

ORDINANCE NUMBER O- 19770 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 29 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 15, ARTICLE 12, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 1512.0203, BY AMENDING AND RENUMBERING PREVIOUS SECTION 1512.0204 TO SECTION 1512.0207, AND BY ADDING NEW SECTIONS 1512.0204, 1512.0205, 1512.0206, AND FIGURE 1512-03A, ALL RELATING TO STRUCTURE HEIGHT LIMITS AND A PROCESS FOUR MID-CITY COMMUNITIES DEVELOPMENT PERMIT REQUIREMENT FOR STRUCTURE HEIGHTS IN EXCESS OF 50 OR 65 FEET WITHIN THE UPTOWN COMMUNITY PLAN AREA WITH A SUNSET PROVISION.

WHEREAS, the Uptown Community Plan was adopted in August 21, 1975 and amended on February 2, 1988 to provide land use policy guidance for the Uptown Community; and

WHEREAS, the Mid-City Communities Planned District Ordinance was adopted on January 21, 1986 and amended on May 30, 1989, to provide development regulations to implement the Uptown Community Plan; and

WHEREAS, on November 6, 2007, the Uptown Planners voted 11-3-1 to support an amendment to the Mid-City Communities Planned District Ordinance to implement an interim height restriction to provide time to analyze the potential impacts of recently constructed and proposed multiple-storied structures on the community character of the Uptown Community Planning Area; and

WHEREAS, the Mayor's Office will commence an update of the Uptown Community Plan and the Mid-City Communities Planned District Ordinance in 2008 to address land use policies, transportation and land use connections, and regulations relating to urban design, among other things; and

WHEREAS, the update of the Uptown Community Plan and the Mid-City Communities Planned District Ordinance will result in a long-term design vision for the Uptown Community; and

WHEREAS, amendment of the Mid-City Communities Planned District Ordinance to implement an interim height limitation and design review process in those geographic areas where current height allowances may impact community character would benefit the community by providing an evaluation of compatibility with the existing community character during the Uptown Community Plan and Mid-City Communities Planned District Ordinance updates and would ensure consistency with the City's and communities' urban design objectives; and

WHEREAS, the adopted Uptown Community Plan contributes to the City's housing goals through residential density and Density Bonus regulations, and said regulations are not affected by implementation of this interim height limit; and

WHEREAS, generally, structures less than 50 and 65 feet in height in specified areas of the Uptown Community Planning Area are likely to be compatible in bulk and scale with existing development; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 12, Division 2, of the San Diego Municipal Code is amended by amending section 1512.0203, as follows:

§1512.0203 Mid-City Communities Development Permit

- (a) [No changes]
- (b) A Process Three Mid-City Communities Development Permit decided in accordance with Chapter 11, Article 2, Division 5 of the Land Development Code is required for the following types of development:

- (1) [No changes]
 - (A) [No changes]
 - (B) [No changes]
- (2) [No changes]
- (3) [No changes]
- (4) [No changes]
- (5) [No changes]
- (6) [No changes]
- (7) [No changes]

Table 1512.02A

Mid-City Communities Development Permit Thresholds

[No changes]

- (c) A Process Four Mid-City Communities Development Permit decided in accordance with Chapter 11, Article 2, Division 5 of the Land Development Code is required for development located south

of the centerline of Upas Street in Area B, as designated on Figure 1512-03A, on file in the Office of the City Clerk as Document No. OO- 15773 that includes structure height in excess of 65 feet, unless excepted pursuant to Section 1512.0205(b).

Section 2. That Chapter 15, Article 12, Division 2, of the San Diego Municipal Code is amended by adding new sections 1512.0204, 1512.0205, 1512.0206, and Figure 1512-03A, to read as follows:

§1512.0204 Findings for Mid-City Communities Development Permit Approval

(a) Process Three Mid-City Communities Development Permit Findings. The Hearing Officer may approve or conditionally approve a Mid-City Communities Development Permit as required by Section 1512.0203(b), if the Hearing Officer determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards, and density, and the Hearing Officer makes all of the following findings:

(1) Conformance With Community Plan and Design Manuals. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 1512.0101), and the following documents, as applicable to the site: the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan, the

Mid-City Design Plan (California State Polytechnic University, Pomona; Graduate studies in Landscape Architecture; June, 1983), Design Manual for the Normal Heights Demonstration Area and the City Heights Demonstration Area (HCH Associates and Gary Coad; April, 1984), The Design Study for the Commercial Revitalization of El Cajon Boulevard (Land Studio, Rob Quigley, Kathleen McCormick), The North Park Design Study, Volume 1, Design Concept and Volume 2, Design Manual (The Jerde Partnership, Inc. and Lawrence Reed Moline, Ltd.), Sears Site Development Program (Gerald Gast and Williams-Kuebelbeck and Assoc.; 1987) and will not adversely affect the Greater North Park Community Plan, the Uptown Community Plan or the General Plan of the City of San Diego;

- (2) Compatibility with surrounding development. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable;

- (3) No Detriment to Health, Safety and Welfare. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity;
- (4) Adequate Public Facilities. For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by Section 1512.0203(b)(1)(A) or (B), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space area per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of 10 feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities;
- (5) Adequate Lighting. In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on-site; and
- (6) The proposed use will comply with the relevant regulations in the San Diego Municipal Code.

- (b) Process Four Mid-City Communities Development Permit Findings. The Planning Commission may approve or conditionally approve a Process Four Mid-City Communities Development Permit as required by Section 1512.0203(c), if the Planning Commission determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards, and density, and the Planning Commission makes all of the following findings:
- (1) All of the findings required for a Process Three Mid-City Communities Development Permit approval in accordance with Section 1512.0204(a);
 - (2) All of the findings required for a Site Development Permit approval in accordance with Section 126.0504(a) of the Land Development Code; and
 - (3) The proposed structure height is appropriate because the location of the site, existing neighborhood character, and project design including massing, setbacks, building façade composition and modulation, material and fenestration patterns when considered together, would ensure the development's compatibility with the existing character of the Uptown Community Plan Area.
 - (4) The proposed development includes an additional benefit to the community.

§1512.0205 Structure Height Limits

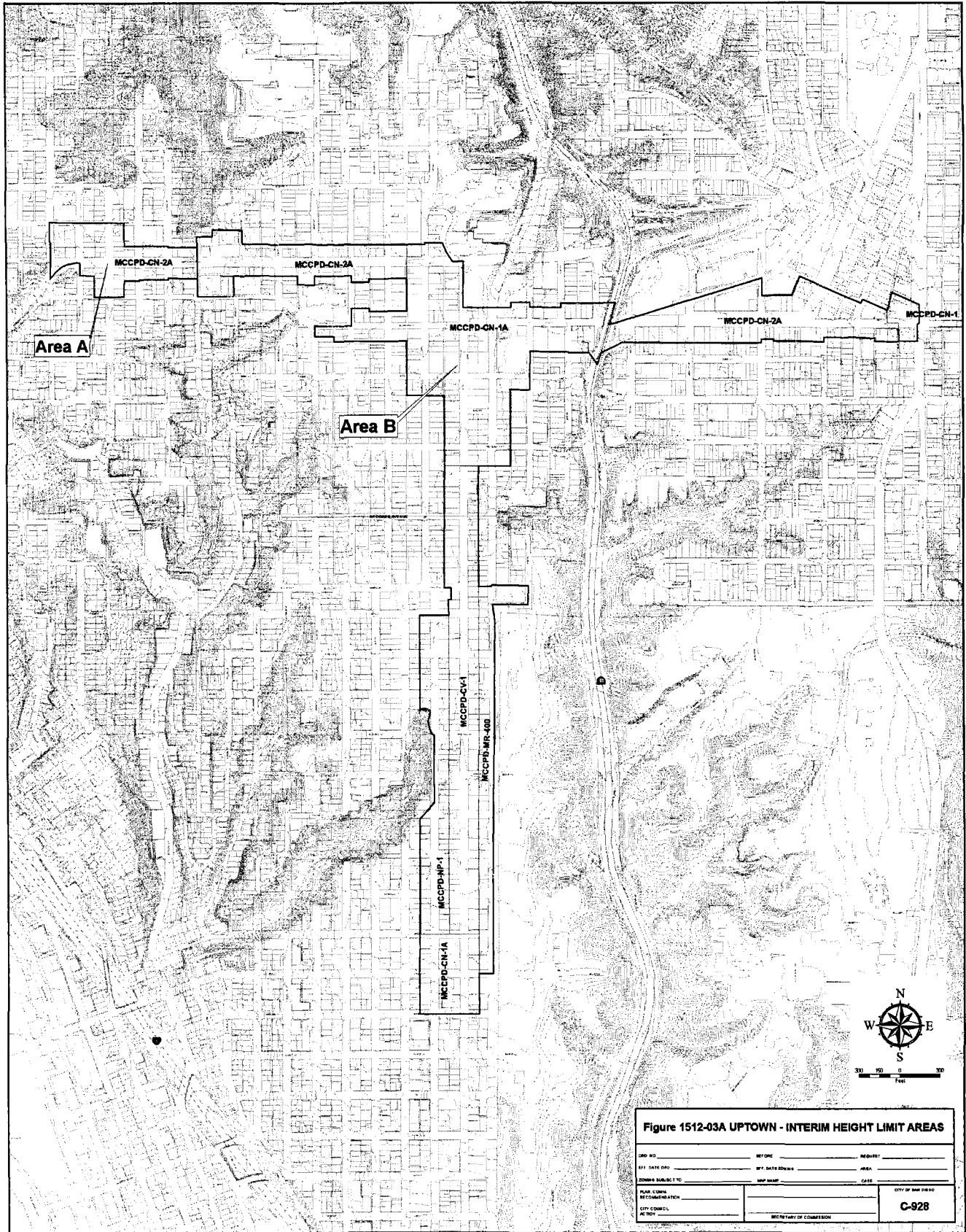
- (a) The following structure height limits apply, unless an exception applies pursuant to Section 1512.0205(b):
 - (1) North of Upas Street. Development located north of the centerline of Upas Street shall not exceed a structure height of 50 feet in Area A or 65 feet in Area B, as designated on Figure 1512-03A, on file in the Office of the City Clerk as Document No. OO- 19773.
 - (2) South of Upas Street. Development located south of the centerline of Upas Street shall not exceed a structure height of 65 feet in Area B, as designated on Figure 1512-03A, on file in the Office of the City Clerk as Document No. OO- 19773 without approval of a Process Four Mid-City Communities Development Permit in accordance with Section 1512.0204(b).
- (b) Exceptions to Structure Height Limits.

Where development would not otherwise exceed the applicable structure heights under Section 1512.0205(a), the following appurtenances causing the development to exceed the applicable structure height limits are excepted from the height limits and/or Process Four Mid-City Communities Development Permit requirement provided the appurtenances do not exceed fifteen feet

in height, do not provide habitable space, and do not exceed twenty percent of the roof area:

- (a) Stairs for roof access;
- (b) Elevator overrides, mechanical equipment and screening;
and/or
- (c) Sustainable development features such as green roofs or solar power devices.

Figure 1512-03A



O-2008-164

§1512.0206 Sunset Provision

The structure height limits and the Process Four Mid-City Communities Development Permit requirement of this Division shall remain in effect for thirty (30) months from JUL 29 2008, at which time Sections 1512.0203(c), 1512.0204(b), 1512.0205, 1512.0206 and Figure 1512-03A shall be automatically repealed unless an extension is approved by majority vote of the City Council. City Council may approve no more than two (2) 180 day extensions.

Section 3. That Chapter 15, Article 12, Division 2, of the San Diego Municipal Code is amended by renumbering and amending section 1512.0204 to section 1512.0207, to read as follows:

§1512.0207 Previously Conforming Structures

- (a) In addition to the provisions in Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses) regarding previously conforming structures, the provisions outlined in Section 1512.0207 apply where uses conform but structures do not conform to the Mid-City Communities Planned District requirements.

(b) Notwithstanding the provisions of Land Development Code Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses), where an addition of floor area on a property with a previously conforming structure would create greater nonconformity in terms of diagonal plan dimension, lot coverage, or other development requirements, the City Manager may approve or deny, in accordance with Process One, such an addition without requiring Administrative Review (Section 1512.0202) or a Mid-City Communities Development Permit (Section 1512.0203), subject to the following conditions and restrictions:

- (1) The addition must be to a property where there is no existing improvement benefiting from a previous variance or other property development exception.
- (2) No improvement on the property may have required an approval since the property was included in the Mid-City Communities Planned District, or its predecessor, the Mid-City Planned District.
- (3) The addition may not exceed 200 square feet in plan view, nor provide more than 200 square feet of roofed floor area, nor have any vertical or horizontal dimension greater than 24 feet.

- (4) The addition must observe all currently required setbacks.
 - (5) All existing and new storage areas must be screened by fencing, walls or landscaping to the satisfaction of the City Manager.
 - (6) Any additional parking required by Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations) must be provided.
 - (7) The City Manager may require additional landscaping that may be feasibly placed in the street, yard or the adjacent right-of-way (parkway), up to the maximum current street yard point requirements.
- (c) Where a use for a single-room occupancy hotel or designated historical resource conforms to the Mid-City Communities Planned District requirements but a structure does not conform, the City Manager may nonetheless permit, in accordance with Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses), such repair and rehabilitation of a previously conforming structure without requiring Administrative Review (Section 1512.0202) or a Mid-City Communities Development Permit (Section 1512.0203), subject to the City Manager's finding that there is no addition of floor area and no expansion of the use or structure.

(d) Exception: Floor Area Additions to One or Two-Unit Projects

If units or other floor area are added to a one- or two-dwelling unit residential project where the existing structures are previously conforming, and if the proposed addition would not cause the project to exceed permitted density, the City Manager shall not require existing structures to meet the requirements of this Division.

Section 4. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public a day prior to passage.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage, and shall remain in effect for thirty (30) months from adoption (until JAN 29, 2011), unless extended by City Council pursuant to section 1512.0206. If the amendments are not extended, sections 1512.0203(c), 1512.0204(b), 1512.0205, 1512.0206, and Figure 1512.02-03A shall be automatically repealed and removed from the San Diego Municipal Code.

Section 6. The City Clerk shall insert the adoption date of this ordinance, once known, in section 1512.0206.

Section 7. The City Clerk shall insert the Clerk's document number for Figure 1512-03A, once known, in section 1512.0203(c).

Section 8. There shall be no permit issued that is inconsistent with this ordinance unless application for such permit was submitted and deemed complete prior to the adoption date of this ordinance (JUL 2,9, 2008).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 7-7-
Nina Fain
Deputy City Attorney

NMF:nda:mm
06/17/08
Or. Dept: CPCI
O-2008-164
MMS# 6368

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 22 2008.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 7-29-08
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor