

ORDINANCE NUMBER O- 20329 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 24 2013

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 12, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE EDITOR'S NOTE FOR SECTION 1512.0203, AND BY AMENDING SECTIONS 1512.0204 AND 1512.0205, ALL RELATING TO THE SUNSET PROVISIONS FOR 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, City staff 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 extend the effective date of the 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 community's 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 a second Interim Height Ordinance on February 8, 2012, which shall sunset on January 24, 2014; 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 the Editor's Note in Section 1512.0203, to read as follows:

**§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) [No change in text.]

**[Editor's Note:** Amendments as adopted by O-20144 N.S; effective April 13, 2012, shall sunset by operation of law upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update, 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.]

Section 2. That Chapter 15, Article 12, Division 2 of the San Diego Municipal Code is amended by amending Sections 1512.0204(b) and 1512.0205(b), to read as follows:

**§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) through (2) [No change in text.]

(3) The proposed structure height is appropriate because the location of the site, existing neighborhood character, and project design including massing, upper-story 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) [No change in text.]

[**Editor's Note:** Amendments as adopted by O-20144 N.S; effective April 13, 2012, shall sunset by operation of law upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update, 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) [No change in text.]

(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 structure 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) [No change in text.]
- (2) Elevator overrides, mechanical equipment and screening;  
and/or
- (3) [No change in text.]

[**Editor's Note:** Amendments as adopted by O-20144 N.S; effective April 13, 2012, shall sunset by operation of law upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update, 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.]

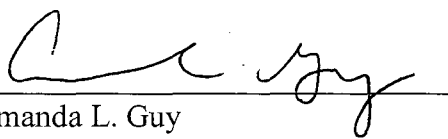
Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. 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 upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update. At such time, Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be automatically repealed and removed from the San Diego Municipal Code.

Section 5. 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.

Section 6. That permits shall not be issued for development that is inconsistent with this ordinance unless complete applications for the permits were submitted to the City prior to the effective date of this ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Amanda L. Guy  
Deputy City Attorney

ALG:hm  
09/17/13  
Or.Dept:DSD  
Doc. No. 634801

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 10 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved pursuant to Charter section 265(i):

\_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Council President

Passed by the Council of The City of San Diego on DEC 10 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 24 2013

AUTHENTICATED BY:

\_\_\_\_\_  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Mary Zumaya, 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 09 2013

and on

DEC 24 2013

~~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.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Mary Zumaya, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-

**20329**