



**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. EXEMPTIONS**

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

1. Property which is in any R-1, R-2, or CN Zone.
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 filing of a letter of request with the Planning Department for an exception to the Middletown Height Limitation Zone, which letter shall be accompanied by appropriate schematic plot plans, typical floor plans, building elevations

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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 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.

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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 November 21, 1976, or six months after the effective date of the resolution adopting a community plan for the area affected by this ordinance, whichever first occurs.

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*

Frederick C. Conrad  
Chief Deputy City Attorney

FCC:mmb  
11-14-74 (Rev.)  
(Middletown)

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NOV 21 1974

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

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"/>
Lee Hubbard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input 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 Patricia Polen, 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

NOV 7 1974

NOV 21 1974

, 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 Patricia Polen, Deputy.

RECEIVED  
1974 OCT 30 PM 12:19  
SAN DIEGO, CALIF.

MAY 4 1978

MICROFILMED

Office of the City Clerk, San Diego, California

Ordinance Number 11438 Adopted NOV 21 1974

RECEIVED  
CITY CLERK'S OFFICE  
1974 DEC -9 PM 12: 13.  
SAN DIEGO, CALIF. *MJS*

ATTORNEY(S)  
San Diego, City of  
12th Floor City Admin. Center  
San Diego, Ca. 92101

**CERTIFICATE OF PUBLICATION**

No. \_\_\_\_\_

IN THE MATTER OF

MIDDLETOWN

DEC 09 1974

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. 11438

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

November 29, 1974

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

November 29, 1974

*Patricia M. Applestill*  
(Signature)

## ORDINANCE NO. 11430

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING 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 amending 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

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. 74448, 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. EXEMPTIONS

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

1. Property which is in any R-1, R-2, or CN Zone.
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 filing of a letter of request with the Planning Department for an exception to the Middletown 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 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 November 31, 1978, or six months after the effective date of the resolution adopting a community plan for the area affected by this ordinance, whichever first occurs.

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

Introduced on November 7, 1974.  
Passed and adopted by the Council of The City of San Diego on November 21, 1974.

#### AUTHENTICATED BY:

PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.  
By PATRICIA POLEN, Deputy.

SEAL  
Published Nov. 23, 1974

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