

CITY OF SAN DIEGO

(This Measure will appear on the ballot in the following form.)

MEASURE E.

REMOVING 30-FOOT HEIGHT LIMIT IN MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN AREA. Shall People's Ordinance O-10960 be amended to exclude the Midway-Pacific Highway Community Plan area, which includes the Sports Arena, from the 30-foot height limit on buildings in the Coastal Zone, with any future development still required to comply with other governing laws?

This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.
Full text of this measure follows the arguments.

OFFICIAL TITLE AND SUMMARY

BALLOT TITLE

Amending the San Diego Municipal Code to Exclude the Midway-Pacific Highway Community Plan Area from the 30-Foot Height Limit on buildings in the Coastal Zone.

BALLOT SUMMARY

This measure would amend the San Diego Municipal Code (Municipal Code) to exclude the Midway-Pacific Highway Community Plan area (Community Plan area) from the existing 30-foot height limit on buildings.

This measure does not approve any specific development. Any proposed future development must comply with all governing laws at the time a development project application is submitted to the City. Building height would still be regulated by zoning laws in the Municipal Code.

Voters in the City of San Diego (City) approved a citizens' initiative measure in 1972 that limited the height of buildings in the City to 30 feet in the Coastal Zone. Voters adopted the original language and are thus asked in this measure to consider an amendment to the law.

As defined in the 1972 ballot measure, and now as part of the Municipal Code, the geographic boundaries of the Coastal Zone include the City's land and water area from the northern City limits, south to the border of Mexico, extending seaward to the outer limit of the City's jurisdiction and inland to Interstate 5.

The Midway-Pacific Highway Community Plan area contains approximately 1,324 acres of land. The approximate boundaries of the Community Plan area are Interstate 8 on the north, the San Diego International Airport on the south, Interstate 5 on the east, and Lytton Drive on the west. The Community Plan area includes the land surrounding Midway Drive and Sports Arena Boulevard, including the Pechanga Sports Arena. A map is included in the voter pamphlet and as part of this ballot measure.

If approved by a majority vote of those qualified voters who vote on the measure, the measure would amend the law in the Municipal Code to change the height limit in the area defined as the Midway-Pacific Highway Community Plan area. The amendments would take effect after the results of the election are certified in a resolution of the City Council.

CITY ATTORNEY IMPARTIAL ANALYSIS

In 1972, City of San Diego (City) voters passed Proposition D. Proposition D was a citizens' initiative that amended the San Diego Municipal Code (Municipal Code) to impose a 30-foot limit on the height of buildings constructed in the City's Coastal Zone.

The Coastal Zone, as defined by Proposition D and included in the Municipal Code, includes the City's land and water area from the northern City limits, south to the border of Mexico, extending seaward to the outer limit of the City's jurisdiction and inland to Interstate 5. The Coastal Zone excludes the land bounded by National City on the south, San Diego Bay on the west, and Laurel Street or the southwesterly projection of Laurel Street on the north.

This measure would amend the language placed in the Municipal Code by Proposition D in one community plan area only. Since voters approved the original language, voters are now asked to consider an amendment to the language through this measure.

The amendment would allow buildings, or additions to buildings, that exceed the 30-foot height limit to be built in the Midway-Pacific Highway Community Plan area (Community Plan area). The Community Plan area contains approximately 1,324 acres of land surrounding Midway Drive and Sports Arena Boulevard, including the Pechanga Sports Arena. The Community Plan area is shown on a map in the voter pamphlet that is incorporated into this ballot measure.

This measure does not approve any specific development. Any new development must comply with all governing laws at the time a development project application is submitted to the City.

Zoning laws in the Municipal Code will continue to apply to regulate building heights. Any proposed development within the portions of the Community Plan area subject to Coastal Commission jurisdiction under the California Coastal Act would continue to require Coastal Commission approval.

This measure was proposed by members of the San Diego City Council, which voted to place it on the ballot. If approved by a majority of the qualified voters voting on the measure, the Municipal Code would be amended after the election results are certified by the City Council.

FISCAL IMPACT ANALYSIS

This measure would amend the Height Limit Ordinance codified in San Diego Municipal Code section 132.0505 to exclude the Midway-Pacific Highway Community Plan area from the 30-foot height limit for development in the Coastal Zone. The Midway-Pacific Highway Community Plan area encompasses approximately 1,324 acres, of which 88 acres is owned by the City of San Diego, including the current Pechanga Sports Arena site.

Removing the 30-foot coastal height limit from the Midway-Pacific Highway Community Plan area does not increase the maximum allowed residential and non-residential density in the Community Plan area, but may hasten the achievement of maximum allowed development density by making it more feasible. Thus, removing the 30-foot coastal height limit from the area may result in increased economic growth in the area over time including, but not limited to, residential, hotel, office, retail, defense industries, and businesses that cater to the U.S. Navy's Space and Naval Warfare Systems Command facility and the Marine Corps Recruit Depot.

FISCAL IMPACT ANALYSIS (CONTINUED)

This type of economic growth typically results in a greater demand for public services in the area which requires increased expenditures from the City's General Fund. The Midway-Pacific Highway Community Plan details many of these expected service needs based on the underlying zoning in the community. Partially or fully offsetting these increased public expenditures will be an increase in City tax revenues (most significantly increased sales tax and property tax tied to private development).

Although an increase in allowable building height may spur additional development and economic activity, the potential impact to the City's General Fund cannot be determined at this time. The net fiscal impact to the General Fund will be dependent on the type and mix of land uses as well as long-term market demand for these uses. Typically, residential uses require higher municipal service expenditures than revenue-generating non-residential uses such as retail and hotel.

ARGUMENT IN FAVOR OF MEASURE E

VOTE YES ON E!

LET'S REVITALIZE MIDWAY, MODERNIZE SPORTS ARENA, CREATE JOBS

Measure E will revitalize the dilapidated Midway area, help struggling San Diegans get back to work, **and create a vibrant neighborhood San Diego families can finally enjoy:** a modern Sports Arena. Public parks. Affordable housing. Good paying jobs. Millions in funding for San Diego schools and overdue infrastructure repairs – without raising taxes.

The Midway Community Planning Group unanimously supports removing the 30-foot height limit in Midway because it will bring to life the community's vision for a thriving cultural and economic hub.

MAINTAIN BUILDING HEIGHT LIMITS ON THE COAST

In 1972, the Midway community was arbitrarily included in the Coastal Height Limit Zone, despite having no coastal views. **Measure E applies to ONLY the Midway community and keeps the 30-foot building height limit in place for coastal communities.** Let's fix the mistake that has been suppressing our Midway neighbors and finally give them a chance to thrive.

NEW SPORTS ARENA & ENTERTAINMENT HUB

Measure E is the catalyst to modernizing the 54-year old Sports Arena and is the key to creating a pedestrian-friendly, transit-oriented community with entertainment, shops, and outdoor recreation.

COMMUNITY INVESTMENT OPPORTUNITIES

Stuck with all the restrictions and none of the coastal benefits, the Midway area has suffered from blight due to lack of investment. Let's make way for new parks, more housing, better jobs, and advance our climate goals.

AN ECONOMIC BOOST SAN DIEGO NEEDS

Measure E moves forward already approved community investments including:

- Housing with affordable options near transit in a community that wants it
- Walkable and bikeable streets to the San Diego River Park and the Coastal Zone
- Additional commercial, retail and housing with good paying jobs
- New park space with outdoor recreation and eating areas

www.midway2020.com

Chris Cate
Councilmember

Jennifer Campbell, M.D.
Councilmember

Cathy Kenton
Midway Property Owner

Dike Anyiwo
Midway Resident

Nicole Capretz
Executive Director
Climate Action Campaign

ARGUMENT AGAINST MEASURE E

VOTE NO ON PROPOSITION E

This scheme erodes San Diego's longstanding coastal zone height-limit law.

Proposition E, if approved, would see an entire community within the coastal zone declared exempt from the 30-foot coastal zone height-limit law.

The Midway-Pacific Highway Community Plan area includes Marine Corps Recruit Depot (MCRD), Midway, Sports Arena and NAVWAR. This area is rich in public land that would be ripe for private acquisition and exploitation to reward City Hall's developer friends.

VOTE NO ON PROPOSITION E

This scheme sets dangerous precedent.

In 1972 citizens created the coastal zone height-limit law to establish our right to open and accessible beaches. This scheme unravels that hard-won legal right.

It allows dense construction of unaffordable expensive residential towers within the coastal zone. This is a step toward dismantling the height-limit along the entire San Diego coastline. Proposition E will incentivize the private acquisition and use of what is now public land.

VOTE NO ON PROPOSITION E

This scheme means worse freeway congestion, overloaded beach access roads, and no parking.

VOTE NO ON PROPOSITION E

Public land should remain in the public domain for park.

The Community Plan for this project area describes 1,324 acres total. 980 acres are public land and public rights-of-way.

We can have a vast greenbelt park of sports fields, recreation areas, and a restored stretch of San Diego River for kayak and paddleboard journeys to San Diego Bay. This is a once-in-a-lifetime opportunity to convert 200-plus acres to park.

VOTE NO ON PROPOSITION E

Protect MCRD.

But first we must **VOTE NO ON PROPOSITION E.**

John McNab
Save Our Access

Alex Leondis
Chairman 1972 Coastal
Height-Limit Initiative

Ronan Gray
Chair, Save San Diego Neighborhoods Inc.

James LaMattery
Raise the Balloon

FULL TEXT OF MEASURE E

Article 2: Overlay Zones

Division 5: Coastal Height Limit Overlay Zone

§132.0505 Coastal Height Limit

- (a) Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of thirty feet within the Coastal Zone of the City of San Diego.
- (b) The words "Coastal Zone" as used within this section shall mean that land and water area of the City of San Diego from the northern City limits, south to the border of the Republic of Mexico, extending seaward to the outer limits of City jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to:
 - (1) that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north ~~or~~;
 - (2) that land area of the Coastal Zone bounded by Ingraham Street on the west, Sea World Drive on the south, Mission Bay on the north and the boat ramp access road in South Shores Park on the east ~~or~~;
 - (3) that land area of the Coastal Zone approximately bounded on the north and west by Camino de la Plaza, on the south by the international border with the Republic of Mexico, and on the east by Virginia Avenue, including that adjacent strip of land of approximately forty by 520 feet which is located south of Camino de la Plaza and east of Virginia Avenue, ~~all as more particularly described on Document No. OO-18836, a copy of which is on file with the City Clerk.; and~~
 - (4) that land area of the Coastal Zone within the Midway-Pacific Highway Community Plan area approximately bounded by the San Diego River on the north; San Diego International Airport and Laurel Street on the south; Interstate 5 on the east; and Sports Arena Boulevard, Midway Drive, Kemper Street, Rosecrans Street, and Lytton Street, including the Kemper Neighborhood Village and the Lytton District, on the west; as more particularly described in Document No. OO-_____ , a copy of which is on file with the City Clerk.
- (c) The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

FULL TEXT OF MEASURE E (CONTINUED)

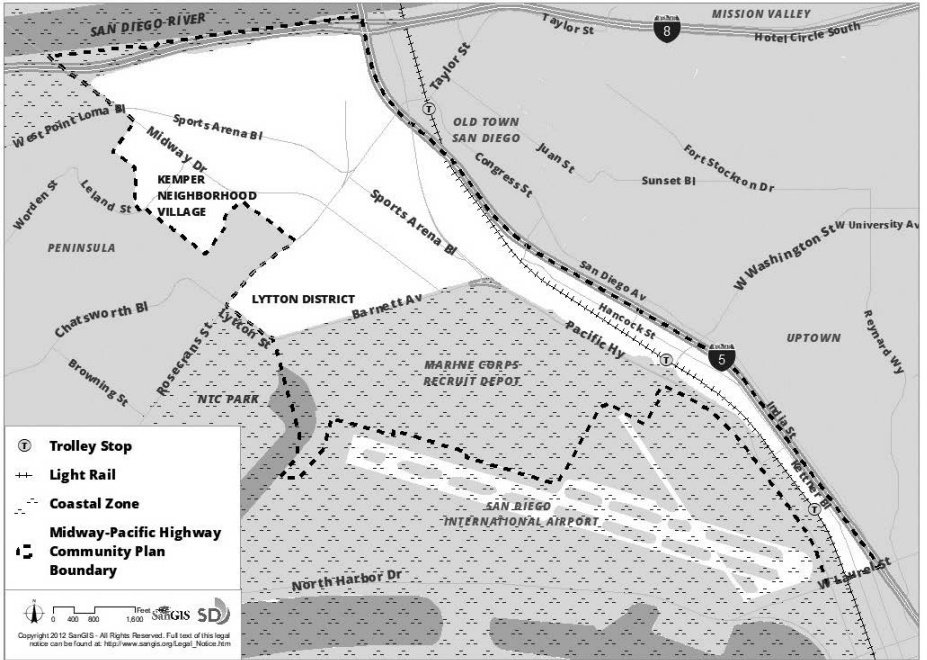
- (d) Other than the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery Building located at Washington and Hancock Streets in San Diego, California, and as described in sections 132.0505(b)(1) through (b)(4), there shall be no exception to the provisions of this section.
- (e) No building or structure or addition to a building or structure within the land described in exception section 132.0505(b)(2), shall exceed one-half the height of the existing Sea World Sky Tower on that land using the base of measurement in accordance with the Uniform Building Code of 1970.
- (f) No taxpayer funds shall be spent for any improvements in connection with a building or structure or addition to a building or structure within the land described in exception section 132.0505(b)(2).
- (g) The exception set forth in section 132.0505(b)(2) shall remain in effect as long as the land described therein is used for recreational, exhibition, educational, research and scientific purposes.
- (h) No more than five acres of the approximately sixty-six acre site described in section 132.0505(b)(3) may contain buildings or structures, or additions to buildings or structures, measuring up to 150 feet in height. No more than five additional acres of the remaining portion of the property may contain buildings or structures, or additions to buildings or structures, measuring up to eighty feet in height. As to the remaining portion of the property, no buildings or structures, or additions to buildings or structures, shall exceed fifty feet in height. The footprint of the entire building or structure shall be used to calculate the five acres, whether or not the entire building or structure measures 150 feet or eight feet in height. The measurement of height shall use the base of measurement in accordance with the Uniform Building Code of 1970.
- (i) This section may be amended, including an amendment to make an exception to the thirty-foot height limitation, only by a majority vote of the voters of the City of San Diego.

(The Midway-Pacific Community Plan area is shown on a map attached to this Ordinance as Exhibit A, and incorporated by reference here, and which will be published in the voter pamphlet as part of this measure.)

Exhibit A

The Ordinance would submit to the qualified voters of the City of San Diego, at the Municipal Special Election Consolidated with the California State General Election to be held on November 3, 2020, a measure relating to Coastal Zone Height Limits in the Midway-Pacific Highway Community Plan Area.

Exhibit A is a one-page map incorporated by reference into the ballot measure and to be published in the voter pamphlet as part of this measure.



END OF MEASURE