



THE CITY OF SAN DIEGO

## Report to the Planning Commission

**DATE ISSUED:** September 15, 2016 **REPORT NO. 16-080**

**ATTENTION:** Planning Commission Agenda of September 22, 2016

**SUBJECT:** Amendments to the Residential-Multiple Dwelling Unit (RM) Base Zone Height Limit for Properties within the Coastal Height Limit Overlay Zone

### SUMMARY

**Issue:** Should the Planning Commission recommend approval to the City Council of proposed amendments to the Land Development Code (Chapter 13, Article 1) and Local Coastal Program to reduce the maximum structure height allowed in specified Residential-Multiple Dwelling Unit (RM) base zones to 30 feet for properties in the Peninsula Community Planning Area within the Coastal Height Limit Overlay Zone?

**Staff Recommendation:** Recommend approval to the City Council to adopt the amendments to reduce the maximum structure height allowed in the specified RM base zones to 30 feet for properties in the Peninsula Community Plan area within the Coastal Height Limit Overlay Zone.

**Environmental Review:** The proposed amendments were reviewed for consistency with the certified Land Development Code (LDC) Environmental Impact Report (EIR) No. 96-0333, in accordance with Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162. Based on this evaluation, Planning Department staff determined the project would not result in new impacts or changed circumstances that would require a new environmental document and the previous environmental documents adequately cover the proposed amendments to the LDC and Local Coastal Program.

**Fiscal Impact Statement:** Costs associated with implementation of the regulations in the future will be covered by project applicants.

**Code Enforcement Impact:** The proposed amendments improve predictability and consistency in the application of maximum structure height for properties in the Peninsula Community Plan area that are located in the specified RM base zones and the Coastal Height Limit Overlay Zone. The amendment will help bring the City's established base zone height limit in line with the public expectation that new development will not exceed 30 feet in these areas.

**Housing Impact Statement:** The increased predictability and consistency in the application of maximum structure height will help to streamline and reduce the cost of residential development. The proposed reduction in maximum zoning height will not reduce the total number of housing units that may be developed, but would effectively reduce the allowable height in these areas by up to 10 feet.

### **BACKGROUND**

Maximum zoning height, which is the limit on structure height set by the City Council for base zones throughout the City, is often confused with the 30 foot coastal height limit, a voter initiative (effective December 7, 1972). However, maximum zoning height and the coastal height limit are separate requirements that are calculated and measured in significantly different ways. The City has flexibility to modify its established maximum zoning heights to be more restrictive than the voter approved coastal height limit, but is unable to modify the coastal height limit provisions without approval by City of San Diego voters.

Within the last 6 months, concerns about potential inconsistencies regarding residential development over 30 feet have been raised in neighborhoods where the base zone allows for structures up to 40 feet in height that are also within the Coastal Height Limit Overlay Zone. The issue is that the maximum 30 foot building height in the Coastal Height Limit Overlay Zone, also known as "Prop D" and the "Coastal Height Limit", requires calculation of structure height from finished grade. In 1972 the voters were asked, "Shall the people of the City of San Diego ordain that buildings to be built in the coastal zone shall be 30 feet or less in height". The voter initiative specified the measurement of building height would be done in accordance with the 1970 Uniform Building Code, which allows the existing grade to be raised before the calculation of a building's height is measured for the coastal height limit. This often comes as a surprise to individuals when a development is designed to legally comply with the Prop D coastal height limit, but is greater than 30 feet above existing grade.

Since 1972, multiple City staff reports (i.e. PC Report P-03-148 for the Planning Commission agenda of June 12, 2003), presentations, and City Attorney memorandums of law have been provided to help clarify the difference in calculation methodology for compliance with Prop D coastal height limit versus the City's adopted two-part calculation to measure zoning height. While Prop D allows for an applicant to raise the grade and then measure the structure height, the City does not allow for grade to be manipulated to achieve greater zoning height. The citywide measurement is instead taken from the lower of existing grade or proposed grade, and utilizes a combination of a plumb line measurement (measured vertically through the structure from all points on top of the structure to the existing grade or proposed grade, whichever is lower, directly below each point) and an overall height measurement (taken five feet from the furthest projection and measured to the highest appurtenance).



Recently, community concerns regarding multiple unit residential development higher than 30 feet above existing grade within the Coastal Height Limit Overlay Zone in the Peninsula community in Council District 2 prompted requests for code amendments within the RM base zones. In response, amendments are proposed to reduce the zoning height limit to a maximum of 30 feet on properties in the Peninsula Community Plan area that are located within the RM-2, RM-3, RM-4, and RM-5 base zones; and the Coastal Height Limit Overlay Zone. The proposed change will bring the City's zone height limits in line with the public expectation that new development will not exceed 30 feet in these areas.

As is typical of code amendment projects, the following recommendations were obtained:

**Technical Advisory Committee (TAC):** On August 10, 2016, a motion by TAC to support approval to modify the zoning height limit in the RM-2, RM-3, RM-4, and RM-5 base zones and the Coastal Height Limit Overlay Zone to 30 feet within the Peninsula Community failed by a vote of 3-1-7.

**Community Planners Committee (CPC):** CPC and individual planning groups affected by the Coastal Height Limit Overlay Zone are expected to consider the item prior to City Council action.

#### **DISCUSSION**

The Coastal Height Limit Overlay Zone applies the 1972 voter approved 30 foot coastal height limit to new development and requires calculation of structure height from finished grade. As a result, new development in zones that allow a maximum height of 40 feet or greater can be designed to be taller than 30 feet from existing grade and still comply with the coastal height limit and maximum zoning height requirements.

As proposed, LDC Section 131.0431 would be amended to add footnotes to the development regulations table for all RM zones in the Peninsula Community Plan area that currently allow development greater than 30 feet. The new footnote would specify that within the Coastal Height Limit Overlay Zone of the Peninsula Community Plan area, the base zone maximum structure height limit is 30 feet

**City Strategic Plan Goals and Objectives:** The proposed code amendments are consistent with the City's Strategic Plan goals and objectives:

Goal 2 – Work in partnership with all our communities to achieve safe and livable neighborhoods

Objective 4 - Foster services that improve quality of life

Objective 5 – Cultivate civic engagement and participation

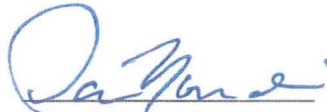
**CONCLUSION**

Staff recommends approval of the code amendments, which are consistent with the adopted Land Development Code goals to simplify development regulations, to make the code more adaptable, to eliminate redundancies and contradictions, to standardize the code framework, and to increase predictability in application of the regulations.

**Respectfully submitted,**



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**Planning Department**



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**Development Project Manager III**  
**Planning Department**

Murphy/AJL

Attachments:

1. Draft amendment
2. Map of Peninsula Community Plan area

Article 1: Base Zones

Division 4: Residential Base Zones

§131.0401 through §131.0430 [No change in text.]

§131.0431 Development Regulations Table for Residential Zones

The following development regulations apply in the residential zones as shown in Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

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

(e) RM Zones

Table 131-04G  
Development Regulations for RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density <sup>(1),(2)</sup> (sf per DU) through Setback requirements for resubdivided corner lots [See Section 131.0443(i)]	[No change in text.]						
Max structure height (ft)	30 <sup>(17)</sup>	30 <sup>(17)</sup>	30 <sup>(17)</sup>	40 <sup>(18,37)</sup>	40 <sup>(18,37)</sup>	40 <sup>(18,37)</sup>	
Max lot coverage through Visibility Area [See Section 113.0273]	[No change in text.]						

## PENINSULA COASTAL HEIGHT

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density <sup>(1),(2)</sup> (sf per DU) through Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		[No change in text.]					
Max structure height (ft)		40 <sup>(37)</sup>	50 <sup>(37)</sup>	60 <sup>(37)</sup>	-(37)	-(37)	-(37)
Max lot coverage through Visibility Area [See Section 113.0273]		[No change in text.]					

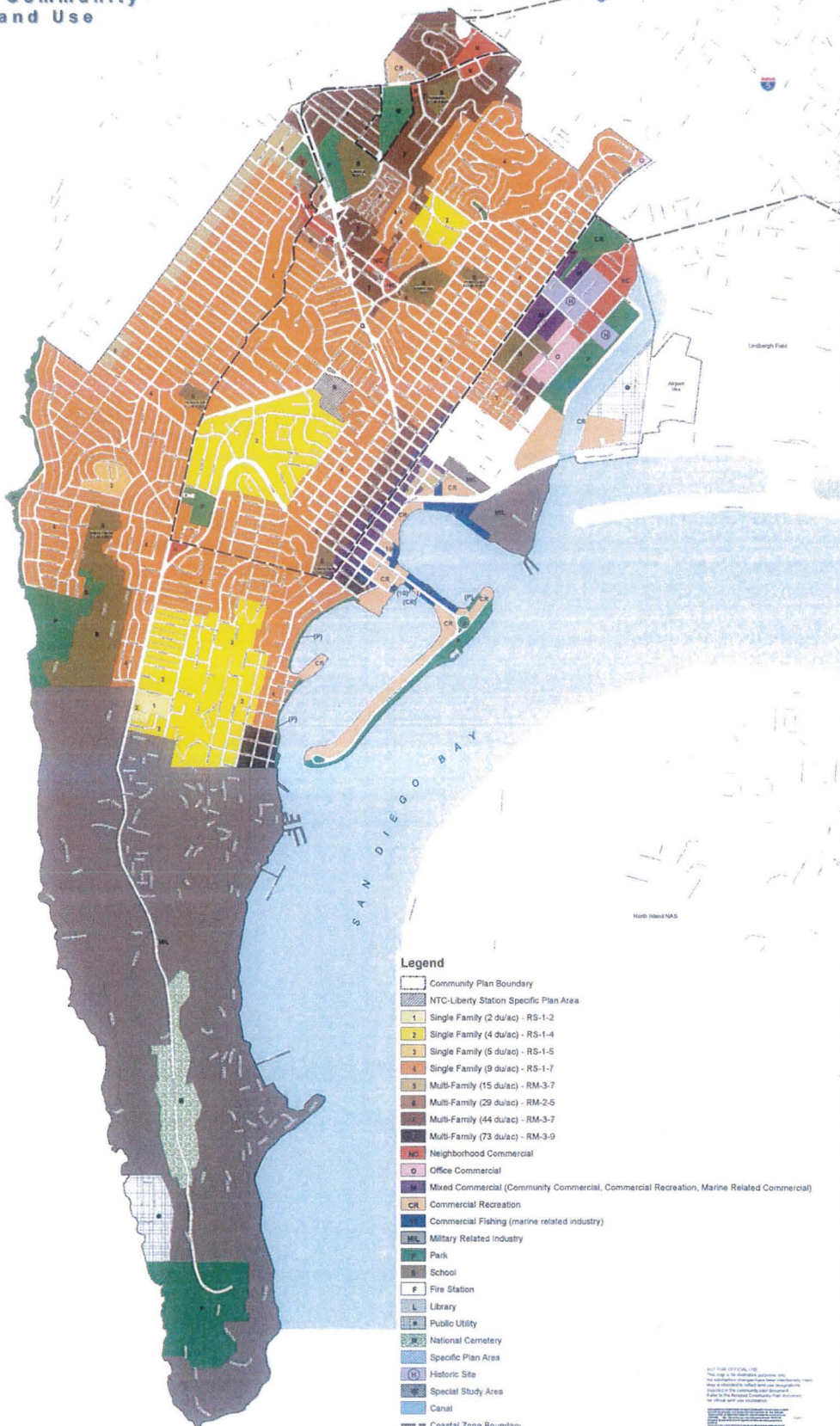
## Footnotes for Table 131-04G

<sup>1</sup> through <sup>36</sup> [No change in text.]<sup>37</sup> Within the Coastal Height Limit Overlay Zone of the Peninsula Community Plan area, the base zone maximum structure height shall be 30 feet. Proposed structures shall demonstrate compliance with the rules for calculation and measurement of structure height in Section 113.0270(a)(4)(D).

131.0441 through §131.0466 [No change in text.]



## PACIFIC OCEAN

[illegible]