



OFFICE OF COUNCIL PRESIDENT TODD GLORIA
City of San Diego
MEMORANDUM

DATE: August 2, 2013
TO: Mayor Bob Filner
FROM: Council President Todd Gloria *Todd Gloria*
SUBJECT: Review Procedures for Previously Conforming Premises and Uses

I request that the Development Services Department undertake a policy development process that will result in changes to Land Development Code Section 12.7.1 related to General Review Procedures for Previously Conforming Premises and Uses.

The remodel located at 2829 University Avenue and the current Jack in the Box remodel at 2959 Upas Street, both in the North Park Planning Area, are examples of how the existing codes can be manipulated to allow ministerial approval of projects which do not conform to the community plan.

On August 23, 2012, the owners of 2959 Upas Street applied for discretionary building permits to demolish the existing Jack in the Box restaurant and construct a new 2,178-square-foot restaurant with deviations from the Greater North Park Community Plan including operation of a drive-through window, hours of operation, elimination of a pedestrian path of travel, reduced parking, off-setting planes, and landscaping. This project was denied by North Park Planning Committee and the San Diego Planning Commission because of the deviations.

Subsequently, the applicant applied for ministerial building permits for tenant improvements to the existing building, and the permit was issued on May 2, 2013. The majority of the structure was demolished and is in the process of being rebuilt. The issuance of these permits resulted in the same deviations that were denied by the North Park Planning Committee and the Planning Commission. The project is not only inconsistent with the Greater North Park Community Plan, but also fails to take advantage of a once-in-a-lifetime opportunity to implement good planning principles at a prime location.

I request that staff research potential changes to the Land Development Code to tighten existing procedures and ensure that our neighborhoods and businesses have clear intent of land use designations. Options should be presented to community planning stakeholders for input, and final recommendations should be presented to the Land Use and Housing Committee this Fall.

Thank you for your consideration.

cc: Lorie Zapf, Chair, Land Use and Housing Committee
Bill Fulton, Development Services Director
Francisco Estrada, Director of Council Affairs