

**Article 12: Mid-City Communities Planned District**

*(“Mid-City Communities Planned District” added 3-27-2007 by O-19598 N.S.)*

**Division 2: Permits and Procedures**

*(“Permits and Procedures” added 3-27-2007 by O-19598 N.S.)*

**§1512.0201 Project Review Regulations**

(a) Administrator

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

(b) City Manager Approval Required

No permit shall be issued for the erection, construction, conversion, establishment, alteration or enlargement of any building or structure, or for the grading of any site, in the Mid-City Communities Planned District until approval of the City Manager has been obtained by the applicant or owner. Each application for a permit shall state the intended purpose of the proposed building, structure or improvement, and shall specify the applicable zone and previously issued permits. Approval of the City Manager is not required for modifications, repairs, or other alterations which do not require a building permit.

(c) Alternative Compliance for Uses Permitted in Single Family Zones

Projects which meet all requirements of the RS-1-7 Zone (Land Development Code Chapter 13, Article 1, Division 4 [Zones]) are exempt from the requirements of the Mid-City Communities Planned District.

*(“Project Review Regulations” added 3-27-2007 by O-19598 N.S.; effective 4-26-2007.)*

*(Amended 12-1-2016 by O-20751 N.S.; effective 12-31-2016.)*

**§1512.0202 Administrative Review**

- (a) The City Manager may conduct further review and approve or deny an application for an exception from the provisions of the Mid-City Communities Planned District Section 1512.0101 in accordance with Process Two, when the application is for limited relief in the case of:
  - (1) New construction or remodeling which would result in a finished project (all structures on the premises) deviating 20 percent or less from applicable development regulations (including, but not limited to, required yards, offsetting planes, diagonal plan dimension, coverage, and floor area ratio).
  - (2) Walls or fences to exceed heights permitted by the zoning regulations.
  - (3) Facade improvements and similar alterations to previously conforming structures which do not increase the building floor area and do not create above-grade pedestrian areas such as balconies.
  - (4) Sidewalks to vary from Section 1512.0404(b).
- (b) The City Manager shall in no case provide Administrative Review or approve an application for an exception from density, amount of parking, or use.
- (c) The fee for an Administrative Review shall be as set forth in the Schedule of Fees.
- (d) The decision of the City Manager shall be based on substantial conformance with the regulations and the Purpose and Intent of the Mid-City Communities Planned District.
- (e) The City Manager’s decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0504.
- (f) If the City Manager decides that the application may not be approved under Section 1512.0202, the applicant may apply for a Mid-City Communities Development Permit.

*(“Administrative Review” added 3-27-2007 by O-19598 N.S.; effective 4-26-2007.)*

**§1512.0203 Mid-City Communities Development Permit**

- (a) An application for a Mid-City Communities Development Permit, including fees or deposits, shall be processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing) and Chapter 12, Article 6, Division 5 (Site Development Permit Procedures).
- (b) A Process Three Mid-City Communities Development Permit decided in accordance with Chapter 11, Article 2, Division 5 of the Land Development Code is required for the following types of development:
  - (1) Residential and mixed residential/commercial projects which exceed the number of threshold dwelling units or the gross square footage of floor area (where applicable) listed in Table 1512-02A.
  - (2) Any project which utilizes the shared parking provisions, as specified in Section 142.0545.
  - (3) Any project which deviates from the development regulations of the Mid-City Communities Planned District and is not eligible for the Administrative Review described in Section 1512.0202.
  - (4) Any project which utilizes the zero-foot side yard option as described in Sections 1512.0303(d)(3), 1512.0307(b)(2), 1512.0308(b)(2)(A), 1512.0309(b)(2)(A)(i), and 1512.0310(b)(2)(B).
  - (5) Mixed residential/commercial projects in which a portion of the commercial use is located in a residential (MR) zone.

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

<b>Zone</b>	<b>Threshold Gross Floor Area (sq.ft)</b>	<b>Threshold Lots Greater than 100 Feet in Depth</b>	<b>Units Lots Less than or Equal to 100 Feet in Depth</b>
CN-1, CN-1A	75,000	38	31
CN-2, CN-2A	50,000	22	16
CN-3	25,000	19	14
CN-4	25,000	19	14
CL-1	50,000	38	31
CL-2	50,000	22	16
CL-3	50,000	19	14
CL-5	25,000	11	8
CL-6	25,000	11	8
CV-1	50,000	38	31
CV-2	25,000	22	16
CV-3	25,000	19	14
CV-4	50,000	11	8
NP-1	25,000	22	16
NP-2	25,000	19	14
NP-3	25,000	11	8
MR-400	-	38	31
MR-800B	-	30	21
MR-1000B	-	22	16
MR-1000	-	19	14
MR-1250B	-	16	11
MR-1500B	-	14	10
MR-1500	-	11	8
MR-1750	-	9	7
MR-2500	-	4	4
MR-3000	-	3	3

- (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).

*(“Mid City Communities Development Permit” added 3-27-2007 by O-19598 N.S.; effective 4-26-2007.)*

*(Amended 7-29-2008 by O-19773 N.S.; effective 8-28-2008.)*  
*(Amended 2-17-2012 by O-20129 N.S.; effective 3-18-2012.)*  
*(Amended 3-14-2012 by O-20144 N.S.; effective 4-13-2012.)*  
*(Amended 12-24-2013 by O-20329 N.S.; effective 1-23-2014.)*

[**Editors Note:** Amendments as adopted by O-20144 N.S.; effective April 13, 2012, shall sunset by operation of law upon the effective date of a zoning ordinance implementing the Uptown Community Plan Update, at which time Sections 1512.0203(c), 1512.0204(b), 1512.0205, and Figure 1512-03A shall be removed from the San Diego Municipal Code.]

*(Amended 12-1-2016 by O-20751 N.S.; effective 12-31-2016.)*

**§1512.0204 Findings for Mid-City Communities Development Permit Approval**

- (a) Process Three Mid-City Communities Development Permit Findings. The Hearing Officer may approve or conditionally approve a Mid-City Communities Development Permit as required by Section 1512.0203(b), if the Hearing Officer determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards, and density, and the Hearing Officer makes all of the following findings:
- (1) Conformance With Community Plan. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 1512.0101), and the Uptown Community Plan, and will not adversely affect the Uptown Community Plan or the General Plan of the City of San Diego;
  - (2) 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;

- (4) Adequate Lighting. In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on-site; and
  - (5) The proposed use will comply with the relevant regulations in the San Diego Municipal Code.
- (b) Process Four Mid-City Communities Development Permit Findings. The Planning Commission may approve or conditionally approve a Process Four Mid-City Communities Development Permit as required by Section 1512.0203(c), if the application is complete and conforms with all City regulations, policies, guidelines, design standards, and density, and the Planning Commission makes all of the following findings:
- (1) 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, upper-story 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 provides a benefit to the community, such as park land or facilities, public space, affordable housing, or sustainable development features.

*(“Findings for Mid-City Communities Development Permit Approval” added 7-29-2008 by O-19773 N.S.; effective 8-28-2008.)*

*(Amended 2-17-2012 by O-20129 N.S.; effective 3-18-2012.)*

*(Amended 3-14-2012 by O-20144 N.S.; effective 4-13-2012.)*

*(Amended 12-24-2013 by O-20329 N.S.; effective 1-23-2014.)*

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*(Amended 12-1-2016 by O-20751 N.S.; effective 12-31-2016.)*

**§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.

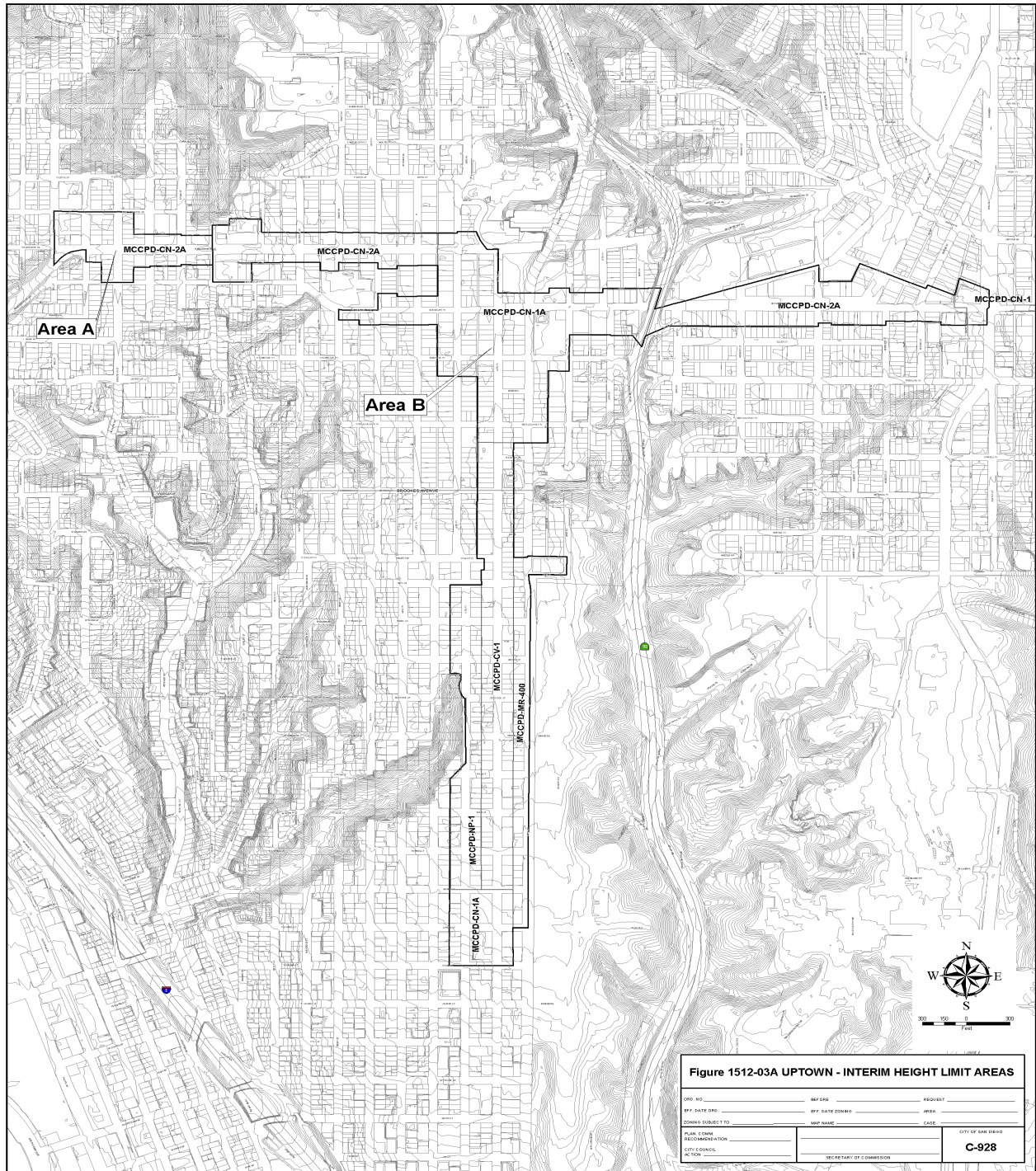
Where development would not otherwise exceed the structure heights under Section 1512.0205(a), the following appurtenances causing the development to exceed the structure height limits are not subject to Section 1512.0205(a) provided the appurtenances do not exceed 15 feet in height, do not provide habitable space, and do not exceed 20 percent of the roof area:

- (1) 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.

*(“Structure Height Limits” added 2-17-2012 by O-20129 N.S.; effective 3-18-2012.)  
(Amended 3-14-2012 by O-20144 N.S.; effective 4-13-2012.)  
(Amended 12-24-2013 by O-20329 N.S.; effective 1-23-2014.)*

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Figure 1512-03A





**§1512.0206 Previously Conforming Structures**

- (a) In addition to the provisions in Land Development Code Chapter 12, Article 7, Division 1 regarding previously conforming structures, Section 1512.0206 applies where uses conform but structures do not conform to the Mid-City Communities Planned District requirements.
- (b) Notwithstanding Land Development Code Chapter 12, Article 7, Division 1, where an addition of floor area on a property with a previously conforming structure would create greater nonconformity with development requirements, the City Manager may approve or deny, in accordance with Process One, such an addition without adherence to Sections 1512.0202 or 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.
  - (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 project to exceed permitted density, the City Manager shall not require existing structures to meet the requirements of this Division.

*(Renumbered from former Section 1512.0207, and amended 2-17-2012 by O-20129 N.S.; effective 3-18-2012.)*

*(Amended 3-14-2012 by O-20144 N.S.; effective 4-13-2012.)*