

ORDINANCE NO. 10852  
(New Series)

JUN 1 1972

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF  
THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION  
101.0452.13 RELATING TO THE HEIGHT LIMITATION  
ZONE - MIDWAY-MISSION BAY PARK.

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

Section 1. That Chapter X, Article 1 of the San Diego  
Municipal Code be amended by adding Section 101.0452.13 to read  
as follows:

SEC. 101.0452.13 HEIGHT LIMITATION ZONE -  
MIDWAY-MISSION BAY PARK

A. PURPOSE AND INTENT

The purpose of this section is the limitation of the  
height of buildings and structures within the Midway-Mission  
Bay Park 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 that land development  
in the Midway-Mission Bay Park area will occur in an orderly  
manner to the end that buildings and structures 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.

**MICROFILMED**

MAY 1 1978 00986

## B. HEIGHT LIMITATION

All that portion of the Midway-Mission Bay Park area in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-363 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 739730, is hereby incorporated into the Midway-Mission Bay Park Height Limitation Zone, which zone establishes a height limitation for new or altered buildings and structures therein of 30 feet above grade. The height of the buildings or structures as used herein is as set forth in Section 101.0452 of this Code.

## C. EXEMPTIONS

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

1. Property which is in the R-1, R-2 or CN Zones.
2. Property on which there is located, or under construction, a building or structure exceeding 30 feet in height upon completion. Such building or structure may be repaired, altered or modified provided such repairs, alterations or modifications do not increase the height of such building or structure.

## D. EXCEPTION PROCEDURE

1. Application. Upon the filing of a letter of request with the Planning Department for an exception to the

Midway-Mission Bay Park Height Limitation Zone, which letter shall be accompanied by appropriate schematic plot plans, typical floor plans, building elevations and preliminary grading plans, the Planning Commission 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. It is the intent hereof that such plans shall be limited to such detail as will inform the Planning Commission as to the matters included within the criteria set forth below.

2. Decision. After the public hearing the Planning Commission may, by resolution, grant an exception to the Midway-Mission Bay Park 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 building or 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 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 other zoning regulations applicable to the property in question.

- b. The proposed building or structure will comply with the regulations and conditions specified in the Code for such structures.
- c. 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 Planning Commission 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 Planning Commission 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. Copies of the resolution granting the exception shall be filed with the City Clerk, the Department of Building Inspection, the County Recorder of San Diego County, and shall be mailed to the applicant.

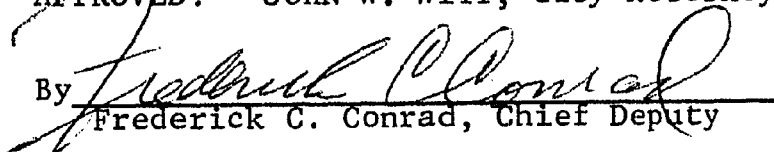
3. Appeal to the City Council from the decision of the Planning Commission. The decision of the Planning Commission shall be final on the eleventh day following such filing in the office of the City Clerk except when appeal is taken to the City Council in accordance with the procedures as set forth in Chapter X, Article 1, Division 5 of the San Diego Municipal Code.

E. EXPIRATION DATE

This section shall remain in force and effect until  
JUN 30 1973

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

FCC:nr  
5-8-72  
Rev. 5-18-72

-5-

10852

MICROFILMED

MAY 1 1978

SAN DIEGO, CALIF.  
1972 MAY 23 PM 1:42  
RECEIVED  
CITY CLERK'S OFFICE

08990

Passed and adopted by the Council of The City of San Diego on JUN 1 1972,  
 by the following vote:

RECEIVED  
 CITY CLERK'S OFFICE  
 1972 MAY 12 AM 10: 05  
 SAN DIEGO, CALIF. SO

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Kathryn M. Noel, 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

MAY 18 1972

JUN 1 1972

, 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.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Kathryn M. Noel, Deputy.

RECEIVED  
 CITY CLERK'S OFFICE  
 1972 MAY 23 PM 1:42  
 SAN DIEGO, CALIF.

MICROFILMED  
 MAY 1 1978

Office of the City Clerk, San Diego, California

Ordinance Number 10852 Adopted

JUN 1 1972

Ord 10852

ATTORNEY (S)

RECEIVED  
CITY CLERK'S OFFICE

1972 JUN -9 PM 4:32

SAN DIEGO, CALIF.

\*CITY OF SAN DIEGO  
202 "C" Street  
Community Concourse  
San Diego, California 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

MIDWAY-MISSION BAY MARK

I, Patricia M. Applestill, hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

ORDINANCE NO. 10852 NEW SERIES)

to a true and correct copy of which this certificate is annexed was published in said newspaper on

June 8, 1972

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

June 8, 1972

*Patricia M. Applestill*  
(Signature)

18 1/4" \$ 76.65

00992

## ORDINANCE NO. 10852

(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.13 RELATING TO THE HEIGHT LIMITATION ZONE—MIDWAY-MISSION BAY PARK, BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1 of the San Diego Municipal Code be amended by adding Section 101.0452.13 to read as follows:

### SEC. 101.0452.13 HEIGHT LIMITATION ZONE—MIDWAY-MISSION BAY PARK

#### A. PURPOSE AND INTENT

The purpose of this section is the limitation of the height of buildings and structures within the Midway-Mission Bay Park 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 that land development in the Midway-Mission Bay Park area will occur in an orderly manner to the extent that buildings and structures 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

All that portion of the Midway-Mission Bay Park area in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-363 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 739730, is hereby incorporated into the Midway-Mission Bay Park Height Limitation Zone, which zone establishes a height limitation for new or altered buildings and structures therein of 30 feet above grade. The height of the buildings or structures as used herein is as set forth in Section 101.0452 of this Code.

#### C. EXEMPTIONS

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

1. Property which is in the R-1, R-2 or CN Zones.
2. Property on which there is located, or under construction, a building or structure exceeding 30 feet in height upon completion. Such building or structure may be repaired, altered or modified provided such repairs, alterations or modifications do not increase the height of such building or structure.

#### D. EXCEPTION PROCEDURE

1. Application. Upon the filing of a letter of request with the Planning Department for an exception to the Midway-Mission Bay Park Height Limitation Zone, which letter shall be accompanied by appropriate schematic plot plans, typical floor plans, building elevations and preliminary grading plans, the Planning Commission 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. It is the intent hereof that such plans shall be limited to such detail as will inform the Planning Commission as to the matters included within the criteria set forth below.
2. Decision. After the public hearing the Planning Commission may, by resolution, grant an exception to the Midway-Mission Bay Park 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 building or 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 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 other zoning regulations applicable to the property in question.
  - b. The proposed building or structure will comply with the regulations and conditions specified in the Code for such structures.
  - c. 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 Planning Commission 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 Planning Commission 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. Copies of the resolution granting the exception shall be filed with the City Clerk, the Department of Building Inspection, the County Recorder of San Diego County, and shall be mailed to the applicant.

3. Appeal to the City Council from the decision of the Planning Commission. 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 appeal is taken to the City Council in accordance with the procedures as set forth in Chapter X, Article 1, Division 5 of the San Diego Municipal Code.

#### E. EXPIRATION DATE

This section shall remain in force and effect until June 30, 1973.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on May 18, 1972.

Passed and adopted by the Council of The City of San Diego on June 1, 1972.

AUTHENTICATED BY:

PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.  
By KATHRYN M. NOE, Deputy