

ORDINANCE NUMBER O-XXXXX (NEW SERIES)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 15, ARTICLE 12, DIVISION 2, AND CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTIONS 1512.0203, 126.0502 AND 126.0504, OF THE SAN DIEGO MUNICIPAL CODE, RELATING TO THE LAND DEVELOPMENT CODE.

WHEREAS, the Uptown Community Plan was adopted 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 subsequently amended on May 30, 1989, to provide development regulations to implement the Uptown Community Plan; and

WHEREAS, multiple-story buildings have recently been constructed and are proposed in the Uptown Community which are significantly higher than previously-constructed buildings; and

WHEREAS, the Mayor's Office will commence an update of the Uptown Community Plan and the Mid-City Communities Planned District in 2008 to address land use policies, transportation and land use connections, and regulations including urban design objectives; and

WHEREAS, long-term design of the Uptown Community will benefit from a design review process of new structures to determine their compatibility with the existing and intended community character during the update of the Uptown Community Plan and the Mid-City Communities Planned District to ensure they do not adversely affect the City's and communities urban design objectives of the community; and

WHEREAS, there is a recognition of the role that the residential density that is in the adopted Uptown Community Plan plays in meeting the City's housing goals, including opportunities provided by the Density Bonus regulations and that these are not affected by this ordinance; and

WHEREAS, there is a general agreement that structures less than 50 to 65 feet in height 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 1512.02, as follows:

§1512.0203 Mid-City Communities Development Permit

(a) [No change.]

(b) (1) through (7) [No change.]

(8) Any structure south of the centerline of Brookes Avenue which exceeds a building height of 65 feet in Area 'B', as shown on Figure 1512-03A, as depicted on Map C-928, requires a Mid-City Communities Development Permit in accordance with Process 4 until adoption of the Uptown Community Plan Update or 30 months from the adoption of this ordinance, whichever occurs first.

Table 1512.02A [No change.]

Figure 1512.02A

(c) An application for a Mid-City Communities Development Permit in accordance with 1512.0203(b)(1-7) above, 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 the Land Development Code Section 112.0506.

(d) A Mid-City Communities Development Permit required in accordance with 1512.0203(b)(8) above, may be approved or conditionally approved only if the decision maker finds that the proposed building height is appropriate because the location of the site, existing neighborhood characteristics and project design including massing, setbacks, façade composition and modulation, material and fenestration patterns when considered together, would ensure the project's compatibility with the existing and intended character of Uptown, in addition to the general findings required for Site Development Permits in 126.0504(a).

~~(d)~~(e) The Hearing Officer or Planning Commission may approve or conditionally approve a Mid-City Communities Development Permit, if the Hearing Officer or Planning Commission 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) through (6) [No change.]

(f) No structure north of the centerline of Brookes Avenue which exceeds a building height of 50 feet in Area 'A', or 65 feet in Area 'B', as shown on Figure 1512-03A, as depicted on Map C-928, shall be issued a Mid-City Communities Development Permit or constructed until adoption of the Uptown Community Plan Update or 30 months from the adoption of this ordinance, whichever occurs first.

(g) Extensions. Should the 30-month limitation expire prior to the adoption of the Uptown Community Plan Update, the City Council may extend provisions in 1512.0203(b)(8) and 1512.0203(f) for two 180-day periods in accordance with Process Five, except that a two-thirds vote of the elected members of the City Council is required to approve the extension.

(h) Exceptions.

1. Development applications *deemed complete* prior to the adoption of this ordinance are exempt from provisions in 1512.0203(b)(8) and 1512.0203(f).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Deputy City Attorney

I hereby certify that the following Ordinance was passed by the Council of the City of San Diego, at its meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
JERRY SANDERS, Mayor

Vetoed: _____
JERRY SANDERS, Mayor



Area A

Area B

MCCPD-CN-2A

MCCPD-CN-2A

MCCPD-CN-1A

MCCPD-CN-2A

MCCPD-CN-1

MCCPD-NP-1

MCCPD-CN-1A

MCCPD-CN-1A

MCCPD-CN-1A

MCCPD-CN-1A

MCCPD-NR-400



Figure 1512-03A UPTOWN - INTERIM HEIGHT LIMIT AREAS

ORD. NO.	BEFORE	REQUEST
EFF. DATE ORL	BY DATEZONING	AREA
ZONING SUBJECT TO	MAP NAME	CASE
PLAN COMM. RECOMMENDATION		CITY OF SAN DIEGO
CITY COUNCIL ACTION	SECRETARY OF COMMISSION	C-928