



THE CITY OF SAN DIEGO

REPORT TO THE CITY COUNCIL

DATE ISSUED: October 16, 2013 REPORT NO. 13-082

ATTENTION: Land Use & Housing Committee
Agenda of October 23, 2013

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

REQUESTED ACTION:

Recommend that the City Council approve the Amendment to the Mid-City Communities Planned District Ordinance for an Interim Height Limitation in the Uptown Community

STAFF RECOMMENDATION:

Approve the requested action.

EXECUTIVE SUMMARY:

On July 22, 2008, the City Council approved an amendment to the Mid-City Communities Planned District Ordinance (MCCPDO), also known as the "Interim Height Ordinance" (IHO) to address concerns expressed by members of the Uptown community related to establishing temporary maximum building height restrictions. According to members of the Uptown community, the IHO would provide relief from high-rise development that they considered out of scale with the existing character of the surrounding. Additionally, it had also been expressed that the current community plan and associated zoning neither reflected the current sentiment of the community nor contributed to enhancing the quality of life of the Uptown community. Subsequently in February 2012, another IHO was adopted by City Council with a two-year duration to coincide with the work being conducted with the Uptown Community Plan Update. This IHO is scheduled to expire on January 24, 2014.

The amendment proposed to the MCCPDO would be a continuation of the current height limitations which would:

- Restrict maximum building heights to 50 feet in Area "A" (Mission Hills) and 65 feet in Area "B" (Hillcrest) north of Upas Street within areas in the Uptown Community where

the existing zoning allows maximum building heights from 100, 150, and 200 feet, and in areas where the current zoning provides no height limit

- Establish a Process 4 discretionary approval process in Area “B” (Bankers Hill/Park West) for development proposals south of Upas Street that would exceed 65 feet in height including findings to be made related to compatibility and the provision of a community benefit
- Provide a 15-foot exception to the maximum building height limit in order to allow stairs for roof access, elevator overrides, mechanical screening, and sustainable development features.

The proposed amendment to the MCCPDO would continue the height restrictions and provisions of the existing IHO that was adopted by the City Council in February 2012, but would expire when new zoning that would be brought forward concurrently with adoption of the community plan update goes into effect.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

See Executive Summary.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

Since the adoption of the initial IHO, the community has been working openly and cooperatively on the community plan update and on issues related to building height and community character. As part of a multi-day charrette process associated with the Uptown plan update effort, community participants identified potential building heights for the Uptown community. A preliminary density analysis was also conducted by staff to determine whether the building heights identified during the charrette process could be reasonably achieved and was presented to the community for input. During the review of the proposed plan update land use map, staff also introduced ideas related to building height such as identifying ministerial building height areas within the community, establishing building heights that would require discretionary review, as well as bonus heights for the provision of public parks, plazas, additional parking, etc. as a means of incentivizing building height which will be discussed and considered further during the ongoing community plan update. At present, the community plan update is progressing with discussion drafts of the community plan update being reviewed by the community planning committee and release of the official Draft Community Plan Update scheduled for January 2014.

On June 4, 2013, the Uptown Planners voted 13-1-1 to recommend that the City Council approve an amendment to the Mid-City Communities Planned District Ordinance for an interim height ordinance that would end coterminous with the adoption of the Uptown Community Plan Update.

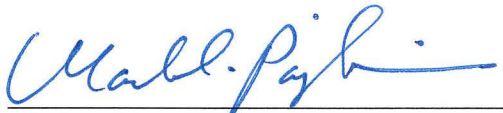
On August 14, 2013 the Code Monitoring Team (CMT) voted 7-1-0 to recommend that the City Council approve a discretionary process for development proposals that exceed 55 and 65 feet with a sunset date of 2015 instead of strict height restriction, present discretionary height criteria to the Planning Commission, and provide outreach to property owners.

Expressing the concern that allowing a strict height limitation for an undetermined amount of time would not allow the community an opportunity for meaningful input on potential development proposals to incorporate compatible and innovative architectural design, the Planning Commission on September 19, 2013 voted 4-3-0 to recommend that the City Council adopt an interim height ordinance that provided a discretionary process for development projects exceeding 50 and 65 feet and end conterminous with the Uptown Community Plan Update.


KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

Stakeholders listed above.

Respectfully submitted,



Marlon I. Pangilinan
Senior Planner
Planning and Neighborhood
Restoration Department



Nancy S. Bragado
Interim Deputy Director
Planning and Neighborhood
Restoration Department

mip/MIP

Attachment: DRAFT Amendment to the Mid-City Communities Planned District Ordinance

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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

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

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

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

WHEREAS, the Mayor's Office is in the process of updating the Uptown Community Plan and the Mid-City Communities Planned District Ordinance to address land use policies, transportation and land use connections, and regulations relating to urban design; and

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

WHEREAS, once the Uptown Community Plan's long term vision for the community has been developed, new zoning ordinances will be brought forward for approval to implement and be consistent with the updated Uptown Community Plan; and

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

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

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

WHEREAS, The City Council approved a second Interim Height Ordinance on February 8, 2012; 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 deleting all Editor's Notes regarding amendments adopted by O-20144 N.S., effective April 13, 2012.

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

Division 2: Permits and Procedures

§1512.0203 Mid-City Communities Development Permit

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

Table 1512.02A

Mid-City Communities Development Permit Thresholds

[No change in text.]

(c) A Process Four Mid-City Communities Development Permit decided in accordance with Chapter 11, Article 2, Division 5 of the Land Development Code is required for development located south of the centerline of Upas Street in Area B, as designated on Figure 1512-03A, that includes structure height in excess of 65 feet, unless excepted pursuant to Section 1512.0205(b).

[Editor's Note: Amendments as adopted by O-

_____ N.S; effective _____ 2013,

shall sunset by operation of law upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update, which shall occur on the thirtieth calendar day from and after final passage of such ordinance by the City Council, at which time Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be removed from the San Diego Municipal Code.]

§1512.0204 Findings for Mid-City Communities Development Permit Approval

(a) [No change in text.]

(b) Process Four Mid-City Communities Development Permit Findings. The Planning Commission may approve or conditionally approve a Process Four Mid-City Communities Development Permit as required by Section 1512.0203(c), if the 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, upper-story stepbacks, building façade composition and modulation, material and fenestration patterns when considered together, would ensure the development's compatibility with the existing character of the Uptown Community Plan Area; and
- (4) The proposed development includes an additional benefit to the community, such park land or facilities, public space, affordable housing, or sustainable development features.

[Editor's Note: Amendments as adopted by O-

_____ N.S; effective _____

2013, shall sunset by operation of law upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update, which shall occur on the thirtieth calendar day from and after final passage of such ordinance by the City Council, at which time Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be removed from the San Diego Municipal Code.]

§1512.0205 Structure Height Limits

- (a) The following structure height limits apply, unless an exception applies pursuant to Section 1512.0205(b):
 - (1) North of Upas Street. Development located north of the centerline of Upas Street shall not exceed a structure height of 50 feet in Area A or 65 feet in Area B, as designated on Figure 1512-03A.
 - (2) South of Upas Street. Development located south of the centerline of Upas Street shall not exceed a structure height of 65 feet in Area B, as designated on Figure 1512-03A, unless approved with a Process Four Mid-City Communities Development Permit in accordance with Section 1512.0204(b).

- (b) Exceptions to Structure Height Limits.

Where development would not otherwise exceed the applicable structure heights under Section 1512.0205(a), the following appurtenances causing the development to exceed the applicable structure height limits are not

subject to Section 1512.0205(a) provided the appurtenances do not exceed 15 feet in height, do not provide habitable space, and do not exceed 20 percent of the roof area:

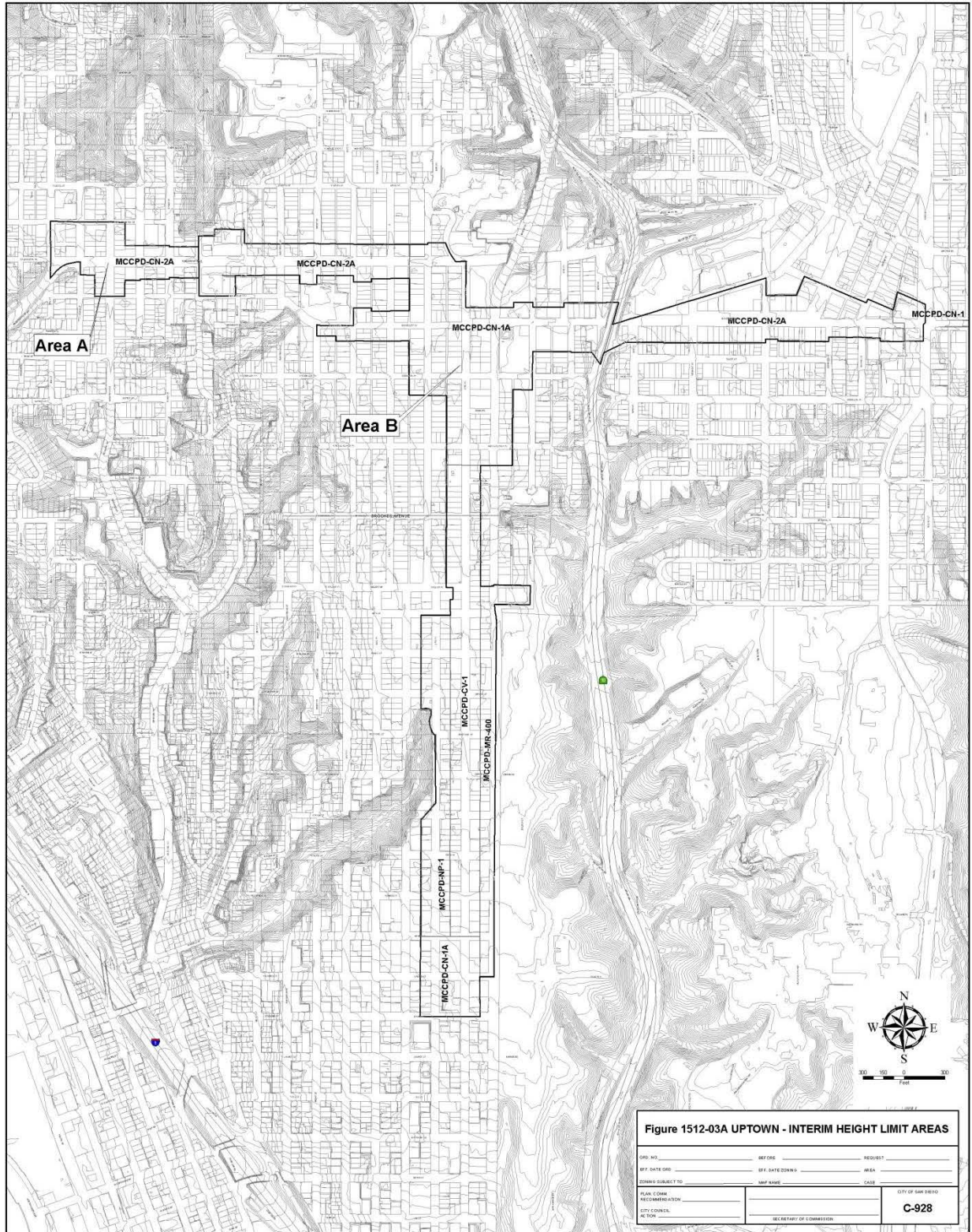
- (1) Stairs for roof access;
- (2) Elevator overrides, mechanical equipment and screening; and/or
- (3) Sustainable development features such as green roofs or solar power devices.

[Editor's Note: Amendments as adopted by O-

_____ N.S; effective _____ 2013,

shall sunset by operation of law upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update, which shall occur on the thirtieth calendar day from and after final passage of such ordinance by the City Council, at which time Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be removed from the San Diego Municipal Code.]

Figure 1512-03A



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

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage and shall sunset by operation of law upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update. At such time, Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be automatically repealed and removed from the San Diego Municipal Code.

Section 5. That a new ordinance will be introduced to implement the next updated Uptown Community Plan when the updated Uptown Community Plan is considered for approval.

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Deputy City Attorney

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)

Mayor

Vetoed: _____
(date)

Mayor

DRAFT