes.]

C. EXEMPTIONS

The following property is exempt from the provisions of this section:

Property on which is located a building or structure exceeding 30 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. [No changes.]

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:

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 space, 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 30-foot height limitation and the other zoning regulations applicable to the property in question.

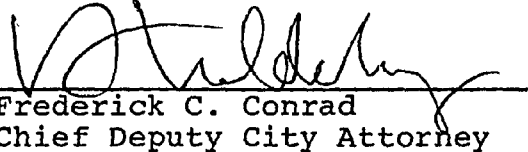
b. and c. [No changes.]

3. [No changes.]

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:lc
02/28/89
03/24/89 REV. 1
Or.Dept:Plan.
O-89-180
Form=o.none

51

APR 3 1989

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *Bronde R. Barnes* 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 20 1989

APR 3 1989

~~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 *Bronde R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17273 Adopted APR 3 1989

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
89 APR 21 PM 3:42
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION
4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION
101.0452.5 RELATING TO THE WEST CLAIREMONT HEIGHT
LIMITATION ZONE.

NO.

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AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0452.5 RELATING TO THE WEST CLAIREMONT HEIGHT LIMITATION ZONE.
This ordinance amends Municipal Code Section 101.0452.5 by removing the expiration date for the section. The 30-foot height limit imposed by the section becomes a permanent regulation.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
INTRODUCED ON March 20, 1989
Passed and Adopted by the Council of The City of San Diego on April 3, 1989
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By RHONDA R. BARNES, Deputy.
Pub. April 17, 1989

THOMAS D. KELLEHER

I, _____, 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

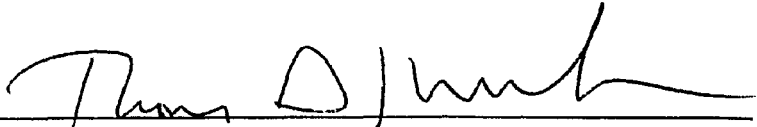
ORDINANCE NUMBER 0-17273 (NEW SERIES)

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:

APRIL 17

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

Dated at San Diego, California this 17 day of APRIL, 19 89.



(Signature)

2 1/8" x 24.08 x 2 = \$47.38