

ORDINANCE NUMBER O- 20751 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 01 2016

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 12, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1512.0101 AND 1512.0102; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 2 BY AMENDING SECTIONS 1512.0201, 1512.0203, AND 1512.0204; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 3 BY AMENDING SECTIONS 1512.0303 AND 1512.0305, BY REPEALING SECTION 1512.0307, BY AMENDING AND RENUMBERING SECTION 1512.0308 TO SECTION 1512.0307, SECTION 1512.0309 TO SECTION 1512.0308, AND BY RENUMBERING SECTION 1512.0310 TO SECTION 1512.0309, SECTION 1512.0311 TO SECTION 1512.0310, AND SECTION 1512.0312 TO SECTION 1512.0311; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 4 BY AMENDING SECTIONS 1512.0402 AND 1512.0404 ALL RELATING TO THE NORTH PARK COMMUNITY PLAN UPDATE AND THE MID-CITY COMMUNITIES PLANNED DISTRICT ORDINANCE.

WHEREAS, Resolution No. R-310758, which was considered along with this Ordinance, proposes to adopt a comprehensive update to the North Park Community Plan; and

WHEREAS, Ordinance No. O-20753, which was considered along with this Ordinance, proposes to rezone the land within the North Park Community Plan area to use citywide zones as set forth in San Diego Municipal Code Chapter 13, Division 1, as shown on Zone Map Drawing No. C-964, on file in the Office of the City Clerk as Document No. OO- 20753-2 (North Park Rezone); and

WHEREAS, the Mid-City Communities Planned District Ordinance applies within the North Park and Uptown Community Planning areas, and is proposed to be amended to remove its application within the North Park Community area because of the adoption of the North Park Rezone and North Park Community Plan; and

WHEREAS, on September 22, 2016 the Planning Commission of the City of San Diego voted 6-0-1 to recommend City Council approval of this Ordinance; and

WHEREAS, the matter was set for public hearing on October 25, 2016, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and been fully advised concerning the same; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 12, Division 1 of the San Diego Municipal Code is amended by amending sections 1512.0101 and 1512.0102, to read as follows:

§1512.0101 Purpose and Intent

The purpose of the Mid-City Communities Planned District is to assist in implementing the goals and objectives of the Uptown Community Plan and to assist in implementation of the General Plan of the City of San Diego.

Additionally, the purpose of the Mid-City Communities Planned District is to accommodate commercial establishments that provide a full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development.

The intent of the alternating scheme of commercial zones is to provide for distinctive nodes of high intensity, pedestrian-oriented development (CN "Commercial Node" zones), interspersed with linear areas of multiple (commercial and residential) uses with either an automobile orientation (CL "Commercial Linear" zones) or pedestrian-orientation (CV "Commercial Village" zones). In addition, businesses and professional offices and allied services are provided for in areas adjacent to commercial or institutional areas (NP

"Neighborhood Professional Commercial Office" zones). In order to facilitate the economic development of commercial establishments, a provision is made for commercial expansion off of main corridors (CN-T, CL-T, CV-T and NP-T zones).

It is also the purpose of the Mid-City Communities Planned District to encourage the development of quality multiple residential structures within the Uptown Community Plan area, which relate in scale and design to the surrounding neighborhood, and provide an attractive street environment (MR zones).

More detailed purpose and intent statements are located within the sections describing each of the zones.

§1512.0102 Boundaries

The regulations which follow shall apply in the Uptown Community Plan area in the City of San Diego, California, as shown on Map Drawing No. C-868, and described in the appended boundary description filed in the office of the City Clerk under Document Number OO-18115.

Section 2. That Chapter 15, Article 12, Division 2 of the San Diego Municipal Code is amended by amending sections 1512.0201, 1512.0203, and 1512.0204 to read as follows:

§1512.0201 Project Review Regulations

(a) Administrator

The City Manager shall administer the Mid-City Communities Planned District and ensure compliance with the regulations and procedures of this section. The Uptown Community Plan shall be used for review of development proposals in the Uptown Community.

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

§1512.0203 Mid-City Communities Development Permit

(a) [No change in text.]

(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) Residential and mixed residential/commercial projects which exceed the number of threshold dwelling units or the gross square footage of floor area (where applicable) listed in Table 1512-02A.
- (2) Any project which utilizes the shared parking provisions, as specified in Section 142.0545.
- (3) Any project which deviates from the development regulations of the Mid-City Communities Planned District and is not eligible for the Administrative Review described in Section 1512.0202.
- (4) Any project which utilizes the zero-foot side yard option as described in Sections 1512.0303(d)(3), 1512.0307(b)(2), 1512.0308(b)(2)(A), 1512.0309(b)(2)(A)(i), and 1512.0310(b)(2)(B).
- (5) Mixed residential/commercial projects in which a portion of the commercial use is located in a residential (MR) zone.

**Table 1512-02A
Mid-City Communities Development Permit Thresholds**

[No change in text.]

(c) [No change in text.]

§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. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 1512.0101), and the Uptown Community Plan, and will not adversely affect the Uptown Community Plan or the General Plan of the City of San Diego;

(2) through (3) [No change in text.]

(4) 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

(5) The proposed use will comply with the relevant regulations in the San Diego Municipal Code.

(b) [No change in text.]

Section 3. That Chapter 15, Article 12, Division 3 of the San Diego Municipal Code is amended by amending sections 1512.0303 and 1512.0305, by repealing section 1512.0307, and by amending and renumbering sections 1512.0308 to section 1512.0307, section 1512.0309 to

1512.0308, section 1512.0310 to section 1512.0309, section 1512.0311 to section 1512.0310,
and section 1512.0312 to section 1512.0311, to read as follows:

§1512.0303 Residential Development Regulations

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

(g) Maximum Lot Dimensions and Areas

In the MR-3000 and MR-2500 zones, lot consolidations created through maps or by means of building across property lines shall be prohibited without a Mid-City Communities Development Permit and the maximum street frontage along the front property line shall be 60 feet.

(h) through (l) [No change in text.]

§1512.0305 Commercial Zones (CN, CL, CV, NP) - Permitted Uses

(a) [No change in text.]

(b) Additional Permitted Uses in the Commercial Node (CN), Commercial Linear (CL) Zones, Commercial Village (CV), and Neighborhood Professional (NP) Zones.

No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except as set forth in Sections 1512.0302 and 1512.0305(a).

(1) Residential development is permitted in accordance with the regulations of the Mid-City Community Planned District.

(2) [No change in text.]

§1512.0307 Commercial Nodes - CN-1, CN-1A, CN-2, CN-2A, CN-3, and CN-4 Zones

(a) [No change in text.]

(b) Property Development Regulations

(1) [No change in text.]

(2) Yard and Setback Requirements

(A) [No change in text.]

(B) That portion of structures exceeding 48 feet in height on Washington Street or 36 feet in height in all other areas shall be set back at least 15 feet from all property lines which are shared with another parcel.

(3) through (4) [No change in text.]

(5) Minimum Commercial Area. For mixed commercial/ residential projects, a minimum square footage of the ground floor shall be reserved for commercial use (other than parking facilities), said square footage to be calculated by multiplying the linear footage of all street frontage by 20.

(6) through (7) [No change in text.]

(8) Street Wall.

(A) Except as provided in Section 1512.0307(b)(2)(A)(i), there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines, except as required for driveway access where no alternative access is available. The setback may be increased to 15 feet if a sidewalk café, public plaza, retail courtyard or arcade is provided for

exclusive use of pedestrians. Structures not requiring a building permit are exempt from this requirement.

- (B) The street wall shall not exceed 48 feet in height on Washington Street or 36 feet in height in all other areas, with additional height of the structure set back at least 15 feet from the base of the street wall, except as may be required on one side of the building for fire or safety access, in which case no setback is required.

§1512.0308 Commercial Linear Zones - CL-1, CL-2, CL-3, CL-5, CL-6, (CL-4 is Renamed CV-3, See Section 1512.0309)

- (a) [No change in text.]
(b) Property Development Regulations

(1) Residential Density

One dwelling unit is permitted for each "X" square feet of lot area shown in the third column of Table 1512-03O.

**Table 1512-03O
Residential Density**

[No change in text.]

**Table 1512-03P
Residential Density Exception**

[No change in text.]

(2) Yard and Setback Requirements

- (A) Commercial Projects With No Residential Use. No front, side, or rear yards are required, except as follows:

- (i) In the CL-5 zone, a 10-foot front yard and 10-foot street side yard are required.
- (ii) Where the property abuts residentially zoned property, or commercial transition zoned property, a minimum 6-foot yard shall be provided adjacent to that property. The third story requires a 9 foot setback and additional stories shall be set back a minimum of 15 feet from the property line.

Zero Yard Option. The following zero-foot side yard option shall only be granted through approval of a Mid-City Communities Development Permit:

Up to 100 linear feet of a building wall may be on a property line abutting MR-400, MR- 800B, MR-1000B, MR-1000, or commercial transition zoned property. Any third story shall be set back at least 6 feet; each story above the third requires a minimum 15-foot setback from the property line.

- (iii) Where parking spaces are accessed directly from the street right-of-way with no turnaround area, there shall be a minimum 20-foot setback for said parking spaces.

(B) Residential or Mixed Residential/ Commercial Developments.

Minimum Yard Dimensions (Linear Feet) and Setbacks as shown in Table 1512-03Q apply.

**Table 1512-03Q
Minimum Yard Dimensions**

Zone	Yard Location			
	Front	Interior Side	Street Side	Rear
CL-1 Zone (ft)	6 ⁽⁴⁾	0 ⁽²⁾⁽³⁾	4 ⁽⁴⁾	4 ⁽²⁾
CL-2 Zone (ft)	6 ⁽⁴⁾	6 ⁽¹⁾⁽²⁾	6	4 ⁽²⁾
CL-3 Zone (ft)	6 ⁽⁴⁾	6 ⁽¹⁾⁽²⁾	4 ⁽⁴⁾	4 ⁽²⁾
CL-5, CL-6 Zones	10 ⁽⁴⁾	6	10 ⁽⁴⁾	4 ⁽²⁾

Footnotes for Table 1512-03Q

¹ through ³ [No change in text.]

⁴ Where parking spaces are accessed directly from the street right-of-way with no turnaround area, there shall be a minimum 20-foot setback for said parking spaces.

(3) Height Limits

(A) through (B) [No change in text.]

(C) For the CL-5 and CL-6 zones, the height limit is 30 feet.

(D) The street wall shall not exceed 48 feet in height on Washington Street or 36 feet in height in all other areas, with additional height of the structure set back at least 15 feet from the base of the street wall, except as may be required on one side of the building for fire or safety access, in which case on setback is required.

(4) Floor Area Ration (FAR) and coverage.

(A) through (D) [No change in text.]

Table 1512-03R
Floor Area Ratio (FAR)

[No change in text.]

Footnotes for Table 1512-03R

- ¹ To qualify for the higher allowance, a project must be:
(a) On a lot of at least 30,000 square feet, or
(b) On a lot within 300 feet of a designated FAR Bonus Intersection.
- ² To qualify for the higher allowance, a project must be:
(a) On a lot of at least 30,000 square feet, or
(b) On a lot within 150 feet of a designated FAR Bonus Intersection.

§1512.0309 Commercial Village Zones - CV-1, CV-2, CV-3, CV-4

- (a) [No change in text.]
- (b) Property Development Regulations
- (1) through (6) [No change in text.]
- (7) Street Wall
- (A) Projects must meet one of 2 options:
- (i) [No change in text.]
- (ii) Except as provided in Section 1512.0309(b)(2)(A), there shall be a building wall of at least 13 feet in height located within 5 feet of any street frontage property line for commercial or mixed-use projects, or within 10 feet of any street frontage property line for residential projects, along not less than 65 percent of the total of both the front and if applicable street side property lines, except as required for driveway access where no alternative

access is available. The setback may be increased to 15 feet if a sidewalk café, public plaza, retail courtyard or arcade is provided for exclusive use of pedestrians. Structures not requiring a building permit are exempt from this requirement.

(B) [No change in text.]

§1512.0310 Neighborhood Professional Zones - NP-1, NP-2, NP-3

(a) [No change in text.]

(b) Property Development Regulations

(1) through (3) [No change in text.]

(4) Floor Area Ratio (FAR) and Coverage

(A) through (B) [No change in text.]

(C) A FAR bonus shall be provided equivalent to the area of enclosed parking. Any portion of the building which covers enclosed parking shall be excluded from the coverage calculation.

**Table 1512-03Y
Floor Area Ratios and Lot Coverage**

[No change in text.]

§1512.0311 Additional Development Regulations - All Mid-City Zones

(a) [No change in text.]

(b) Transparency Requirement

(1) through (2) [No change in text.]

(3) Except as provided in Section 1512.0311(b)(1) above, in all projects, a minimum of 15 percent of each story's street wall shall be transparent (such as windows).

(4) [No change in text.]

(c) through (e) [No change in text.]

Section 4. That Chapter 15, Article 12, Division 4 of the San Diego Municipal Code is amended by amending sections 1512.0402 and 1512.0404, to read as follows:

§1512.0402 Parking Regulations

Parking shall conform to Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

- (a) Commercial projects in the CV-3 zone, must meet one of 2 options: (a) parking is not permitted in the 50 percent of the area of the parcel closest to the street, except that enclosed and covered parking may be permitted in accordance with the yard and setback requirements of the CV-3 zone; or (b) there shall be a building wall of at least 13 feet in height located within 5 feet of any street frontage property line, along not less than 65 percent of both the front and side street property lines. The setback may be increased to 15 feet if a sidewalk cafe, public plaza, retail courtyard or arcade is provided for exclusive use of pedestrians. In either option (a) or (b), at least one pedestrian entry per street wall frontage shall be provided from the street into or through the commercial use.

- (b) Vehicles may be parked within that portion of a required street yard that is not within a required front or street side yard, provided that vehicular use areas within the street yard are constructed of an upgraded hardscape element as defined in Land Development Code Section 113.0103.

§1512.0404 Streetscape Development Regulations

- (a) Curb Cuts And Driveways

Curb Cuts and driveways shall conform to Land Development Code Section 142.0560, in addition to the following regulations:

- (1) No driveway shall be located on Adams Avenue, Park Boulevard, University Avenue or on Fourth, Fifth or Sixth Avenues south of Washington Street, when the lot or premises is served by a standard alley with a 20-foot-wide right-of-way or alternate street, except as follows:

(A) through (D) [No change in text.]

- (2) In all MR-3000 and MR-2500 zones, any lot served by an alley must use that alley as its sole means of parking access, except where one existing driveway may be used to provide access to an additional unit.

- (b) Sidewalks

- (1) There shall be a distance of at least 10 feet between the curb and the adjacent property line, unless the property is constrained by topography exceeding 25 percent slope or is within designated open space of the adopted community plan. For those property

frontages on Washington Street, there shall be a distance of at least 14 feet between the curb and the adjacent property line. Additional right-of-way shall be obtained when redevelopment occurs in those cases where the curb-to-property line distance does not meet the requirements of this paragraph, but in no case shall the curb-to-property line distance be reduced.

(2) [No change in text.]

(c) [No change in text.]

Section 5. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 6. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plan (ALUCP) for the San Diego International Airport facility (SDIA), and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, or the date that R-310758 adopting the North Park Community Plan becomes effective, whichever date occurs later.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for SDIA, the ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCP for SDIA, but that consistency is subject to proposed modifications, the City Council

may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, or the date that R- 310758 adopting the North Park Community Plan becomes, effective whichever date occurs later.


That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the applicable airport(s). The City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage, or the date that R- 310758 adopting the North Park Community Plan becomes, effective, whichever date occurs later.

Section 7. No building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
09/06/2016
10/11/16 COR. COPY
12/14/16 REV. COR. COPY
Or.Dept:Planning
Doc. No.: 1332041_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2016.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: See attached memo and signature page.)

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 533-5800

DATE: December 20, 2016
TO: City Clerk
FROM: City Attorney
SUBJECT: O-2017-38 Rev. Cor. Copy

There was a clerical error in the clean version of Ordinance O-2017-38 Cor. Copy. The Ordinance has been revised to match the Strikeout Ordinance.

Clean ordinance:

§1512.0203 Mid-City Communities Development Permit

- (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:
 - (4) Any project which utilizes the zero-foot side yard option as described in Sections 1512.0303(d)(3), 1512.0307(b)(2), 1512.0308(b)(2)(A), 1512.0309(b)(2)(A)(i), and 1512.0310(b)(2)(A).

Strikeout ordinance:

§1512.0203 Mid-City Communities Development Permit

- (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:
 - (~~4~~) Any project which utilizes the zero-foot side yard option as described in Sections 1512.0303(d)(3), 1512.0308~~7~~(b)(2), 1512.0309~~8~~(b)(2)(A), 1512.03~~4~~09(b)(2)(A)(i), and 1512.03~~4~~10(b)(2)(~~A~~B).

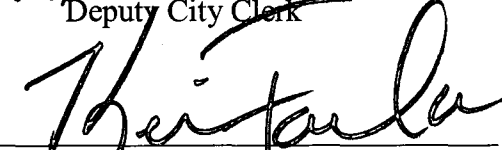
CLN:dkr
09/06/2016
10/11/16 COR. COPY
Or.Dept:Planning
Doc. No.: 1332041_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/28/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is December 1, 2016, which represents the day this ordinance was returned to the Office of the Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 12, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1512.0101 AND 1512.0102; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 2 BY AMENDING SECTIONS 1512.0201, 1512.0203, AND 1512.0204; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 3 BY AMENDING SECTIONS 1512.0303 AND 1512.0305, BY REPEALING SECTION 1512.0307, BY AMENDING AND RENUMBERING SECTION 1512.0308 TO SECTION 1512.0307, SECTION 1512.0309 TO SECTION 1512.0308, AND BY RENUMBERING SECTION 1512.0310 TO SECTION 1512.0309, SECTION 1512.0311 TO SECTION 1512.0310, AND SECTION 1512.0312 TO SECTION 1512.0311; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 4 BY AMENDING SECTIONS 1512.0402 AND 1512.0404 ALL RELATING TO THE NORTH PARK COMMUNITY PLAN UPDATE AND THE MID-CITY COMMUNITIES PLANNED DISTRICT ORDINANCE.

§1512.0101 Purpose and Intent

The purpose of the Mid-City Communities Planned District is to assist in implementing the goals and objectives of the ~~adopted community plans for older, developed communities generally located east of Interstate 5 and south of Interstate 8~~Uptown Community Plan and to assist in implementation of the General Plan of ~~the~~ City of San Diego. ~~These adopted community plans include the Greater North Park Community Plan and the Uptown Community Plan.~~

Additionally, the purpose of the Mid-City Communities Planned District is to accommodate commercial establishments that provide a full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development.

The intent of the alternating scheme of commercial zones is to provide for distinctive nodes of high intensity, pedestrian-oriented development (CN "Commercial Node" zones), interspersed with linear areas of multiple (commercial and residential) uses with either an automobile orientation (CL "Commercial Linear" zones) or pedestrian-orientation (CV "Commercial Village" zones). In addition, businesses and professional offices and allied services are provided for in areas adjacent to commercial or institutional areas (NP "Neighborhood Professional Commercial Office" zones). In order to facilitate the economic development of commercial establishments, a provision is made for commercial expansion off of main corridors (CN-T, CL-T, CV-T and NP-T zones).

It is also the purpose of the Mid-City Communities Planned District to encourage the development of quality multiple residential structures within the ~~Greater North Park and Uptown~~ Community Plan area communities, which relate in scale and design to the surrounding neighborhood, and provide an attractive street environment (MR zones). ~~For the facility-deficient neighborhoods shown on Map Number B-4104, it is also the purpose of this Division to limit residential development until adequate public facilities are available.~~

More detailed purpose and intent statements are located within the sections describing each of the zones.

§1512.0102 Boundaries

The regulations which follow shall apply in the Uptown Community Plan ~~area~~ ~~following community plan areas~~ in the City of San Diego, California, ~~designated as shown~~ on the following Map Drawings Drawing No. C-868, and described in the appended boundary description filed in the office of the City Clerk under ~~the following Document Numbers~~ Number OO-18115;

Table 1512-01A
~~Mid-City Communities Planned District Boundaries~~

Community Plan Area	Map Drawing Number	Document Number
Greater North Park	C-738	OO-16972
Uptown	C-868	OO-18115

§1512.0201 Project Review Regulations

(a) Administrator

The City Manager shall administer the Mid-City Communities Planned District and ensure compliance with the regulations and procedures of this section.

(1) ~~Mid-City and State University Community Plan Areas. In evaluating the appropriateness of any development for which a permit is applied under this division, the Mid-City and State University Community Plans and the following design studies shall be used for the review of development proposals in the Mid-City and State University communities:~~

- (A) ~~Mid-City Design Plan (California State Polytechnic University, Pomona; Graduate Studies in Landscape Architecture; June, 1983),~~
 - (B) ~~Design Manual for the Normal heights Demonstration Area, and the City Heights Demonstration Area (HCH Associates and Gary Coad; April, 1984),~~
 - (C) ~~The Design Study for the Commercial Revitalization of El Cajon Boulevard (Land Studio, Rob Quigley, Kathleen McCormick).~~
- (2) ~~Greater North Park Community Plan Area. The Greater North Park Community Plan and the following design studies for review of development proposals in the Greater North Park community:~~
- (A) ~~The Design Study for the Commercial Revitalization of El Cajon Boulevard (Land Studio, Rob Quigley, Kathleen McCormick).~~
 - (B) ~~The North Park Design Study, Volume 1, Design Concept and Volume 2, Design Manual (the Jerde Partnership, Inc. and Lawrence Reed Moline, Ltd.).~~
- (3) ~~Uptown Community Plan Area. The Uptown Community Plan and the Sears Site Development Program (Gerald Gast, Williams-Kuebelbeck) shall be used for review of development proposals in the Uptown Community.~~

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

§1512.0203 Mid-City Communities Development Permit

- (a) [No change in text.]
- (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) Residential and mixed residential/commercial projects within the facility deficient neighborhoods shown on Map Number B-4104 that propose the addition of 3 or more dwellings units per lot, except as follows:~~

~~(A) The proposed development is within a neighborhood or combination of facility deficient neighborhoods as shown on Map Number B-4104 where at least 3 acres of Improved Park Acreage have been added since August 4, 1998, or~~

~~(B) The proposed development is within 600 feet of a public park, a public school with a joint use agreement with The City of San Diego for public recreational use, or a school that is open during non-school hours for public recreational use.~~

(2) Residential and mixed residential/commercial projects which exceed the number of threshold dwelling units or the gross square footage of floor area (where applicable) listed in Table 1512-02A.

(3) Any project which utilizes the shared parking provisions, as specified in Section 142.0545 of the Land Development Code.

- (43) Any project which deviates from the development regulations of the Mid-City Communities Planned District and is not eligible for the Administrative Review described in Section 1512.0202.
- (5) ~~Any proposal which would expand a previously conforming auto repair use located along Adams Avenue in the CN-3 or CV-3 zones. In the review of the proposed expansion of previously conforming auto repair uses along Adams Avenue, all existing and new storage areas shall be required to be screened by appropriate fences, walls, or landscaping.~~
- (64) Any project which utilizes the zero-foot side yard option as described in Sections 1512.0303(d)(3), 1512.03087(b)(2), 1512.03098(b)(2)(A), 1512.03109(b)(2)(A)(i), and 1512.031110(b)(2)(AB).
- (75) Mixed residential/commercial projects in which a portion of the commercial use is located in a residential (MR) zone.

Table 1512-02A
Mid-City Communities Development Permit Thresholds

[No change in text.]

- (c) [No change in text.]

§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) through (3) [No change in text.]

- (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;~~
- (54) 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
- (65) The proposed use will comply with the relevant regulations in the San Diego Municipal Code.

(b) [No change in text.]

§1512.0303 Residential Development Regulations

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

(g) Maximum Lot Dimensions and Areas

~~In the MR-3000 and MR-2500 zones and for those lots located between Collier Avenue and Adams Avenue within the MR-1500 zone, lot consolidations created through maps or by means of building across~~

property lines shall be prohibited without a Mid-City Communities Development Permit and the maximum street frontage along the front property line shall be 60 feet.

(h) through (l) [No change in text.]

§1512.0305 Commercial Zones (CN, CL, CV, NP) - Permitted Uses

(a) [No change in text.]

(b) Additional Permitted Uses in the Commercial Node (CN), Commercial Linear (CL) Zones, Commercial Village (CV), and Neighborhood Professional (NP) Zones.

No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except as set forth in Sections 1512.0302 and 1512.0305(a).

(1) Residential development is permitted in accordance with the regulations of the Mid-City Community Planned District. ~~This includes all permitted use of the equivalent multi-family zones as established by the residential density provisions of Section 1512.0305(b)(3).~~

(2) [No change in text.]

(3) ~~In the Commercial Transition Zones (CN-1T, CN-2T and CN-3T), commercial uses are permitted only if the lot fronts on Adams Avenue, El Cajon Boulevard, University Avenue, Lincoln Avenue, 43rd Street, Fairmount Avenue, Euclid Avenue, Collwood Boulevard, College Avenue or 70th Street. This provision includes~~

lots which are legally consolidated in accordance with Land Development Code Chapter 14, Article 4 (Subdivision Regulations).

§1512.0307 ~~Transition Zones Indicated by the Suffix “T” to any Commercial Zone Designation (e.g., CN-IT)~~

(a) ~~Purpose and Intent~~

~~Transition zones are commercial zones which are intended to provide a transition area between commercial use areas and residential use areas. They are designed to provide for the expansion of an existing or new commercial use which is located in both a transition zone and the adjoining commercial zone. As an alternative, transition zoned lots may provide for residential use at the designated transition density.~~

(b) ~~Property Development Regulations~~

(1) ~~Lots with Frontage on Designated Streets~~

~~For all transition zones, regulations shall be equivalent to the commercial zone (i.e. CN-IT equivalent to CN-1) if the lot fronts on Adams Avenue, El Cajon Boulevard, University Avenue, Lincoln Avenue, 43rd Street, Fairmount Avenue, Euclid Avenue, Collwood Boulevard, College Avenue, 70th Street or Seminole Drive between Stanley Avenue and Art Street. This provision includes lots which are legally consolidated in accordance with Land Development Code Chapter 14, Article 4 (Subdivision Regulations).~~

(2) ~~Lots with No Frontage on Designated Streets~~

~~For all transition zones where the lot does not front on those streets listed in Section 1512.0307(b)(1) above, the regulations of the zone in the second column in Table 1512-03L shall apply.~~

Table 103-03L
Transition Zone – Applicable Regulations

Transition Zone	Regulations Which Apply
CN-1T, CL-1T, CV-1T	MR-400
CL-2T, CV-2T, NP-1T	MR-800B
CN-2T	MR-1000B
CN-3T, CL-3T, CL-4T, CV-3T, NP-2T,	MR-1000
CL-5T, CL-6T, CV-4T, NP-3T	MR-1500

§1512.03087 Commercial Nodes - CN-1, CN-1A, CN-2, CN-2A, CN-3, and CN-4 Zones

- (a) [No change in text.]
- (b) Property Development Regulations
 - (1) [No change in text.]
 - (2) Yard and Setback Requirements
 - (A) [No change in text.]
 - (B) That portion of structures exceeding 48 feet in height on Washington Street and El Cajon Boulevard or 36 feet in height in all other areas shall be set back at least 15 feet from all property lines which are shared with another parcel.
- (3) through (4) [No change in text.]

(5) Minimum Commercial Area. ~~Except as provided in Section 1512.0307(b)(2) above, For~~ mixed commercial/ residential projects, a minimum square footage of the ground floor shall be reserved for commercial use (other than parking facilities), said square footage to be calculated by multiplying the linear footage of all street frontage by 20.

(6) through (7) [No change in text.]

(8) Street Wall.

(A) Expect as provided in Section 1512.03087(b)(2)(A)(i), there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines, except as required for driveway access where no alternative access is available. The setback may be increased to 15 feet if a sidewalk café, public plaza, retail courtyard or arcade is provided for exclusive use of pedestrians. Structures not requiring a building permit are exempt from this requirement.

(B) The street wall shall not exceed 48 feet in height on Washington Street and ~~El Cajon Boulevard~~ or 36 feet in height in all other areas, with additional height of the structure set back at least 15 feet from the base of the street

wall, except as may be required on one side of the building for fire or safety access, in which case no setback is required.

§1512.03098 Commercial Linear Zones - CL-1, CL-2, CL-3, CL-5, CL-6, (CL-4 is Renamed CV-3, See Section 1512.03109)

(a) [No change in text.]

(b) Property Development Regulations

(1) Residential Density

(A) One dwelling unit is permitted for each "X" square feet of lot area shown in the third column of Table 1512-03O.

~~(B) Exception: In the CL-1 zone on University Avenue between 28th Street and Georgia Street, one dwelling unit is permitted for each "X" square feet of lot area shown, based on the lot size and the land use constraints shown in Table 1512-03P.~~

**Table 1512-03O
Residential Density**

[No change in text.]

**Table 1512-03P
Residential Density Exception**

[No change in text.]

(2) Yard and Setback Requirements

(A) Commercial Projects With No Residential Use. No front, side, or rear yards are required, except as follows:

- (i) ~~In the CL-1, and CL-3 and zones, a 20-foot yard is required on the property line abutting El Cajon Boulevard. Off-street parking may be located within this yard with the provision of landscaping as required by Land Development Code Chapter 14, Article 2, Division 4.~~
- (ii) ~~In the CL-1 zone on University Avenue west of Idaho and 28th Streets, a 20-foot yard is required on the property line abutting University Avenue. Every story (or portion of a story) above the second shall be set back an additional 6 feet (calculated from the minimum requirement for the story below). The maximum required setback is 38 feet.~~
- (iii) In the CL-5 zone, a 10-foot front yard and 10-foot street side yard are required.
- (iv) Where the property abuts residentially zoned property, or commercial transition zoned property, a minimum 6-foot yard shall be provided adjacent to that property. The third story requires a 9 foot setback and additional stories shall be set back a minimum of 15 feet from the property line.

Zero Yard Option. The following zero-foot side yard option shall only be granted through approval of a Mid-City Communities Development Permit:

Up to 100 linear feet of a building wall may be on a property line abutting MR-400, MR- 800B, MR-1000B, MR-1000, or commercial transition zoned property. Any third story shall be set back at least 6 feet; each story above the third requires a minimum 15-foot setback from the property line.

(viii) Where parking spaces are accessed directly from the street right-of-way with no turnaround area, there shall be a minimum 20-foot setback for said parking spaces.

(B) Residential or Mixed Residential/ Commercial Developments.

Minimum Yard Dimensions (Linear Feet) and Setbacks as shown in Table 1512-03Q apply.

**Table 1512-03Q
Minimum Yard Dimensions**

Zone	Yard Location			
	Front	Interior Side	Street Side	Rear
CL-1 Zone (ft)	6 ⁽⁴⁾⁽⁵⁾⁽⁶⁾	0 ⁽²⁾⁽³⁾	4 ⁽⁴⁾⁽⁶⁾	4 ⁽²⁾
CL-2 Zone (ft)	6 ⁽⁴⁾⁽⁵⁾⁽⁶⁾	6 ⁽¹⁾⁽²⁾	6 ⁽⁶⁾	4 ⁽²⁾
CL-3 Zone (ft)	6 ⁽⁴⁾⁽⁵⁾⁽⁶⁾	6 ⁽¹⁾⁽²⁾	4 ⁽⁴⁾⁽⁶⁾	4 ⁽²⁾
CL-5, CL-6 Zones	10 ⁽⁴⁾⁽⁵⁾⁽⁶⁾	6	10 ⁽⁴⁾⁽⁶⁾	4 ⁽²⁾

Footnotes for Table 1512-03Q

¹ through ³ [No change in text.]

⁴ ~~On property lines abutting El Cajon Boulevard, and on University Avenue west of Idaho and 28th Streets, a 20-foot yard is required, subject to the provisions specified in Section 1512.0309(b)(2)(A)(i) & (ii), above.~~

⁵ ~~With the exception of front setbacks abutting El Cajon Boulevard, every story (or portion of a story) above the second shall be set back an additional 6 feet (calculated from the minimum requirement for the story below). The maximum total required setback is 24 feet.~~

⁶⁴ Where parking spaces are accessed directly from the street right-of-way with no turnaround area, there shall be a minimum 20-foot setback for said parking spaces.

(3) Height Limits

(A) through (B) [No change in text.]

(C) For the CL-5 and CL-6 zones, the height limit is 30 feet.

(D) The street wall shall not exceed 48 feet in height on Washington Street and El Cajon Boulevard or 36 feet in height in all other areas, with additional height of the structure set back at least 15 feet from the base of the street wall, except as may be required on one side of the building for fire or safety access, in which case on setback is required.

(4) Floor Area Ratio (FAR) and Coverage.

(A) through (D) [No change in text.]

Table 1512-03R
Floor Area Ratio (FAR)

[No change in text.]

Footnotes for Table 1512-03R

- ¹ To qualify for the higher allowance, a project must be:
- (a) On a lot of at least 30,000 square feet, or
 - (b) On a lot within 300 feet of a designated FAR Bonus Intersection.*

- ² To qualify for the higher allowance, a project must be:
- (a) On a lot of at least 30,000 square feet, or
 - (b) On a lot within 150 feet of a designated FAR Bonus Intersection.*

* ~~FAR Bonus Intersections are located at the intersections of El Cajon Boulevard and 37th Street, 42nd Street, Highland Avenue, Chamoune Avenue, 52nd Street, 59th Street, 62nd Street, 63rd Street, Art Street, Montezuma Road, and 67th Street; and the intersections of University Avenue and Swift Avenue and 35th Street, shown on maps referenced in Section 1512.0102; measurement is taken in a straight line from any portion of a subject lot to the closest corner at a Bonus Intersection.~~

§1512.03109 Commercial Village Zones - CV-1, CV-2, CV-3, CV-4

- (a) [No change in text.]
- (b) Property Development Regulations
 - (1) through (6) [No change in text.]

(7) Street Wall

(A) Projects must meet one of 2 options:

- (i) [No change in text.]
- (ii) Except as provided in Section

~~1512.0310(b)(2)(A)~~09(b)(2)(A), there shall be a building wall of at least 13 feet in height located within 5 feet of any street frontage property line for commercial or mixed-use projects, or within 10 feet of any street frontage property line for residential projects, along not less than 65 percent of the total of both the front and if applicable street side property lines, except as required for driveway access where no alternative access is available. The setback may be increased to 15 feet if a sidewalk café, public plaza, retail courtyard or arcade is

provided for exclusive use of pedestrians. Structures not requiring a building permit are exempt from this requirement.

(B) [No change in text.]

§1512.034410 Neighborhood Professional Zones - NP-1, NP-2, NP-3

(a) [No change in text.]

(b) Property Development Regulations

(1) through (3) [No change in text.]

(4) Floor Area Ratio (FAR) and Coverage

(A) through (B) [No change in text.]

(C) A FAR bonus shall be provided equivalent to the area of enclosed parking. Any portion of the building which covers enclosed parking shall be excluded from the coverage calculation. ~~For projects which exceed the dwelling unit or floor area threshold for a Mid-City Communities Development Permit (Section 1512.0203(b)(1)), the FAR bonus and coverage exclusion shall only apply to underground parking. This FAR bonus shall not exceed 1.0 FAR.~~

**Table 1512-03Y
Floor Area Ratios and Lot Coverage**

[No change in text.]

§1512.031211 Additional Development Regulations - All Mid-City Zones

- (a) [No change in text.]
- (b) Transparency Requirement
 - (1) through (2) [No change in text.]
 - (3) Except as provided in Section 1512.031211(b)(1) above, in all projects, a minimum of 15 percent of each story's street wall shall be transparent (such as windows).
 - (4) [No change in text.]
- (c) through (e) [No change in text.]

§1512.0402 Parking Regulations

Parking shall conform to Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

- (a) ~~For lots in the CN-1 zone which do not have access to a street or alley other than to University Avenue west of I-805, parking shall not be required and curb cuts shall not be permitted.~~
- (b) ~~In the CL-1 zone on University Avenue between 28th Street and Georgia Street, vehicular access for residential units must be provided via alleys and side streets and not from University Avenue for all projects which equal or exceed one dwelling unit per 600 square feet of lot area.~~
- (ea) Commercial projects in the CV-3 zone, must meet one of 2 options: (a) parking is not permitted in the 50 percent of the area of the parcel closest to the street, except that enclosed and covered parking may be permitted in accordance with the yard and setback requirements of the CV-3 zone; or

- (b) there shall be a building wall of at least 13 feet in height located within 5 feet of any street frontage property line, along not less than 65 percent of both the front and side street property lines. The setback may be increased to 15 feet if a sidewalk cafe, public plaza, retail courtyard or arcade is provided for exclusive use of pedestrians. In either option (a) or (b), at least one pedestrian entry per street wall frontage shall be provided from the street into or through the commercial use.
- (db) Vehicles may be parked within that portion of a required street yard that is not within a required front or street side yard, provided that vehicular use areas within the street yard are constructed of an upgraded hardscape element as defined in Land Development Code Section 113.0103.

§1512.0404 Streetscape Development Regulations

(a) Curb Cuts And Driveways

Curb Cuts and driveways shall conform to Land Development Code Section 142.0560, in addition to the following regulations:

- (1) No driveway shall be located on Adams Avenue, ~~El Cajon Boulevard~~, Park Boulevard, University Avenue or on Fourth, Fifth or Sixth Avenues south of Washington Street, when the lot or premises is served by a standard alley with a 20-foot-wide right-of-way or alternate street, except as follows:
- (A) through (D) [No change in text.]

- (2) ~~For lots in the CN-1 Zone which do not have access to a street or alley other than to University Avenue west of I-805, parking shall not be required and curb cuts shall not be permitted.~~
- (3) ~~For lots in the central business district of North Park, curb cuts are not permitted on the north side of University Avenue between Utah Street and Iowa Street, nor between Granada Avenue and 31st Street on the south side of University.~~
- (42) In all MR-3000 and MR-2500 zones, any lot served by an alley must use that alley as its sole means of parking access, except where one existing driveway may be used to provide access to an additional unit.

(b) Sidewalks

- (1) There shall be a distance of at least 10 feet between the curb and the adjacent property line, unless the property is constrained by topography exceeding 25 percent slope or is within designated open space of the adopted community plan. For those property frontages on ~~El Cajon Boulevard~~ or Washington Street, there shall be a distance of at least 14 feet between the curb and the adjacent property line. Additional right-of-way shall be obtained when redevelopment occurs in those cases where the curb-to-property line distance does not meet the requirements of this paragraph, but in no case shall the curb-to-property line distance be reduced.

(2) [No change in text.]

(c) [No change in text.]

CLN:dkr
09/06/2016
10/11/16 COR. COPY
12/14/16 REV. COR. COPY
Or.Dept:Planning
Doc. No.: 1318314_3

Passed by the Council of The City of San Diego on NOV 15 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Chris Cate	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 01 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruen, 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

OCT 25 2016, and on DEC 01 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruen, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20751