

(O-90-43)
ORDINANCE NUMBER O-17353 (NEW SERIES)
ADOPTED ON OCTOBER 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 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. OO-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

Article 2: Overlay Zones

Division 13: Clairemont Mesa Height Limit Overlay Zone

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.1301 Purpose of the Clairemont Mesa Height Limit Overlay Zone

The purpose of the Clairemont Mesa Height Limit Overlay Zone is to provide supplemental height regulations for western Clairemont Mesa. The intent of these regulations is to ensure that the existing low profile *development* in Clairemont Mesa will be maintained and that public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean are protected.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.1302 Where the Clairemont Mesa Height Limit Overlay Zone Applies

- (a) This overlay zone applies to that portion of Clairemont Mesa that is located within the boundaries shown on Map No. C-791, filed in the office of the City Clerk as Document No. 00-17353. This area is shown generally on Diagram 132-13A.
- (b) Table 132-13A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

**Table 132-13A
Clairemont Mesa Height Limit Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/Decision Process
(1) Any <i>development</i> within this overlay zone that complies with the height limit in Section 132.1305	See Section 132.1305	No permit required by this division
(2) Any <i>development</i> for which an exception to the height limit in Section 132.1305 is requested	See Sections 132.1305-132.1306	Site Development Permit/Process Five

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.1305 Height Limit

The maximum *structure height* within the Clairemont Mesa Height Limit Overlay Zone shall be as follows:

- (a) For new *structures* or alteration of existing *structures*, the maximum *structure height* is 30 feet, except as provided in Section 132.1305 (b) and (c).

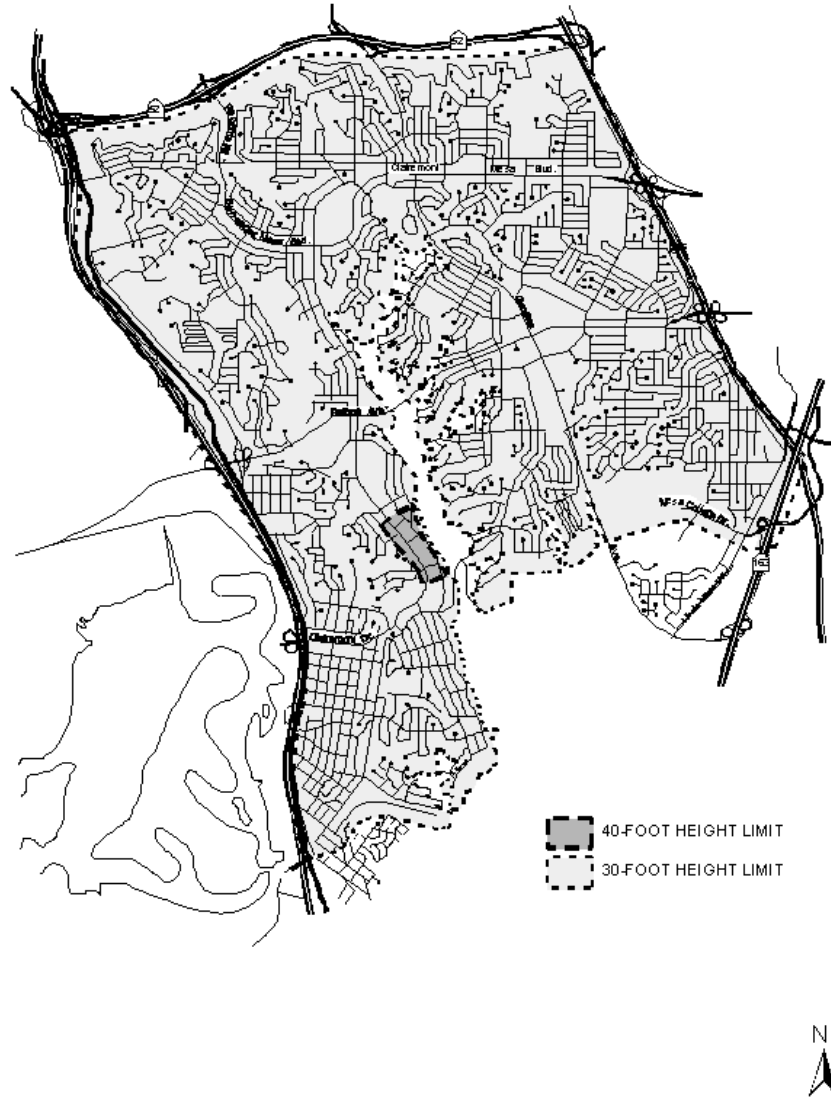


DIAGRAM 132-13A
Clairemont Mesa Height Limit Overlay Zone
This is a reproduction of Map No. C-791
for illustration purposes only.

- (b) For new *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, the maximum *structure height* is 40 feet and the *structure* shall not exceed 3 *stories*.
- (c) Existing *structures* that exceed 30 feet in height, for which a Building Permit was issued on or before November 1, 1989, may be repaired, altered, or modified if the repairs, alterations, or modifications do not increase the height of the *structure*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.1306 Exceptions to the Clairemont Mesa Height Limit

An *applicant* may request an exception from the Clairemont Mesa Height Limit by applying for a Site Development Permit. The Site Development Permit shall be considered by the City Council in accordance with Process Five. Exceptions may be made only when the City Council makes the *findings* for Site Development Permit approval in Section 126.0504.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)