

B. HEIGHT LIMITATION

All that portion of Middletown in the City of San Diego, California, designated on that certain Zone Map Drawing No. C-387 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 744448, is hereby incorporated into the Middletown Height Limitation Zone, which zone establishes a height limitation for new or altered buildings or 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. EXEMPTION

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, is exempt from the provisions of Section 101.0452.16 of this Code.

D. EXCEPTION PROCEDURE

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the Middletown Height Limitation Zone, which letter should 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

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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 matter included within the criteria set forth below.

2. Decision. After the public hearing, the Planning Commission may, by resolution, grant an exception to the Middletown 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. The proposed 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 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 exceptions 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 the requirements of this section. A copy 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 a copy 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 this Code.

E. EXPIRATION DATE

This section shall remain in force and effect until
OCT 20 1974

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*
for Frederick C. Conrad, Chief Deputy

MAY 2 1978

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SEP 20 1973

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

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CITY CLERK'S OFFICE
1973 AUG 31 AM 10:14
SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Wilhems	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Helena J. Ingrum*, 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 6 1973, and on SEP 20 1973.

~~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 *Helena J. Ingrum*, Deputy.

MICROFILMED MAY 2 1978

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CC-1255-A (REV. 12-71)

Office of the City Clerk, San Diego, California	
Ordinance Number	11124
Adopted	SEP 20 1973

RECEIVED ^{LB}
CITY CLERK'S OFFICE
1973 OCT 11 AM 9:44
SAN DIEGO, CALIF.
SAN DIEGO, CALIF.

ATTORNEY (S)

CITY OF SAN DIEGO
202 C Street, 12th Floor
San Diego, California 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

HEIGHT LIMITATION ZONE (MIDDLETOWN)

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. 11124

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

September 27, 1973

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

October 8, 1973
Patricia M. Applestill
(Signature)

C0157

L-10-512-6-73

$18\frac{3}{4}'' \times 4.42 = \82.88

lm

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0452.16, RELATING TO THE HEIGHT LIMITATION ZONE—MIDDLETOWN.

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 amended by adding Section 101.0452.16 to read as follows:

SEC. 101.0452.16 HEIGHT LIMITATION ZONE—MIDDLETOWN

A. PURPOSE AND INTENT

The purpose of this section is the limitation of height of buildings and structures within the Middletown 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 preserve the environment of Middletown and ensure that land development in the Middletown 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

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C. EXEMPTION

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, is exempt from the provisions of Section 101.0452.16 of this Code.

D. EXCEPTION PROCEDURE

1. Application. Upon filing of a letter of request with the Planning Department for an exception to the Middletown Height Limitation Zone, which letter should 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 matter included within the criteria set forth below.

2. Decision. After the public hearing, the Planning Commission may, by resolution, grant an exception to the Middletown Height Limitation Zone if the Planning Commission finds from the evidence presented at the hearing that all of the following conditions exist:

- a. The proposed structure at the particular location and under the present 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. The proposed 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 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 exceptions 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 the requirements of this section. A copy 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 a copy 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 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 this Code.

E. EXPIRATION DATE

This section shall remain in force and effect until October 20, 1974.

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

Introduced on September 9, 1973.

Passed and adopted by the Council of The City of San Diego on September 20, 1973.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By HELENA J. INGRUM, Deputy.

(SEAL)