

## ORDINANCE O-18573 (New Series)

This ordinance number was reserved specifically for its use as a reference number for the initiative measure which appears as Proposition D on the ballot of November 3, 1998. Proposition D regards an amendment to the Coastal Zone height limitation.

Proposition D reads:

*INITIATIVE MEASURE. Shall Ordinance O-18573 (New Series) be adopted amending the 30-foot height limit in the Coastal Zone to allow Sea World to plan and construct exhibits, attractions and educational facilities only upon that land leased from the City, provided: The improvements are subject to City and Coastal Commission approval and do not exceed ½ the height of the existing Sea World Sky Tower; and no taxpayer funds are spent for any improvements resulting from this initiative?*

On November 3, 1998, the voters of the City of San Diego will either adopt or not adopt the ordinance, as Proposition D receives either a majority "Yes" vote or a majority "No" vote.

The language for the ordinance is the entire initiative, as follows, with changes to previously existing law underlined and italicized. The initiative was placed on the November 3 ballot by Ordinance O-18566 (New Series), adopted August 7, 1998.

### SAN DIEGO MUNICIPAL CODE

#### Limitation of Height of Buildings in the Coastal Zone

Section 1. Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of thirty feet within the Coastal Zone of The City of San Diego. The words Coastal Zone as used within this Ordinance shall mean that land and water area of the City of San Diego from the northern city limits, south to the border of the Republic of Mexico, extending seaward to the outer limit of city jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to *(i) that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north or (ii) that land area of the Coastal Zone bounded by Ingraham Street on the west, Sea World Drive on the south, Mission Bay on the north and the boat ramp access road in South Shores Park on the east.* The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

Section 2. Other than the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California, there shall be no exception to the provisions of this Ordinance.

Section 3.

A. No building or structure or addition to a building or structure within the land described in exception Section 1(ii), shall exceed one-half the height of the existing Sea World Sky Tower on that land using the base of measurement in accordance with the Uniform Building Code of 1970.

B. No taxpayer funds shall be spent for any improvements in connection with a building or structure or addition to a building or structure within the land described in exception Section 1 (ii).

C. The exception set forth in Section 1(ii) shall remain in effect as long as the land described therein is used for recreational, exhibition, educational, research and scientific purposes.

Section 4.

This ordinance shall take effect and be in force on the day from and after its passage. The City Attorney and City Clerk are hereby authorized to publish this amendment in the appropriate section of the San Diego Municipal Code.

Section 5.

This ordinance may be amended, including an amendment to make an exception to the thirty-foot height limitation, only by a majority vote of the voters of the City of San Diego.

Section 6.

The provisions of this Initiative are severable. If any statement, section, subsection, phrase, or word herein, or the application thereof to any person, property or circumstance, is held invalid by a court of competent jurisdiction, either on its face or as applied, the remaining portions of this Initiative shall not be affected, and shall remain in full force and effect.

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