

ORDINANCE NUMBER O- ~~20114~~ (NEW SERIES)

DATE OF FINAL PASSAGE MAR 14 2012

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

WHEREAS, the Uptown Community Plan was adopted on 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, the City Council approved an amendment to the Mid-City Communities Planned District Ordinance also known as the Interim Height Ordinance on July 22, 2008, limiting structure heights in specific areas in the Uptown Community to 50 and 65 feet; and

WHEREAS, the Mayor's Office is in the process of updating the Uptown Community Plan and the Mid-City Communities Planned District Ordinance to address land use policies, transportation and land use connections, and regulations relating to urban design; 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, once the Uptown Community Plan's long-term vision for the community has been developed, new zoning ordinances will be brought forward for approval to implement and be consistent with the updated Uptown Community Plan; 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; and

WHEREAS, the City Council approved two consecutive 180-day extensions to the existing Interim Height Ordinance on January 25, 2011 and July 26, 2011, respectively; and

WHEREAS, on January 24, 2012 the City Council introduced, and on February 7, 2012 the City Council adopted O- **20129** to re-enact the structure height limits and the Process Four Mid-City Communities Development Permit requirement within San Diego Municipal

Code sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A, and Council revised the ordinance at the introduction hearing via interlineation to add that the ordinance shall sunset by operation of law on January 24, 2014 and to provide regular updates to the Land Use and Housing Committee on the progress of the Uptown Community Plan; and

WHEREAS, the addition of the sunset provision was a substantive change to O- 20129 that requires a new ordinance to be brought forward for consideration by the Council; and

WHEREAS, this new ordinance contains the same structure height limits and the Process Four Mid-City Communities Development Permit with the sunset provision that was adopted by Council pursuant to O- 20144 and also repeals O- 20129 as duplicative;

NOW, THEREFORE,

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

Section 1. That Ordinance No. O- 20129 adopted by City Council on February 7, 2012 is hereby repealed.

Section 2. That Chapter 15, Article 12, Division 2 of the San Diego Municipal Code is amended by amending sections 1512.0203 and 1512.0204, by adding new section 1512.0205, by adding new Figure 1512-03A, and by amending and renumbering section 1512.0207 to 1512.0206 to read as follows:

#### **Division 2: Permits and Procedures**

#### **§1512.0203 Mid-City Communities Development Permit**

(a) through (b) [No change in text.]

**Table 1512.02A**

**Mid-City Communities Development Permit Thresholds**

[No change in text.]

- (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, that includes structure height in excess of 65 feet, unless excepted pursuant to Section 1512.0205(b).

[Editor's Note: Amendments as adopted by O- 20144 N.S; effective APR 13, 2012, shall sunset by operation of law on January 24, 2014, at which time Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be removed from the San Diego Municipal Code.]

**§1512.0204 Findings for Mid-City Communities Development Permit Approval**

- (a) [No change in text.]
- (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 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;
- (3) The proposed structure height is appropriate because the location of the site, existing neighborhood character, and project design including massing, stepbacks, 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; and
- (4) The proposed development provides a benefit to the community, such as park land or facilities, public space, affordable housing, or sustainable development features.

[Editor's Note: Amendments as adopted by O- 20144 N.S; effective APR 13, 2012, shall sunset by operation of law on January 24, 2014, at which time Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be removed from the San Diego Municipal Code.]

**§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.
- (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, unless approved with 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 structure heights under Section 1512.0205(a), the following appurtenances causing the development to exceed the height limits are not subject to Section 1512.0205(a) provided the appurtenances do not exceed 15 feet in height, do not provide habitable space, and do not exceed 20 percent of the roof area:

- (1) Stairs for roof access;
- (2) Elevator overrides, mechanical equipment and screening; and
- (3) Sustainable development features such as green roofs or solar power devices.

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which time Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be removed from the San Diego Municipal Code.]

Figure 1512-03A





**§1512.0206 Previously Conforming Structures**

- (a) In addition to the provisions in Land Development Code Chapter 12, Article 7, Division 1 regarding previously conforming structures, Section 1512.0206 applies where uses conform but structures do not conform to the Mid-City Communities Planned District requirements.
- (b) Notwithstanding Land Development Code Chapter 12, Article 7, Division 1, where an addition of floor area on a property with a previously conforming structure would create greater nonconformity with development requirements, the City Manager may approve or deny, in accordance with Process One, such an addition without adherence to Sections 1512.0202 or 1512.0203, subject to the following conditions and restrictions:
  - (1) through (7) [No change in text.]
- (c) through (d) [No change in text.]

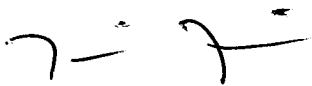
Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage and shall sunset by operation of law on January 24, 2014.

Section 5. That written updates on the progress of the Uptown Community Plan Update be provided to the Land Use and Housing Committee in March and every 160 days thereafter until complete.

Section 6. That, if necessary, a new ordinance will be introduced to implement the next updated Uptown Community Plan when the updated Uptown Community Plan is considered for approval.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Nina M. Fain  
Deputy City Attorney

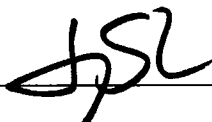
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I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 28 2012.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 3.14.12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor

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CITY CLERK  
FEB 28 2012