

Peninsula Community Planning Board
P.O. Box 7994
San Diego, CA 92167
July 17, 2014

The Honorable Kevin Faulconer, Mayor
City of San Diego
202 C Street
San Diego, CA 92107

Dear Mayor Faulconer:

The Peninsula Community Planning Board has become increasingly concerned over what we have seen to be a re-interpretation of the building heights allowed under the Coastal Height Limit Overlay Zone approved by the voters as Proposition D. This concern has resulted from the construction of a residential project at the corner of Avenida de Portugal and Locust Street which appears to violate the interpretation of the Overlay Zone as it has been applied in the past.

In the past, the measurement of height on properties subject to the Height Overlay Zone were measured from the lower of the existing or proposed grade. The Technical Bulletin "Determination of Building Height in the Coastal Height Limit Overlay Zone (BLDG-5-4)" now establishes the reference datum for determining height as being "the lowest point of elevation of the *finished* surface of the ground between the exterior wall of a building and a point 5 feet distance from said wall, or the lowest point of elevation of the *finished* surface of the ground between the exterior wall of a building and the property line if it is less than 5 feet distance from said wall (emphasis added) ."

In addition to being inconsistent with past practice, it does not appear to be consistent with the definition of height contained within the Municipal Code. Municipal Code Section 113.0270 states "The maximum permitted structure height is specified in the applicable zone and defines the upper limits of the building envelope for a premises. It is measured vertically from the existing grade or proposed grade, *whichever is lower* parallel to grade, to form an imaginary plane that is, below which all buildings and structures must be located, except as otherwise described in 113.0270(a)(4) (emphasis added).

In the instance of the Avenida de Portugal project, height was measured from planters which also function as retaining walls for the semi-underground parking. This has resulted in a structure that is three stories over semi-underground parking. Development patterns in this area have generally been limited to two stories over parking and a building height of 30 feet from the grade existing before construction.

Development in the Peninsula Community is governed by the Municipal Code, the Peninsula Community Plan and the City of San Diego General Plan. The Community Plan seeks to implement the General Plan through the following:

Mayor Faulconer

July 17, 2014

Page 2

The basic concept of this Plan is that the existing stable residential neighborhoods which comprise most of Peninsula should be conserved. This concept is consistent with the General Plan objective that radical and intrusive changes to existing residential character should be avoided in existing, well-maintained communities.

The pattern of development represented by the Avenida de Portugal project represents just such an intrusive change to existing residential character the Plan policy seeks to avoid. It is our fear that this will become the template for the development patterns in Roseville and the rest of the Peninsula Community.

It is also not clear to us when the changes in the implementation of the Coastal Height Overlay occurred. As the official community planning group for the Peninsula Area, changes in the Land Development Code and other implementation ordinances, rules and policies should be presented for our review and comment. We are not aware that this has ever happened.

Furthermore, we do not believe that the height measurement techniques of the Coastal Height Overlay should be allowed to take precedence over those in the Municipal Code sections that govern building height. The more restrictive measurement techniques should be applied to the Overlay Zone as well.

Sincerely,

Julia Quinn, Chair

Peninsula Community Planning Board

Cc: The Honorable Ed Harris, Councilmember, Second District
The Honorable Laurie Zapf, Councilmember Elect, Second District