

(O-90-43)

ORDINANCE NUMBER O- 17353 (NEW SERIES)

ADOPTED ON OCT 2 1989

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 101.0452.5 AND BY ADDING SECTION 101.0452.5 WITH NEW LANGUAGE RELATING TO THE CLAIREMONT MESA 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 repealing Section 101.0452.5.

Section 2. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by adding Section 101.0452.5 with new language to read as follows:

SEC. 101.0452.5 HEIGHT LIMITATION ZONE - CLAIREMONT MESA

A. PURPOSE AND INTENT

The purpose of this section is to limit the height of buildings or structures to thirty feet (30') within the Clairemont Mesa Community, except as described in paragraph B. below. "Height" as used herein is defined in Section 101.0101 of the Municipal Code.

The intent of this section is to ensure that land development in Clairemont Mesa will maintain a height limit to continue the low profile development and protect the public vistas from western Clairemont Mesa

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to Mission Bay and the Pacific Ocean. The exceptions to the height limit will be based on protection of public vistas, location and design of structures as appropriate to the area, topographic constraints to the land, effect on community development and the public health, safety and general welfare.

B. HEIGHT LIMITATION

All that portion of Clairemont Mesa in the City of San Diego, California, designated on that certain Zone Map Drawing C-791, filed in the office of the City Clerk under Document No. 00-17353 is hereby incorporated into the Clairemont Mesa Height Limitation Zone, which zone establishes a height limitation of thirty feet (30') for new or altered buildings or structures, except that any new buildings or structures located on that property known as Villamar and the Buena Vista Gardens and described as Blocks 2 through 5 and a portion of Block 6, Clairemont Garden, Map 2947, as well as Villamar Unit No. 1, Map 11004, shall be limited to three stories not to exceed forty feet in height.

C. EXCEPTION FOR EXISTING STRUCTURES

Existing buildings or structures exceeding thirty feet (30') in height upon the effective date of the ordinance may be repaired, altered or modified, provided such repairs, alterations or modifications do not increase the height of such building or structure.

D. PERMIT PROCEDURE FOR NEW EXCEPTIONS

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the Clairemont Mesa Height Limitation Zone, which letter shall be accompanied by appropriate schematic plot plans, the City Council shall set a public hearing in accordance with the noticing and hearing procedures as set forth in Chapter X, Article 1, Division 2, of the San Diego Municipal Code. It is the intent hereof that such plans shall be limited to such detail as will inform the City Council as to matters included within the criteria set forth below.

2. Deposit. A deposit, as indicated on the current fee schedule maintained in the Planning Department, shall be paid when application for an exception to the Clairemont Mesa Height Limitation Zone is made.

3. Decision. After the public hearing, the City Council may, by resolution, grant an exception to the Clairemont Mesa Height Limitation Zone if the City Council finds from the evidence presented at the hearing that the following facts exist:

a. The granting of an exception will not interfere with public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean within the surrounding area.

b. If there are existing structures over thirty feet (30') in height, a variation in height may be granted, provided the new structure is compatible with surrounding one, two, or three-story structures.

c. The proposed structure may exceed the height limit to include roofline and facade variations, accents, tower elements and other similar elements, provided the element will not increase the floor area of the structure.

d. The proposed structure may exceed the height limit if there are topographic constraints peculiar to the land.

e. The proposed structure will comply with the regulations and conditions specified in the underlying zone for such structures.

f. 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 City Council in granting an exception may impose other and additional conditions, relating to maximum height, yards, open space, access and site development, as it may deem necessary or desirable to meet the requirements of this section. In granting any exception, the City Council shall make a written finding which shall specify

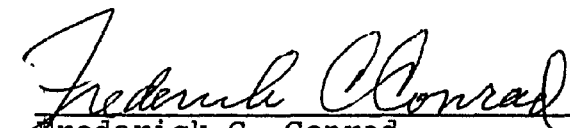
facts relied upon in rendering its decision and shall set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section. A copy of the resolutions granting the exception shall be filed with the City Clerk, the Department of Building Inspection, the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

E. RESCISSION

The Clairemont Mesa Height Limitation Zone rescinds the West Clairemont Height Limitation Zone, Municipal Code Section 101.0452.5 in order to apply a thirty-foot (30') height limit over the entire community, except as described in paragraph B., above, and shown on Zone Map Drawing C-791.

Section 3. 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:mk
08/21/89
09/14/89 COR.COPY
Or.Dept:Plan.
O-90-43
Form=o.none

Revised 5406

Passed and adopted by the Council of The City of San Diego on **OCT 2 1989**
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *June G. Blackwell*, 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

SEP 18 1989

OCT 2 1989

, 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 *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17353** Adopted **OCT 2 1989**

CERTIFICATE OF PUBLICATION

RECORDED
CITY CLERK'S OFFICE
29 OCT 24 10:13
SAN DIEGO, CALIF. *scf*

CITY OF SAN DIEGO
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101
ATTN: JUNE A. BLACKNELL

IN THE MATTER OF

NO.

AN ORDINANCE APPROVING A ONE-YEAR EXTENSION OF TIME
TO EMERGENCY ORDINANCE NO. O-17170 (NEW SERIES)

ORDINANCE NUMBER O-17354 (NEW SERIES)
AN ORDINANCE APPROVING A ONE-YEAR EXTENSION OF TIME TO EMERGENCY ORDINANCE NO. O-17170 (NEW SERIES)
WHEREAS, on November 1, 1988, the Council of The City of San Diego adopted, for a period of one year, Emergency Ordinance No. O-17170 (New Series) which, inter alia, limits the height and floor area ratio (F.A.R.) of structures in the Harborview, Ash Street Mall, Center Hill and core sub-districts of the Centre City San Diego Community; and
WHEREAS, the City Council has initiated the preparation of and intends to adopt an updated community plan for the Centre City San Diego Community; and
WHEREAS, a Centre City San Diego Community Plan is currently being prepared by the Planning Department of The City of San Diego in conjunction with the 28-member Centre City Planning Committee appointed by the Mayor; and
WHEREAS, in order to proceed with the Centre City San Diego Community Plan process, allowing certain project approvals could be inconsistent with the objectives of proposed zoning and urban design legislation to be incorporated into that plan; and
WHEREAS, a one-year extension to Emergency Ordinance No. O-17170 (New Series) is necessary to allow final preparation of the Centre City San Diego Preliminary Plan and Interim Design and Development Ordinance; and
WHEREAS, the Council of The City of San Diego has conducted a public hearing and considered all written reports and oral testimony for a one-year extension of time to Emergency Ordinance No. O-17170 (New Series); NOW, THEREFORE,
BE IT ORDAINED, by the Council of The City of San Diego, that Emergency Ordinance No. O-17170 (New Series) is hereby extended for a period of one year through October 31, 1990, or until the adoption of the Centre City San Diego Plan and the Design and Development Ordinance, whichever first occurs.
BE IT FURTHER ORDAINED, that this ordinance shall take effect and be in force on the thirtieth day from and after its passage.
Introduced on SEP 18 1989
Passed and adopted by the Council of The City of San Diego on OCT 2 1989
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
By JUNE A. BLACKNELL, Deputy
Pub. October 16 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 O-17354 (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:

OCT. 16

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

Dated at San Diego, California this 16 day of OCT., 19 89

Thomas D. Kelleher

(Signature)

4 1/4" x 2 x 50.32 = \$101.52