

REQUEST FOR COUNCIL ACTION
OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

335
07/08

TO: CITY ATTORNEY

2. FROM: (ORIGINATING DEPARTMENT)
CITY PLANNING & COMMUNITY INVESTMENT

3. DATE
May 26, 2008

4. SUBJECT:
Amendment to the Mid-City Communities Planned District Ordinance for an Interim Height Limitation in the Uptown Community

5. PRIMARY CONTACT (NAME, PHONE, MAIL STA.)
Marlon I. Pangilinan x55293 MS-4A

6. SECONDARY CONTACT (NAME, PHONE, MAIL STA.)
Mary P. Wright x34528 MS-4A

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED:

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	001373			
DEPARTMENT	065			
ORGANIZATION	2002			
OBJECT ACCOUNT	4052			
JOB ORDER	4239			
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:
Costs associated with processing of the proposed action are being funded by the City Planning & Community Investment Department's work program.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DEPARTMENT DIRECTOR	Mary P. Wright MARY P. WRIGHT	6/11/08	8	DEPUTY CHIEF	William Anderson WILLIAM ANDERSON	6/16/08
2	DSD/EAS	Bernethi Beasley BERNETHI BEASLEY	6/12/08	9	COO	Ky Goldstone KY GOLDSTONE	6/14/08
3	LIAISON OFFICE	ED PLANK	6/12/08	10	CITY ATTORNEY	NINA FAIN	6/30/08
4			1	11	ORIGINATING DEPARTMENT	MARLON I. PANGILINAN	6/24/08
5				✓	DOCKET COORD:	COUNCIL LIAISON:	
6					COUNCIL PRESIDENT:	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<input type="checkbox"/> REFER TO <input type="checkbox"/> COUNCIL DATE		

11. PREPARATION OF: RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

Amendment to the Mid-City Communities Planned District Ordinance to establish an interim height limitation that would limit structures above a building height of 50 and 65 feet along specific portions of 5th Avenue, Robinson Avenue, University Avenue, and Washington Street north of Upas Street within the Mission Hills, Hillcrest, and Bankers Hill/Park West neighborhoods of the Uptown Community. Where applicable, a Process 4 review and limited criteria would be allowed for projects requesting to exceed the proposed height limits.

11A. STAFF RECOMMENDATIONS:
Approve the proposed amendment to the Mid-City Communities Planned District Ordinance for an interim height limitation in the Uptown Community.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 2 & 3

COMMUNITY AREA(S): Uptown

ENVIRONMENTAL IMPACT: The proposed amendment is exempt from CEQA pursuant to Sections 15061(b)(3) and 15308 of the State CEQA Guidelines.

HOUSING IMPACT: The proposed amendment could result in multi-family residential development with smaller units and with multiple units per floors compared to existing developments that have developed to the maximum building height allowed by the current zoning. The proposed amendment could still allow maximum density of the base zone to be reasonably achieved and would not preclude projects from meeting the minimum residential densities in the Uptown Community Plan.

OTHER ISSUES: On May 8, 2008, the Planning Commission recommended that the City Council approve the proposed amendment with a discretionary review/approval process (Process 4) for the entire area affected by the ordinance including additional findings and limited criteria for exceeding the height limits.

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REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET

DATE ISSUED: July 2, 2008

REPORT NO.: 08-095

ATTENTION: Honorable Council President Peters and City Council
ORIGINATING DEPT.: City Planning & Community Investment
SUBJECT: Proposed Interim Height Limitation in the Uptown Community
COUNCIL DISTRICTS: 2 & 3
STAFF CONTACT: Marlon I. Pangilinan, (619) 235-5293

REQUESTED ACTION:

Approve amendments to the Mid-City Communities Planned District Ordinance (MCCPDO) for an interim height limitation in the Uptown Community.

STAFF RECOMMENDATION:

Approve the requested action.

EXECUTIVE SUMMARY:

On October 14, 2006, the City Planning & Community Investment Department, Uptown Planners, Council Districts 2 and 3 sponsored an Uptown Community Plan Issues Workshop to hear issues from the community, developers, and residents regarding the impacts of new development, preserving community character, and improving the quality of life. Of the issues that were discussed, the desire to update the community plan was consistently raised to address the community's concerns. Additionally, many raised concerns about the potential height of buildings allowed by the community plan and existing zoning, and its effect on community character, while others spoke in favor of height as a contributing factor to creating vibrant and exciting urban communities. Prior to the October workshop and in response to recent approvals and proposals for high-rise buildings, the Uptown Planners voted 12-0-0 on June 6, 2006, to recommend that the City Council adopt an interim height ordinance. Proponents of the ordinance expressed that such a measure was needed to seek relief from high-rise development that they considered out of scale with the existing character of the surrounding neighborhood and responsible for the exacerbating deficiencies in public facilities.

Given that the main issue of controversy was centered on the issue of building height, staff considered that an interim height measure could be utilized to prevent high-rise development projects from circumventing the public debate on building height during the update process and ensure that all development projects were vetted with the public during this process. After further consideration, the City Planning & Community Investment Department agreed to process an amendment to the MCCPDO as part of the upcoming community plan update and to take it forward for City Council consideration.

A draft was presented at the meetings of the Uptown Planners in October and September 2007. It included an overall discretionary process with additional findings for buildings over 50 and 65 feet tall within the Mission Hills, Hillcrest, and Bankers Hill/Park west neighborhoods. However, the Uptown Planners and community members expressed that an overall discretionary process would still allow multi-story structures that were out of scale with the neighborhood. As a compromise staff agreed to incorporate a strict height limitation of 50 feet in the Mission Hills neighborhood and 65 feet in the Hillcrest neighborhood, and maintain a discretionary process with additional findings for structures exceeding 65 feet within the Bankers Hill/Park West neighborhood. Additionally, the proposed amendment would be in effect for 30 months or until the Uptown Community Plan was adopted, give the City Council the ability to extend the height limitation for up to two 180-day periods, incorporate

exceptions to the strict height limits for architectural appurtenances, and exempt projects deemed complete prior to the adoption of the amended ordinance. After subsequent hearings with the Planning Commission and Land Use & Housing Committee, Upas Street was chosen to be the boundary between the strict height limitation and discretionary review areas and exceptions to the height limits were provided for stairway, rooftop equipment and screening, and sustainable development features.

An alternative to the proposed amendment could include an overall discretionary review/approval process (Process 4) instead of a strict height limit, including additional findings and limited criteria for exceeding height limits for stairways, rooftop equipment and screening, and sustainable development features as recommended by the Planning Commission on May 8, 2008.

FISCAL CONSIDERATIONS:

Costs associated with the processing of the amendment are being managed by the City Planning & Community Investment Department's work program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The amendment was presented to the Land Use and Housing Committee on March 12, 2008. The Committee voted 3-0-0 to recommend that the City Council adopt the proposed amendment to the Mid-City Communities Planned District Ordinance and that they include an exception to the strict height limitation for sustainable development features, elevator overrides, enclosed stairways, and other non-habitable spaces and make Upas Street the boundary between the strict height limitation and discretionary review areas within the overall area affected by the amendments

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

City staff presented earlier drafts of the proposed amendments to the Uptown Planners on September 4, 2007 and October 2, 2007. On November 6, 2007, the Uptown Planners voted to support the proposed amendments 11-3-1. On March 4, 2007, the Uptown Planners voted 12-3-1 to designate Upas Street instead of Brookes Avenue as the boundary between the strict height and discretionary review areas within the overall area affected by the proposed amendments.

On May 8, 2008, the Planning Commission voted 4-0-3 to not include a strict height limitation as part of the amendment to the MCCPDO, but to recommend that the City Council adopt an overall discretionary review process and additional findings for projects exceeding 50 and 65 feet within the overall area affected by the amendment and that limited criteria for exceeding the height limit be included. The Planning Commission expressed concern that including a strict height component would not allow for project applicants to incorporate good design while at the same time maximizing the number dwelling units on site.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

Key stakeholders include: Uptown Planners, Mission Hills Heritage, the Independent Interim Height Ordinance Task Force, Save Our Heritage Organization, Hillcrest History Guild, the Hillcrest Town Council, San Diego Regional Chamber of Commerce, San Diego Association of Realtors, Building Industry Association, and the San Diego Housing Federation.



Mary P. Wright
Deputy Director
City Planning & Community Investment



William Anderson, FAICP
Deputy Chief Operating Officer
City Planning and Development

WA/MPW/mip

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DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No. N/A

Date: May 20, 2008

JO: 6090

Action/Permit (s): Amendments to the Mid-City Communities Planned District Ordinance (Chapter 15, Article 12, Division 2 of the San Diego Municipal Code) to Establish an Interim Height Limitation in the Uptown Community

Description of Activity: Amendments to the Mid-City Communities Planned District Ordinance to establish an interim height limitation that would limit structures above a building height of 50 and 65 feet along specific portions of 5th Avenue, Robinson Avenue, University Avenue, and Washington Street north of Upas Street within the CN-1, CN-1A, CN-2A, and CV-1 zones, and above a building height of 65 feet along specific portions of 4th Avenue, 5th Avenue, and 6th Avenue south of Upas Street within the CN-1A, NP-1, CV-1, and MR-400 zones of the Uptown Community. Where applicable a Process 4 review would be allowed for projects requesting to exceed the proposed height limits.

Location of Activity: The amendments would apply within the Uptown Community within the City and County of San Diego. Applicant: Community Planning and Community Investment Department of the City of San Diego, 201 C Street, MS 4A, San Diego, CA 92101. Contact: Marlon I. Pangilinan, Senior Planner (619-235-5293).

- 1. [] This activity is EXEMPT FROM CEQA pursuant to: [X] Section 15061(b) (3) of the State CEQA Guidelines
2. [] This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)

Table with 2 columns: Section, Short Name. Includes items like Existing Facilities, Replacement or Reconstruction, New Construction or Conversion of Small Structures, etc.

ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)

Table with 2 columns: Section, Short Name. Includes items like Ongoing Project, Feasibility and Planning Studies, Adoption of Coastal Plans and Programs, etc.

It is hereby certified that the City of San Diego has determined the above activity to be exempt:

Kenneth Teasley, Senior Planner Environmental Analysis Section

Distribution: Marlon I. Pangilinan, Senior Planner MS 4A EAS Reviewer's File Exemption file

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NOTICE OF EXEMPTION

CHECK ONE OR BOTH~

TO: Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project No: N/A

Project Title: Amendments to the Mid-City Communities Planned District Ordinance (Chapter 15, Article 12, Division 2 of the San Diego Municipal Code) to Establish an Interim Height Limitation in the Uptown Community

Project Location-Specific: The amendments would apply within the Uptown Community.

Project Location-City: San Diego County: San Diego

Description of Project: Amendments to the Mid-City Communities Planned District Ordinance to establish an interim height limitation that would limit structures above a building height of 50 and 65 feet along specific portions of 5th Avenue, Robinson Avenue, University Avenue, and Washington Street north of Upas Street within the CN-1, CN-1A, CN-2A, and CV-1 zones, and above a building height of 65 feet along specific portions of 4th Avenue, 5th Avenue, and 6th Avenue south of Upas Street within the CN-1A, NP-1, CV-1, and MR-400 zones of the Uptown Community. Where applicable a Process 4 review would be allowed for projects requesting to exceed the proposed height limits.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Community Planning and Community Investment Department of the City of San Diego, 201 C Street, MS 4A, San Diego, CA 92101. Contact: Marlon I. Pangilinan, Senior Planner (619-235-5293).

Exempt Status:

- Ministerial (Sec. 15268)
- Declared Emergency (Sec. 15269 (a))
- Emergency Project (Sec. 15269 (b) and (c))
- Categorical Exemption. State type and section number: 15308
- Other. State type and section number: 15061(b)(3)

Reasons why project is exempt: The amendments to the Mid-City Communities PDO would not result in additional significant impacts to the environment. It is anticipated that the implementation of the proposed project could result in a reduction in visual effects and neighborhood character impacts.

Contact Person: Kenneth Teasley

Telephone: (619) 446-5390

Date Received for Filing: _____

Signature, Title

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CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

EFFECTIVE DATE _____

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.

This ordinance changes the San Diego Municipal Code by limiting structure heights north of Upas Street in the Uptown Community Plan area to 50 feet in Area A or 65 feet in Area B, as designated on Figure 1512-03A. The ordinance also changes the San Diego Municipal Code by requiring a Process Four Mid-City Communities Development Permit [MCPD Permit] for development located south of Upas Street that includes structure heights in excess of 65 feet in Area B, as designated on Figure 1512-03A. Limited exceptions to the height limits and MCPD Permit requirement are provided for certain roof top appurtenances including stairs for roof access, elevator overrides, mechanical equipment and screening, and/or sustainable development features such as green roofs or solar power devices.

The ordinance is temporary, and contains a sunset provision that will automatically repeal the applicable provisions within 30 months of the adoption date of the ordinance unless

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extended by majority vote of City Council. City Council may grant no more than two (2) 180 day extensions.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, since a written copy was made available to the City Council and the public a day prior to passage.

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

A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

NMF:mm
06/17/08
Or.Dept:City Planning & Comm.
O-2008-164
MMS#6368

001383

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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

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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

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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-_____ 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

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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;

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- (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.

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(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.

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§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-_____.
 - (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-_____, 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

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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.

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§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 _____, 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.

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(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.

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- (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.

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- (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 _____), 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).

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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 (_____).

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 _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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STRIKE OUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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.

§1512.0203 Mid-City Communities Development Permit

(a) [No changes]

(b) ~~As set forth in this division,~~ a 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 by ~~for~~ the following ~~projects~~ types of development:

(1) [No changes]

(A) [No changes]

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(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) ~~An application for a Mid-City Communities Development Permit may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. 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~~

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City Clerk as Document No. OO-_____ that includes structure height in excess of 65 feet, unless excepted pursuant to Section 1512.0205(b).

~~(d) — The Hearing Officer may approve or conditionally approve a Mid-City Communities Development Permit, if the Hearing Officer determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, and it is found from the evidence presented that all of the following facts exist:~~

~~(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,~~

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~~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 Progress Guide and General Plan of the City of San Diego; and~~

- ~~(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; and~~
- ~~(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; and~~
- ~~(4) Adequate Public Facilities. For residential and mixed residential/commercial projects within the park deficient~~

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~~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.~~

~~(6) The proposed use will comply with the relevant regulations in the San Diego Municipal Code.~~

§1512.0204 ~~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 1512.0204 apply where uses conform but structures do not~~

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~~conform to the Mid-City Communities Planned District requirements.~~

~~(b) Notwithstanding the provisions of Land Development Code Chapter 12, 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, coverage, or other developmental 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,~~

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~~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.~~

~~(e) Where a use for a single room occupancy hotel or historic structure designated by the Historical Resources Board 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~~

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~~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.~~

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

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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

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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

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- (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.

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- (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-_____.

- (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-_____, 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

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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.

§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 _____, 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.

§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 Chapter 12, 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

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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.

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- (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

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project to exceed permitted density, the City Manager shall not
require existing structures to meet the requirements of this
Division.

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

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CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

EFFECTIVE DATE _____

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 PROCESS FOUR MID-CITY COMMUNITIES DEVELOPMENT PERMIT REQUIREMENTS FOR STRUCTURE HEIGHTS IN EXCESS OF 50 OR 65 FEET WITHIN THE UPTOWN COMMUNITY PLAN AREA WITH A SUNSET PROVISION.

This ordinance changes the San Diego Municipal Code by requiring a Process Four Mid-City Communities Development Permit [MCPD Permit] for development including structure heights in excess of 50 or 65 feet in certain areas of the Uptown Community Plan area. Specifically, the ordinance requires an MCPD Permit where the development would include any structure height in excess of 50 feet within Area A or 65 feet within Area B, as designated on Figure 1512-03A. Limited exceptions to the MCPD Permit requirement are provided for certain roof top appurtenances including stairs for roof access, elevator overrides, mechanical equipment and screening, and/or sustainable development features such as green roofs or solar power devices.

The ordinance is temporary, and contains a sunset provision that will automatically repeal the applicable provisions within 30 months of the adoption date of the ordinance unless

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extended by majority vote of City Council. City Council may grant no more than two (2) 180 day extensions.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, since a written copy was made available to the City Council and the public a day prior to passage.

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

A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

NMF:mm
06/17/08
Or.Dept:City Planning & Comm.
O-2008-164
MMS#6368

001419

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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 PROCESS FOUR MID-CITY COMMUNITIES DEVELOPMENT PERMIT REQUIREMENTS 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

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ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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 PROCESS FOUR MID-CITY COMMUNITIES DEVELOPMENT PERMIT REQUIREMENTS 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

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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:

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§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

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development including any structure height in excess of 50 feet within Area A or 65 feet within Area B as designated on Figure 1512-03A, on file in the Office of the City Clerk as Document No. OO-_____.

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-

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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;

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- (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.

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- (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;
 - (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; and
 - (4) The proposed development includes an additional benefit to the community.

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§1512.0205 Exceptions to Process Four Mid-City Communities Development Permit Requirement

Where development would not otherwise require a Process Four Mid-City Communities Development Permit, the following appurtenances causing the development to exceed the applicable structure height under Section 1512.0203(c) do not trigger the Process Four Mid-City Communities Development Permit requirement provided they 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

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§1512.0206 Sunset Provision

The Process Four Mid-City Communities Development Permit requirement of this Division shall remain in effect for thirty (30) months from _____, 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.

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- (b) Notwithstanding the provisions of Land Development Code Chapter 12, 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.

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- (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.

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(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 _____), 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 sections 1512.0203(c)(1) and 1512.0203(c)(2).

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STRIKE OUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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 PROCESS FOUR MID-CITY COMMUNITIES DEVELOPMENT PERMIT REQUIREMENTS FOR STRUCTURE HEIGHTS IN EXCESS OF 50 OR 65 FEET WITHIN THE UPTOWN COMMUNITY PLAN AREA WITH A SUNSET PROVISION.

§1512.0203 Mid-City Communities Development Permit

(a) [No changes]

(b) ~~As set forth in this division,~~ a 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 ~~by~~ for the following ~~projects~~ types of development:

(1) [No changes]

(A) [No changes]

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- (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) ~~An application for a Mid-City Communities Development Permit may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. 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 including any structure height in excess of 50 feet within Area A or 65 feet within Area B as designated on Figure 1512-03A, on file in the Office of the City Clerk as Document No. OO-_____.~~

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~~(d) The Hearing Officer may approve or conditionally approve a Mid-City Communities Development Permit, if the Hearing Officer determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, and it is found from the evidence presented that all of the following facts exist:~~

~~(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,~~

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~~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 Progress Guide and General Plan of the City of San Diego; and~~

~~(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; and~~

~~(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; and~~

~~(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~~

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~~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.~~

~~(6) The proposed use will comply with the relevant regulations in the San Diego Municipal Code.~~

§1512.0204 ~~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 1512.0204 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 Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses), where an addition of~~

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~~floor area on a property with a previously conforming structure would create greater nonconformity in terms of diagonal plan dimension, coverage, or other developmental 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.~~

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- ~~(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.~~
- ~~(e) Where a use for a single room occupancy hotel or historic structure designated by the Historical Resources Board 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~~

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~~project to exceed permitted density, the City Manager shall not require existing structures to meet the requirements of this Division.~~

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).

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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;

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- (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

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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, stepbacks, building facade 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 Exceptions to Process Four Mid-City Communities Development Permit Requirement

Where development would not otherwise require a Process Four Mid-City Communities Development Permit, the following appurtenances causing the development to exceed the applicable structure height under Section 1512.0203(c) do not trigger the Process Four Mid-City Communities

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Development Permit requirement provided they 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.

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§1512.0206 Sunset Provision

The Process Four Mid-City Communities Development Permit requirement of this Division shall remain in effect for thirty (30) months from _____, 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.

§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 Chapter 12, 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

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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.

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- (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

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project to exceed permitted density, the City Manager shall not
require existing structures to meet the requirements of this
Division.

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

PLANNING COMMISSION RESOLUTION NO. 4401-PC

RECOMMENDING APPROVAL OF AN AMENDMENT TO THE MID-CITY
COMMUNITIES PLANNED DISTRICT ORDINANCE FOR AN INTERIM HEIGHT
LIMITATION IN THE UPTOWN COMMUNITY

WHEREAS, on May 8th, 2008, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering a recommendation to the City Council for an amendment to the Mid-City Communities Planned District Ordinance for an interim height limitation in the Uptown Community; and

WHEREAS, the proposed amendment would limit structures above a building height of 50 and 65 feet along specific portions of 5th Avenue, Robinson Avenue, University Avenue, and Washington Street within the CN-1, CN-1A, CN-2A, and CV-1 zones and a building height of 65 feet along specific portions of 4th Avenue, 5th Avenue, and 6th Avenue within the CN-1A, NP-1, CV-1, and MR-400 zones of the Uptown Community; and

WHEREAS, the Planning Commission of the City of San Diego considered all maps, exhibits, and written documents presented for this project, and had considered the oral presentations given at the public hearing, and

WHEREAS, The Planning Commission of the City of San Diego believed that a strict height limitation would not allow for potential development proposals to incorporate compatible and innovative architectural design while maximizing residential density and that such a limitation could affect the ability to create more affordable housing opportunities in the Uptown Community; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego hereby recommends City Council approval of the amendment to the Mid-City Communities Planned District Ordinance for an interim height limitation in the Uptown Community; and

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Diego hereby recommends to the City Council that the amendment provide an overall discretionary review process subject to Planning Commission approval for all projects that exceed a maximum structure height of 50 and 65 feet where applicable; include additional findings related to design and community benefit; and exceptions to the 50 and 65-foot height limits of the amendments for stairways, rooftop equipment and screening, and sustainable development features and that such exceptions not exceed 15 feet, 20 percent of the rooftop area, and include non-habitable space.



MARLON I. PANGILINAN
Senior Planner
City Planning & Community Investment



ELISA CONTRERAS
Legislative Recorder to the
Planning Commission

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Item # 8

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MAY 8, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:07a.m. Chairperson Schultz adjourned the meeting at 1:05 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz - present
Vice-Chairperson - Vacant
Commissioner Robert Griswold - present
Commissioner Gil Ontai - present
Commissioner Dennis Otsuji - present
Commissioner Eric Naslund - present
Commissioner Mike Smiley - not present

Staff

Paul Prather, City Attorney - present
Mary Wright, Planning Department - present
Mike Westlake, Development Services Department - present
Elisa Contreras, Recorder - present

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~~Speaker slips in favor by Robert Jystad~~

~~No speaker slips in opposition~~

COMMISSION ACTION:

~~CONTINUANCE MOTION BY COMMISSIONER NASLUND TO A DATE CERTAIN OF JULY 10, 2008. Second by Commissioner Otsuji. Passed by a vote 4-0-3 with Commissioner Griswold recusing, Commissioner Smiley not present and one vacancy. Resolution No. 4400-PC~~

Break from 10:38-10:48

ITEM-8: *Continued from April 17, 2008*

**AMENDMENT TO THE MID-CITY ORDINANCE-
COMMUNITIES PLANNED DISTRICT ORDINANCE (MCCPDO)
FOR AN INTERIM HEIGHT LIMITATION IN THE UPTOWN
COMMUNITY**

City Council District: 2 & 3; Plan Area: Uptown

Staff: Marlon Pangilinan

Speaker slips submitted in favor of the project Barry Hager, Ann Garwood, Julianne Peters-Hyde, Joy Sunyata, Nancy Moors, and Denise Bradshaw

Speaker slips submitted opposed to the project by Robin Munro, Scott Malloy, Tim Rubesh, Ron Buckley, Mike McPhee, Robin Munro, Mike Nagy, Ian Epley, Janelle Riella, Jim O'Connell, Julie Dillon, and Tom Scott, Woo Chio, Neville Willsmore, Bruce Leidenberger.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO RECOMMEND THE PROPOSED AMENDMENT FOR ADOPTION BY THE CITY COUNCIL AS PRESENTED IN REPORT NO. PC-08-029 Second by Commissioner Ontai. Passed by a vote 4-0-3 of with Commissioner Griswold recusing, Commissioner Smiley not present and one vacancy.

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ADDITIONAL RECOMMENDATION BY COMMISSIONER NASLUND TO INCLUDE AN OVERALL DISCRETIONARY REVIEW PROCESS SUBJECT TO PLANNING COMMISSION APPROVAL FOR ALL PROJECTS EXCEEDING 50 AND 65 FEET IN APPLICABLE AREAS WITH ADDITIONAL FINDINGS ADDRESSING DESIGN AND COMMUNITY BENEFIT, AND EXCEPTIONS TO THE HEIGHT LIMITS FOR STAIRWAYS, ROOFTOP EQUIPMENT AND SCREENING, SUSTAINABLE DEVELOPMENT MEASURES.

Resolution No. 4401-PC

ITEM-9: LINDA VISTA ROAD CENTER-PROJECT NO. 108435
City Council District: 6; Plan Area: Linda Vista

Staff: Jeannette Temple

Speaker slip in favor of the project by Gordon T. Frost jr. and Tim Rubesh

No speaker slips in opposition

COMMISSION ACTION:

MOTION BY COMMISSIONER ONTAI TO RECOMMEND THAT THE CITY COUNCIL CERTIFY MITIGATED NEGATIVE DECLARATION No. 108435; AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP);

RECOMMEND THAT THE CITY COUNCIL ADOPT REZONE NO. 361571.

RECOMMEND THAT THE CITY COUNCIL APPROVE EASEMENT VACATION No. 532246 AND PLANNED DEVELOPMENT PERMIT No. 532247 AS PRESENTED IN REPORT NO. PC-08-047. Second by Commissioner Naslund . Passed by a vote of 4-1-2 with Commissioner Otsuji voting nay, Commissioner Smiley not present and one vacancy. Resolution No. 4402-PC

RECOMMENDATION THAT THE APPLICANT MAKE AN EFFORT TO WORK WITH SUSTAINABLE BUILDING AND SITE TECHNIQUES TO ENHANCE ENVIRONMENTAL PERFORMANCE AND REDUCE THE CARBON FOOTPRINT, AND REDESIGN SITE