

(O-92-107)

ORDINANCE NUMBER O- 17830 (NEW SERIES)

ADOPTED ON SEP 14 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING AND RENUMBERING SECTION 103.2007 GLOSSARY TO SECTION 103.2002; BY RENUMBERING SECTION 103.2002 TO SECTION 103.2003; BY CONSOLIDATING, AMENDING AND RENUMBERING SECTIONS 103.2003 AND 103.2007 APPENDIX.A TO SECTION 103.2004; BY ADDING A NEW SECTION 103.2005; BY RENUMBERING SECTION 103.2004 TO SECTION 103.2006; BY AMENDING AND RENUMBERING SECTIONS 103.2005, 103.2006 AND 103.2007 TO SECTIONS 103.2011, 103.2012 AND 103.2013; AND BY RESERVING FOR FUTURE USE SECTIONS 103.2007, 103.2008, 103.2009 AND 103.2010; ALL RELATING TO THE MARINA PLANNED DISTRICT REGULATIONS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 3, Division 20, of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 103.2007 GLOSSARY to Section 103.2002; by renumbering Section 103.2002 to Section 103.2003; by consolidating, amending and renumbering Sections 103.2003 and 103.2007 Appendix.A to Section 103.2004; by adding a new Section 103.2005; by renumbering Section 103.2004 to Section 103.2006; by amending and renumbering Sections 103.2005, 103.2006 and 103.2007 to Sections 103.2011, 103.2012 and 103.2013; and by reserving for future use Sections 103.2007, 103.2008, 103.2009 and 103.2010; to read as follows:

SEC. 103.2002 Definitions

For purposes of Chapter X, Article 3, Division 20, the following terms are defined as:

"Atrium" means an opening through two (2) or more floor levels which are enclosed on top. "Atrium" does not include enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air conditioning or other equipment.

"Building Materials" means all materials visible from the exterior of a development, including materials used for walls, roofs, structure windows, doors, architectural or decorative features applied to the facade and trim.

"Business and Home Services" means establishments providing appliance repair, office machine repair, building maintenance (janitorial), upholstering, graphic design, drafting, blueprinting, typesetting, printing, copying or photographic services.

"Common Open Space" means those usable spaces commonly accessible to all residents and users of the building.

"Conditional Planned District Permit" is a permit which conditions development and is in effect after the approval of the Basic Concept/Schematic Drawings. It signals preliminary approval and allows the completion of the design review process.

"Cultural/Institutional" means a term applied to any use which provides a public or quasi-public function or which is nonprofit.

"Eating and Drinking Establishments" means businesses serving prepared food or beverages for consumption on or off the premises.

"Floor Area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. Floor area does not include areas below grade which are considered basements under the Uniform Building Code as adopted in Chapter IX of the San Diego Municipal Code.

"Floor Area Ratio (FAR)" means the ratio of total enclosed building area including parking at and above grade to the area of the site. The FAR is an indication of the intensity of development.

"Food Sales" means retail sales of prepared food or food for home preparation including bakeries, candy stores, ice cream stores, delicatessens, grocery stores and supermarkets.

"Health Facilities" means club rooms, gymnasias and fitness centers contained within a structure and ancillary to residential or commercial use.

"Height to Width Ratio" means the ratio described for a high-rise building in which the vertical dimension of all facades is greater than 1.6 times the widest horizontal dimension.

"High Rise" means a building exceeding ninety (90) feet in height.

"High-Rise Building Elements" means high-rise buildings that have the following elements: base, tower and roof. The tower may be subdivided into transition floors, a lower tower and an upper tower.

"Land Use Mix" means a percentage distribution of a building's gross floor area devoted to residential or nonresidential uses.

"Live/Work Quarters" means an area comprised of one (1) or more rooms or floors in a building which includes: (1) cooking space and sanitary facilities, and (2) working space reserved for persons residing therein.

"Low-Rise" means a building with maximum height of fifty (50) feet.

"Mass and Scale" means the visual perception of the organization of the gross floor area of the structure compared to adjoining development.

"Mid-Rise" means a building ranging in height from fifty (50) feet to ninety (90) feet.

"Mixed Use Development" means developments in which two (2) or more major land uses are permitted.

"Multi-Family Residential" means a building used or designed to be used for housing three (3) or more families.

"Personal and Convenience Services" include services of a frequently recurring nature such as

barber and beauty shops, drug stores, dry cleaning, self-service laundries, shoe repair and tailors.

"Personal Improvement Services" means instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, reducing salons and fitness studios.

"Planned District Exception Permit" means a permit that allows construction of projects which vary from the requirements of the Marina Planned District regulations but which comply with the Marina Urban Design Plan and Development Guidelines and facilitate the establishment of a residential community.

"Planned District Permit" means all permits which are required pursuant to the Marina Planned District regulations.

"Private Open Space" means those usable spaces accessible only by the residents of a single dwelling unit.

"Public Open Space" means those usable spaces accessible by the general public.

"Recreational Facilities" means outdoor facilities ancillary to a residential complex, including swimming pools, saunas and courts.

"Reflective Glass" means a glazing material which obscures vision and has limited transparent qualities.

"Religious Assembly" means facilities for religious worship and incidental religious education.

"Residential Density" means a measure of housing, expressed in dwelling units per acre (dupa).

"School -- Public and Private" means buildings housing students for the primary purpose of education.

"Setback" means a horizontal separation between a vertical element and a property line.

"Single Room Occupancy (SRO)" means any hotel room within a hotel intended or designed to be used, or which is used, rented or hired out to be occupied for sleeping purposes by guests and which is also the primary residence of such guests. The term does not include any hotel room which is used by transient guests who do not occupy such hotel room as their primary residence.

"Skyviews" means a horizontal and near-horizontal views of the sky.

"Small Office -- Business and Professional Services" includes offices such as architectural design, medical-dental, travel or administrative services, real estate, insurance and legal offices.

"Small Site Development" means a designation applied to a block in which multiple developments occur.

"Stepback" means the horizontal separation between two (2) major vertical elements. Stepbacks occur at upper levels.

"Street Level" means any access opposite the public right-of-way which ranges from four (4) feet below grade to five (5) feet above grade.

"Streetwall" means the facade of buildings, or frontage, along a property line shared with a public right-of-way.

"Tower" means any structure that exceeds a height of ninety (90) feet.

"Utility Substation" means those structures and facilities which provide franchised or city utility services to land use and transportation systems located within the Marina Planned District.

SEC. 103.2003 Boundaries

The Marina Planned District is within the boundaries of the Centre City Community Plan and is comprised of a portion of the area within the boundaries of the Marina Redevelopment Plan in the City of San Diego, California, designated on that certain Map Drawing No. C-741, filed in the office of the City Clerk under Document No. 00-17123.

SEC. 103.2004 Administrative Regulations

A. ADMINISTRATION

The Centre City Development Corporation ("CCDC") shall administer the Marina Planned District as the designee of the City Council in accordance with the provisions of this division.

B. ACTIVITIES REGULATED

1. No building, structure or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall the use of any building or structure be changed, nor shall any such building, structure or improvement be used or occupied unless it complies with the requirements of this division.

2. The Department of Building Inspection shall not issue any permit for such activities in any portion of the Marina Planned District until CCDC has issued a Marina Planned District Permit or a Marina Planned District Exception Permit signifying compliance with the provisions of this division.

C. MARINA PLANNED DISTRICT PERMIT PROCESS

1. Permit Required.

A Marina Planned District Permit shall be required prior to issuance of any City building permit within the Marina Planned District.

2. Application for Marina Planned District Permit.

a. A Marina Planned District Permit shall be issued after the applicant has completed a three (3) step design review process consisting of the submission of:

(1) Basic Concept/Schematic Drawings.

(2) Fifty Percent (50%)

Construction Drawings.

(3) One Hundred Percent (100%)

Construction Drawings.

CCDC may issue a Marina Planned District Permit after review of the drawings based on the size of the project, nature of improvement or the participation of the Redevelopment Agency. CCDC may, at its discretion, consolidate Steps 2 or 3 to facilitate review of the project.

b. CCDC shall review all Basic Concept/Schematic Drawings, Fifty Percent (50%) Construction Drawings and One Hundred Percent (100%) Construction Drawings as identified in the Marina Planned District regulations. The criteria for submitting each of the three (3) types of drawings and a description of the design review process are as follows:

(1) The Basic Concept/Schematic Drawings shall illustrate the basic organization of the site. CCDC shall review Basic Concept/Schematic Drawings for two-dimensional considerations such as the relationship of land use within the project, relationship of the project to proposed and existing land uses

adjoining the site, siting considerations such as vehicular and pedestrian circulation, provision for public open space and three-dimensional images of the project. The applicant shall provide a narrative explanation of the design concept and shall submit the following items as part of the Basic Concept/Schematic Drawings:

(a) Description of the development concept including the density, dwelling unit composition, gross area devoted to specific land use, number of floors, type of construction and FAR.

(b) Site plan at a scale no smaller than one thirty-second inch equals one foot ($1/32" = 1'$). The site plan shall show the relationship of the proposed project to adjoining development within approximately three hundred (300) feet and shall also illustrate the dimensions of the site and the proposed project.

(c) Ground floor plan that illustrates subsurface and ground floor plans at a scale not smaller

than one sixteenth inch equals one foot (1/16" = 1').

(d) Two (2) project sections at a scale not smaller than one sixteenth inch equals one foot (1/16" = 1').

(e) Exterior concept elevations of each street frontage.

(f) One (1) exterior perspective drawn from a street level view.

(g) Tabulation of the net leasable and gross building area including FAR, building coverage, Common Open Space areas, Private Open Space, total area devoted to parking and number of spaces.

(h) Preliminary identification of materials, finishings, colors and landscaping.

(i) Preliminary off-site improvements, landscape and grading plans that illustrate how the design elements of on-site public spaces are coordinated with the off-sites.

(j) Preliminary evaluation of environmental factors such as sun

and shade on open space and adjoining properties.

(k) Statement of conformity to or variation from the Marina Planned District regulations.

(l) Massing model that illustrates the scale and architectural design concept of the project.

(2) Fifty Percent (50%)

Construction Drawings shall resolve concerns identified during review of the Basic Concept/Schematic Drawings. The applicant may be required to submit additional material for this review, including off-site improvement drawings and landscape plans.

(3) One Hundred Percent (100%)

Construction Drawings shall represent the final plans, specifications and other documentation for the proposed project. These drawings shall illustrate how the conditions approving the previous submissions have been accommodated. These drawings shall be in sufficient detail for the applicant to obtain a building permit.

3. Review Procedures.

Application for a Marina Planned District Permit shall begin with the applicant's submission of Basic Concept/Schematic Drawings to CCDC. Basic Concept/Schematic Drawings shall be reviewed according to the following process:

a. The Executive Vice President shall review all applications.

b. The Redevelopment Agency of The City of San Diego (the "Agency") shall review all projects that request or require financial assistance, are governed by either a Disposition and Development Agreement or an Owner Participation Agreement, or request an exception to the Marina Planned District Ordinance.

Interested citizens and area residents may review and comment on individual projects prior to or at the time of the above reviews.

4. Determination -- Conditions of Approval.

The approval, modification or disapproval of Basic Concept/Schematic Drawings shall be as follows:

a. CCDC may approve, modify or disapprove any application for a Marina Planned District Permit, described in Municipal Code section 103.2004(C)(3)(a), which has been initiated by the submission of Basic Concept/Schematic Drawings. In

approving a Marina Planned District Permit, CCDC may impose reasonable conditions to ensure compliance with these regulations.

b. CCDC shall advise the Agency and the Agency may approve, modify or disapprove any application for a Marina Planned District Permit, described in Municipal Code section 103.2004(C)(3)(b), which has been initiated by the submission of Basic Concept/Schematic Drawings. In recommending approval of a Marina Planned District Permit, CCDC may propose to the Agency reasonable conditions to ensure compliance with these regulations.

5. Conditional Planned District Permit.

The approval of Basic Concept/Schematic Drawings, as specified in Municipal Code section 103.2004(C)(4), constitutes a Conditional Planned District Permit. Following approval, the applicant shall submit to CCDC the Fifty Percent (50%) Construction Drawings and One Hundred Percent (100%) Construction Drawings to CCDC for approval.

6. Issuance of Planned District Permit.

If CCDC finds that the One Hundred (100%) Construction Drawings conform to the Conditional Planned District Permit, then the applicant may apply for any other necessary permits from the

Building Inspection Director, Planning Director or City Engineer or other applicable governmental agency.

7. Permit Time Limits and Time Extensions.

Any permit approved under Chapter X, Article 3, Division 20 shall be effective for a period not to exceed two (2) years. CCDC may grant a one time extension of one (1) year if it finds from the evidence submitted that there have been no material changes of circumstances since the permit was originally granted.

8. Revocation.

Following a hearing, CCDC may, at any time, revoke a Marina Planned District Permit issued under Section 103.2004. CCDC shall give the holder of the Marina Planned District Permit thirty (30) calendar days' notice of the proposed revocation and hearing. After that hearing, CCDC may revoke a permit if it finds any of the following is true:

a. That the building or structure for which the permit was issued is being used for purposes other than or in addition to, the purposes and manner described in the permit application; or

b. That the use or operation of the building or structure for which the permit was issued is contrary to Chapter X,

Article 3, Division 20 of the San Diego
Municipal Code; or

c. That the building or structure for
which the Marina Planned District Permit was
issued was not constructed in compliance with
the terms and conditions of the Marina
Planned District Permit.

SEC. 103.2005 Conditional Use Permits

A. Notwithstanding the provisions of San Diego
Municipal Code Chapter X, Article 1, Division 5,
Sections 101.0510, 101.0512, 101.0513, 101.0514,
101.0515, 101.0516, 101.0517, 101.0518, 101.0550,
101.0560, 101.0570, 101.0580 and 101.0581, the
Executive Vice President of CCDC shall be the decision
maker for the purpose of granting conditional use
permits within the boundaries delineated in Section.
103.2003.

B. The Executive Vice President shall grant
conditional use permits according to the same criteria
required for the conditional use permits listed in
Section 103.2005(A). Except as provided in the next
paragraph, the appeals procedure shall remain the same
for the conditional use permits listed in Section
103.2005(A):

For those conditional use permits delineated in
Municipal Code section 101.0510(C)(4), in which the
City Council is listed as the decision maker, the
Executive Vice President shall serve as the

decisionmaker, but appeals shall be heard by the City Council, following a recommendation to the City Council by the Planning Commission as set out in Municipal Code section 101.0510(F).

SEC. 103.2006 Applicable Planning, Zoning and Subdivision Regulations

Where not otherwise specified in this division, the provisions of the San Diego Municipal Code, Chapter X, Article 1, Divisions 1 through 3, 5, 6 and 8 through 18 and Chapter X, Article 2 shall apply. All other provisions of Chapter X, Article 1 of the San Diego Municipal Code are superseded by the regulations of this division. Where there is a conflict between the provisions of Chapter X, Article 1 and Chapter X, Article 2 and the provisions of this division, the provisions of this division shall apply. All applicable building code requirements must be met for construction, alteration, addition or repair of a building.

SEC. 103.2007 [Reserved for Future Use.]

SEC. 103.2008 [Reserved for Future Use.]

SEC. 103.2009 [Reserved for Future Use.]

SEC. 103.2010 [Reserved for Future Use.]

SEC. 103.2011 Use Classifications for the Marina Planned District

Use classifications for the Marina Planned District are illustrated geographically in Table 1 of Chapter X, Article 3, Division 20 of the San Diego Municipal Code.

In the area designated eighty percent (80%) residential/ twenty percent (20%) nonresidential as shown in Figure 1 of Chapter X, Article 3, Division 20 of the San Diego Municipal Code, at least eighty percent (80%) of the gross floor area shall be residential use and up to twenty percent (20%) of the gross floor area may be nonresidential use. The total of all corridor, storage, utility, parking and other support space shall be allocated to residential or nonresidential on an eighty percent (80%) residential/twenty percent (20%) nonresidential basis.

A. RESIDENTIAL USES

The following permanent residential uses are permitted in the Marina Planned District:

1. Multi-family.

2. The following uses may be considered by conditional use permit if the use is the primary residence of the occupants and the major use of the structure:

a. Single Room Occupancy.

b. Live/Work Quarters. Not over thirty-three percent (33%) of each live/work quarter shall be used for residential purposes such as a sleeping area, kitchen, bathroom and closet area.

B. NONRESIDENTIAL USES

1. Uses permitted by Right. The following nonresidential uses are permitted in the Marina

Planned District for that portion of the area designated twenty percent (20%) nonresidential:

- a. Eating and Drinking Establishments.
- b. Food Sales.
- c. Small Office-Business and Professional Services.
- d. Personal and Convenience Services.

2. Conditional Use.

The following uses may be considered by conditional use permit if determined to be compatible with the adjoining residential use:

- a. Cultural/Institutional.
- b. Religious assembly.
- c. Schools, public/private child care facilities.
- d. Recreation-health facilities.
- e. Business and Home Services.
- f. Broadcasting, recording and other communication services accomplished through electronic or telephonic mechanisms.

This classification includes radio, television or recording studios, telephone switching centers and telegraph offices, but excludes receiving towers and satellite dishes.

- g. Personal Improvement Services.
- h. Retail Sales.
 - (1) Arts and Crafts.

This classification includes establishments selling art objects, art supplies, antiques, jewelry, handmade glass, custom photographs, pottery, porcelain, leather goods and similar products. This classification also includes art galleries, antique shops, ceramic studios, craft shops, jewelry design and creation studios and photo studios.

(2) Home Furnishings and Hardware.

This classification includes establishments selling awnings and canvas, home appliances, carpets and floor coverings, hardware, furniture, kitchen utensils, paint and wallpaper.

(3) Other Retail Sales.

This classification includes small department stores, drugstores, dispensing opticians, clothing stores, fabric stores, and businesses retailing the following goods: toys, hobby materials, books, cameras, photographic supplies, electronic equipment, records, sporting goods, shoes, office supplies, stationery, medical supplies, bicycles and new automotive parts and accessories (excluding service and installation).

(4) Display windows provided, however, that such windows have a minimum depth of approximately three (3) feet and displays are changed every sixty (60) days.

i. Existing Structures.

Historic or architecturally significant structures which are restored, recreated, or adaptively reused may be developed entirely with nonresidential uses and are exempt from the requirement to provide residential units.

j. Utility Substations.

k. Residential Care Facilities.

On the property legally described as Lots "C" through "L" of Block 27, New San Diego Addition, according to the Map thereof No. 456, made by Gray and Johns, on file in the office of the County Recorder of San Diego County.

C. MIXED HOTEL/RESIDENTIAL DEVELOPMENT

In the area designated Subarea 1 on Figure 2 of Chapter X, Article 3, Division 20, mixed uses including hotel and residential are permitted.

1. use if accompanying residential use is provided.

2. Development of an entire two (2) block site requires one hundred fifty (150) residential dwelling units. Development of individual blocks

requires a minimum residential density of eighty-five (85) dwelling units per acre ("dupa").

3. Specialty commercial and entertainment uses may be permitted on a conditional use basis.

4. Residential development may be provided as an alternate to hotel use. Such development shall allocate at least eighty percent (80%) of the gross floor area to residential use and may allocate up to twenty percent (20%) of the gross floor area to nonresidential land use from the listed uses provided for in Section 103.2011. Exceptions to the percentage ratio of eighty percent (80%) residential/twenty percent (20%) nonresidential are contained in Municipal Code section 103.2012(B)(5).

D. HOTEL SUBAREA 2

In the area designated Subarea 2 on Figure 2, the following hotel uses are permitted:

1. use and ancillary hotel uses such as meeting rooms, food establishments and gift shops.

2. Residential development may be provided as an alternate use. development shall allocate at least eighty percent (80%) of the gross floor area to residential use and may allocate up to twenty percent (20%) of the gross floor area to nonresidential land use from the listed uses provided for Section 103.2011. Exceptions to the percentage ratio of eighty percent (80%)

residential/twenty percent (20%) nonresidential are contained in Municipal Code section 103.2012(B) (5).

3. Specialty commercial uses may be permitted on a conditional use permit basis.

SEC. 103.2012 Property Development Regulations

A. PLANNING STANDARDS AND URBAN DESIGN GUIDELINES

Redevelopment Agency has by resolution adopted architectural and design standards to be used in the evaluation of the appropriateness of any development for which a permit is applied under this division. These architectural and design standards shall be entitled, "Marina Urban Design Plan and Development Guidelines," a copy of which is on file in the office of the City Clerk as Document No. 00-17123.

B. REGULATIONS

The following regulations shall apply to the specific areas as indicated:

1. Mixed Residential/Nonresidential Land Use Areas.

The major land use in the Marina Planned District shall be residential as illustrated on Figure 1. In the area designated eighty percent (80%) residential/twenty percent (20%) nonresidential (except in structures fifty (50) feet or less in height), at least eighty percent (80%) of the gross floor area shall be residential

use and up to twenty percent (20%) of the gross floor area may be nonresidential. Where structures are fifty (50) feet or less in height or meet the height requirements of the Uniform Building Code, as adopted by Chapter IX of the San Diego Municipal Code, for Type V construction, gross floor area in nonresidential use may exceed twenty percent (20%) if the entire nonresidential use is accessible to and located at the street level of the project. The permitted uses are described in Municipal Code section 103.2011. Exceptions to the percentage ratio of eighty percent to twenty percent (80%-20%) for High-Rise structures are contained in Municipal Code section 103.2012(B)(4).

2. Permitted Heights.

a. Heights for buildings in the Marina Planned District range from fifty (50) feet to three hundred (300) feet as illustrated in Figure 3, unless the building meets the criteria for exceptions to the height limits as set out in Section 103.2012(B)(2)(b).

The intent of height limits as established in Section 103.2012 is to guide the location of vertical development within the Marina Redevelopment Project area to accomplish the following objectives:

- (1) Enhance view corridors.

(2) Provide variety in the provision of dwelling unit types.

(3) Create distinct residential neighborhoods.

(4) Conserve the character of existing residential development.

(5) Minimize the impact of shadow on existing and future development.

b. Exceptions to Height Limits.

(1) Exceptions to height limits may be permitted as follows:

(a) Fifty (50) foot height limits may be increased to a maximum of ninety (90) feet.

(b) Ninety (90) foot height limits may be increased to a maximum of one hundred twenty (120) feet.

(c) Heights designated one hundred twenty (120) feet or greater as illustrated in Figure 3 may be increased without a maximum height.

(2) The following criteria shall be used to evaluate requests for height exceptions.

(a) Applicant shall provide one (1) or more parks, setback

areas or widened and enhanced public rights-of-way. Such areas shall be landscaped by the applicant. Their location shall complement the adjoining public right-of-way and while either public or private in nature, shall be designed to be visually or physically enjoyed by residents, residents of adjoining structures and the general public; and

(b) Applicant's project shall increase nonresidential or residential activity at the street level of the development from fifty percent (50%) of the total frontage to all the remaining street frontage with the exception of vehicular access and truck service delivery to serve the site.

Such activity shall be directly accessible to the public right-of-way. Entrances to activity shall be provided at intervals which are approximately fifty (50) feet or less in distance apart; and

(c) Applicant's project shall accommodate all or a substantial amount of all parking needed to serve the proposed development below grade.

(d) Applicant shall mitigate the mass and scale of the project by reducing the size of the floor plate and creating a more slender tower which enhances view corridors or reduces the effect of shadow on adjoining developments.

(3) The procedure for considering exceptions to height are subject to Municipal Code section 103.2013.

3. Floor Area Ratios ("FAR").

A FAR of 3.5 to 4.0, 4.0 to 4.5, 5.0 to 5.5, 6.0 to 6.5 and 8.0 to 8.5 shall be the maximum development intensity in the Marina Planned District for those areas identified in Figure 4 with the following exceptions:

a. Existing structures which are historically or architecturally significant, or which are restored or adaptively reused, may transfer unused FAR to contiguous development within the block if such structures are part of an integrated or architectural development for the total site.

b. Atria or common interior or enclosed space shall be included in the calculation of FAR. For each floor that an atrium penetrates through a structure, the square footage per floor shall be included in the calculations of the FAR.

4. Conditions for Exceptions to FAR.

a. An increase in FAR in the amount of 0.5 of the base FAR, as illustrated in Figure 4, may be permitted as follows, subject to conditions set forth in Section 103.2012(B)(4)(c):

TABLE I OF SECTION 103.2012

Base FAR	Permitted Increase in FAR
3.5	4.0
4.0	4.5
5.0	5.5
6.0	6.5
8.0	8.5

b. Subject to conditions set forth in Section 103.2012(B)(4)(a), an increase in the ratio of nonresidential use in the amount of five percent (5%) may be permitted as follows:

TABLE II OF SECTION 103.2012

Base Land Use Mix	Permitted Land Use Mix
80% Residential/ 20% Nonresidential	75% Residential/ 25% Nonresidential

c. Exceptions to either FAR or mixed land use standards may be recommended by

CCDC's Board and approved by the
Redevelopment Agency where the project
complies with the development standards
contained in this Division and the Marina
Urban Design Plan and Development Guidelines
provided that three (3) of the following
seven (7) conditions set forth in
Section 103.2012(B)(4)(c)(i) through (vii)
are met.

In the event that exceptions are
requested for both land use mix and FAR, four
(4) of the seven (7) conditions set forth in
Section 103.2012(B)(4)(c)(i) through (vii)
must be met.

(i) Development is infilled on
sites or blocks which contain historic
or architecturally significant
structures or where historic or
architecturally significant buildings
are rehabilitated and integrated into
the proposed new development.

(ii) The average size of
twenty-five percent (25%) of all units
exceed one thousand (1,000) square feet.

(iii) That a minimum of ten percent
(10%) of all units contain three (3)
bedrooms.

(vi) The required ground floor activity increases from fifty percent (50%) to sixty percent (60%) of the street frontage. Such increase in activity shall be consumer-oriented commercial or residential land use.

(v) At least one full level of underground parking is provided.

(vi) The site is a receiver of a major public amenity including park, plaza, public art and sculpture or other equivalent amenity designed primarily for public use.

(vii) No Redevelopment Agency financial assistance excluding off-site public improvements, is required for the project.

C. GENERAL PROVISIONS

Municipal Code section 103.202012(C) sets forth the general provisions of the Marina Planned District. Exceptions to the criteria contained in Municipal Code section 103.2012(C) may be granted subject to the procedures established in Section 103.2013. The following regulations apply to all areas:

1. Minimum lot area shall be five thousand (5,000) square feet.
2. There shall be no minimum side yard, interior and rear yard setbacks.

3. Development pattern.

A variety of development sites (single full block development and blocks with multiple developments) shall be encouraged throughout the project area. Guidelines for smaller site development are contained in the Marina Urban Design Plan and Development Guidelines.

4. Permitted Projections.

a. Subject to encroachment permits as may be required by The City of San Diego, projections such as balconies and window bays are permitted to encroach up to four (4) feet into the public right-of-way starting at no less than twelve (12) feet above street level or above the height of the first floor.

b. Projections from tower elements which are set back from the street may be granted by Conditional Use Permit.

c. Subsurface structures within the public right-of-way up to three (3) feet from the curb.

5. Signs.

Proposed signage will be evaluated by CCDC for conformance to the signing objectives of the Marina Urban Design Plan and Development Guidelines and by The City of San Diego for compliance with Chapter X, Article 1, Division 11

and Chapter IX, Article 5 of the San Diego
Municipal Code.

6. Streetwall.

a. All buildings shall have a minimum Streetwall of two (2) stories or twenty-five (25) feet.

b. All buildings shall have a maximum Streetwall of fifty (50) feet or the height of an adjoining existing structure if the existing structure is a part of an integrated development.

c. At least fifty percent (50%) of each side of the total ground floor frontage of all new or reconstructed first story building walls that face a public street shall be devoted to pedestrian entrances, residential use, or windows affording views into retail consumer services, offices or lobby space or display windows. All blank facades shall be enhanced by architectural detailing, artwork, landscaping or similar features having visual interest.

d. At least seventy-five percent (75%) of the street facade of the building base shall be constructed to the street property line.

e. All Residential/nonresidential activities located at the street level shall

provide one direct at-grade entrance from the public right-of-way for each street frontage. Where such frontages exceed seventy-five (75) feet, one entrance shall be provided for each seventy-five (75) feet of frontage or portion thereof. Such entrances shall conform to the State of California Administrative Code, State Building Code, Part 2, Title 24 (Handicapped Requirements).

7. Setbacks.

a. The tower portion of any structure shall be setback at the podium level at least twenty (20) feet from the base of the street wall on all street frontages except one frontage of a structure, as may be required for fire and safety access by all applicable laws, rules and regulations.

b. Two (2) or more towers on the same parcel shall be separated by at least forty (40) feet.

c. The tower element of Mid-Rise and High-Rise structures that share a common property line with another parcel shall be set back at least twenty (20) feet from that common property line.

d. All properties fronting on the proposed linear park shall observe a minimum landscaped setback of fifty (50) feet.

8. Height.

a. The height of any structure over one hundred sixty (160) feet shall observe a minimum height-to-width ratio of 1-width to 1.6-height.

b. The average floor plate for the top one-third (1/3) of any tower structure over one hundred sixty (160) feet shall diminish in size to create a slimmer silhouette; such reduction shall be in scale with the lower two-thirds (2/3) of the structure.

9. Open Space.

a. All development shall maintain a minimum of thirty percent (30%) of the site open to the sky, occurring at grade or podium levels. This open space area, including courtyards and terraces, shall be considered common open space.

b. First floor residential units which front on common interior courtyards may use up to twenty-five percent (25%) of the interior area for private enclosed open space related to individual units.

c. Balconies shall be provided for at least twenty-five percent (25%) of all hotel rooms.

d. Seventy-five percent (75%) of all multi-family residential units above the

first floor shall have a Private Open Space of thirty-six (36) square feet or five percent (5%) of the unit's gross floor area whichever is larger. The Private Open Space shall have a minimum dimension of three (3) feet.

e. Private Open Space or common interior courtyards open to the sky shall not be calculated in the FAR of any structure.

f. No structure shall be sited in such a way so as to terminate a skyview down an existing street or potential view of San Diego Bay from a street in a southerly or westerly direction.

10. Screening and Landscape.

a. All refuse storage and mechanical equipment shall be screened by walls, fences, buildings or combinations thereof to a height of six (6) feet.

b. All on-site open space or setback areas shall be landscaped or architecturally enhanced.

c. Mechanical equipment or appurtenances on the roof shall be architecturally screened or enclosed or painted to blend with the roof surface to mitigate the view of cluttered roof surfaces.

11. Parking.

a. All above grade parking structures shall be architecturally integrated into the structure and screened from view by landscaping, architectural detailing or buffered by residential or nonresidential use.

b. Outdoor or garage lighting shall be indirect and diffused.

12. Off-Street Loading.

a. Off-street loading facilities shall be required for all developments which exceed a gross floor area of one hundred thousand (100,000) square feet.

b. All off-street loading areas shall be screened from view.

c. All trash container areas shall be enclosed within and integrated into the structure and not visible from the public right-of-way.

13. Building Materials.

a. With the exception of the first level, no more than fifty percent (50%) of each of the facades of the structure shall be vision glass or spandrel construction of material which is up to thirty percent (30%) in reflectivity. The remaining fifty percent (50%) may be masonry or stone or other appropriate material.

b. Clear or lightly tinted glass for doors and display window shall be installed at the first or pedestrian level.

14. Roof Tops.

a. Exposed roof top parking is not permitted.

b. Roof surfaces shall be simplified and appurtenances shall be grouped and screened.

c. Flat exposed roofs at any level shall be designed as an architectural or landscape amenity to enhance the views from the proposed structure or adjacent structures. Such enhancements may include roof gardens, architectural features, special pavings and patterns or other comparable treatment.

15. Solar Access.

a. No more than fifty percent (50%) of the area of a sidewalk on the opposite side of a development shall be shaded by that development for no more than one (1) hour between 11:00 a.m. and 2:00 p.m.

b. The location of existing and proposed development shall be considered in the siting of new structures in order to maximize views and sun penetration to the greatest extent possible.

**SEC. 103.2013 Exceptions to the Provisions of the
Marina Planned District Regulations**

A. The Centre City Development Corporation may recommend and the Redevelopment Agency may approve permit exceptions from certain limits, restrictions and controls of this Division as provided in Municipal Code sections 103.2012(B)(3) and 103.2012(C).

B. Conditions under which exceptions to this Division may be considered will be based on the developer's demonstration that the implementation of a proposed exception will meet the criteria described below. Application for exceptions shall be submitted concurrently with application for a Marina Planned District Permit in accordance with Municipal Code section 103.2004(D) (Marina Planned District Exception Permit Process) and shall include:

1. Demonstration that the proposed exceptions implement the intent of this Marina Planned District, comply with the objectives of the Marina Urban Design Plan and Development Guidelines and are design solutions which enhance the livability of the Marina Planned District.
2. The granting of exceptions to the Division does not adversely affect the development of the residential community.
3. The granting of an exception will have a beneficial impact on the residential community.

4. The granting of an exception will not establish an adverse precedent for the consideration of future requests for exception.

5. The design of the proposed development is distinctively San Diegan and architecturally superior. Such distinction will be evaluated against the objectives of the Marina Urban Design Plan and Development Guidelines and one or more of the following:

a. The degree to which the architecture characterizes the historical context of San Diego as contrasted with any other location.

b. Incorporation or adoption of design elements from San Diego's architectural past into the proposed development.

c. Innovation or creativity of the project design.

C. REVIEW PROCEDURES

Application for exceptions to the provisions of the Marina Planned District regulations shall follow the review procedures outlined in Municipal Code section 103.2004, with the following additional requirements:

Two (2) public hearings are required, the first before CCDC's Board of Directors and a subsequent hearing before the Redevelopment Agency. Notice shall be given at least ten (10) calendar days prior to the

hearing of the time, place and purpose of such hearing in the following manner:

1. By publication in the official City newspaper and by mail to all property owners of record within three hundred (300) feet of the property under consideration. This notice shall also be mailed to any group(s), organization or individual that have made a request for notification to CCDC.

2. Submission of an application fee to cover the cost of noticing. The fee shall be published in the City Clerk's rate book.

3. The notice shall be prepared as required under Section 101.0220 of the San Diego Municipal Code, as amended from time to time.

Section 2. Any project meeting either of the criteria set forth below, and submitted prior to SEP 14 1992, the date of adoption of this ordinance, shall be exempt from the provisions of this ordinance.

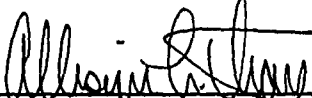
A. Any project for which plans have been submitted to the Building Inspection Department of The City of San Diego, which plans comply with the minimum requirement as established by the Building Inspection Department.

B. Any project for which plans have been submitted for a discretionary permit (or permits) subject to Chapter X of the San Diego Municipal Code; provided, however, that all plans submitted to the Building Inspection Department shall be consistent with the approved discretionary permit or permits.

Section 3. That the City Clerk is hereby instructed to insert the adoption date of this ordinance in place of the blank line appearing in Section 2.

APPROVED: JOHN W. WITT, City Attorney

By



Allisyn L. Thomas
Deputy City Attorney

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07/23/92
Or.Dept:CCDC
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BRIDGE G. HALL

FIGURE 1

Land Use

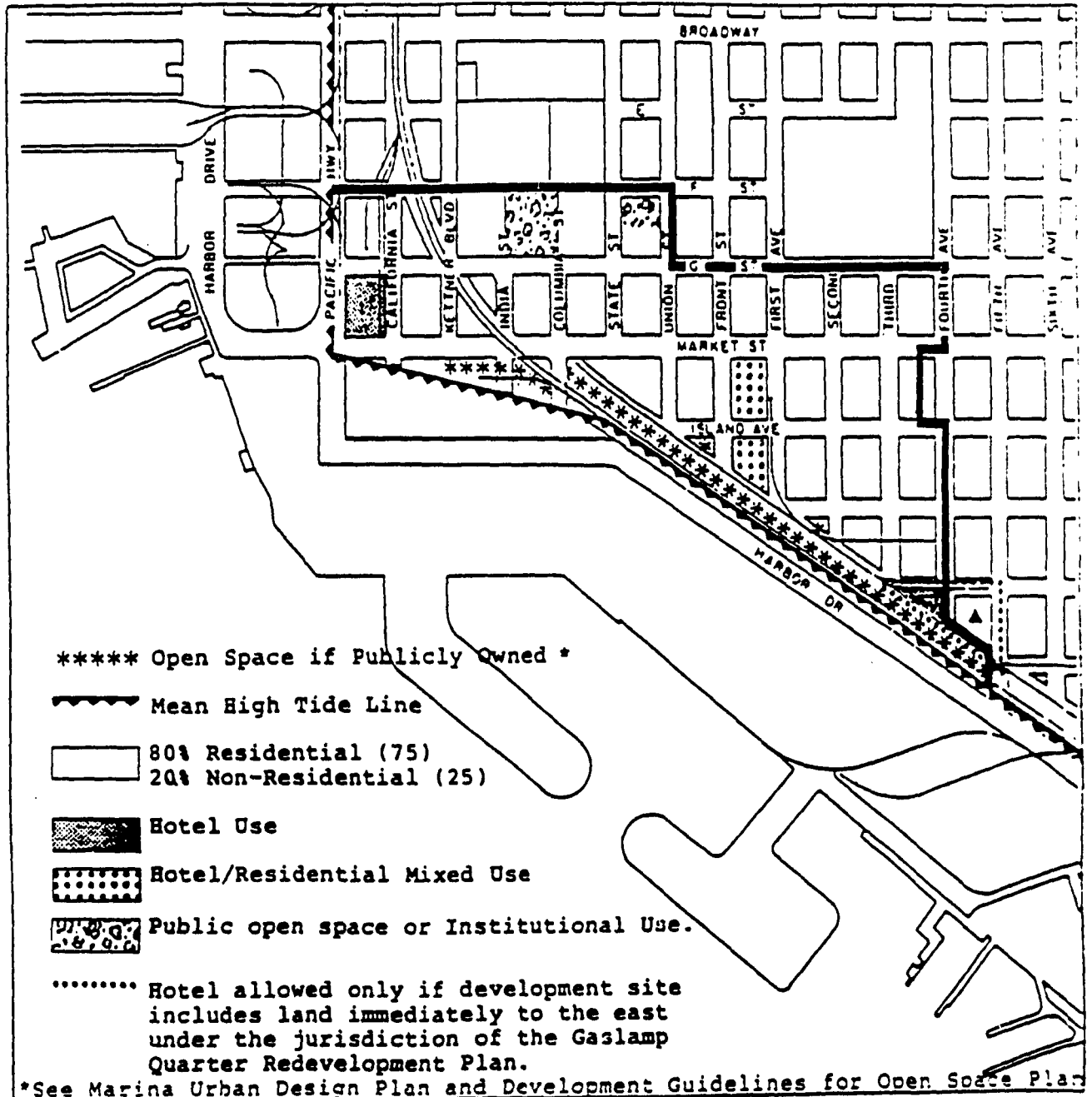


FIGURE 2

Hotel/Residential Subareas

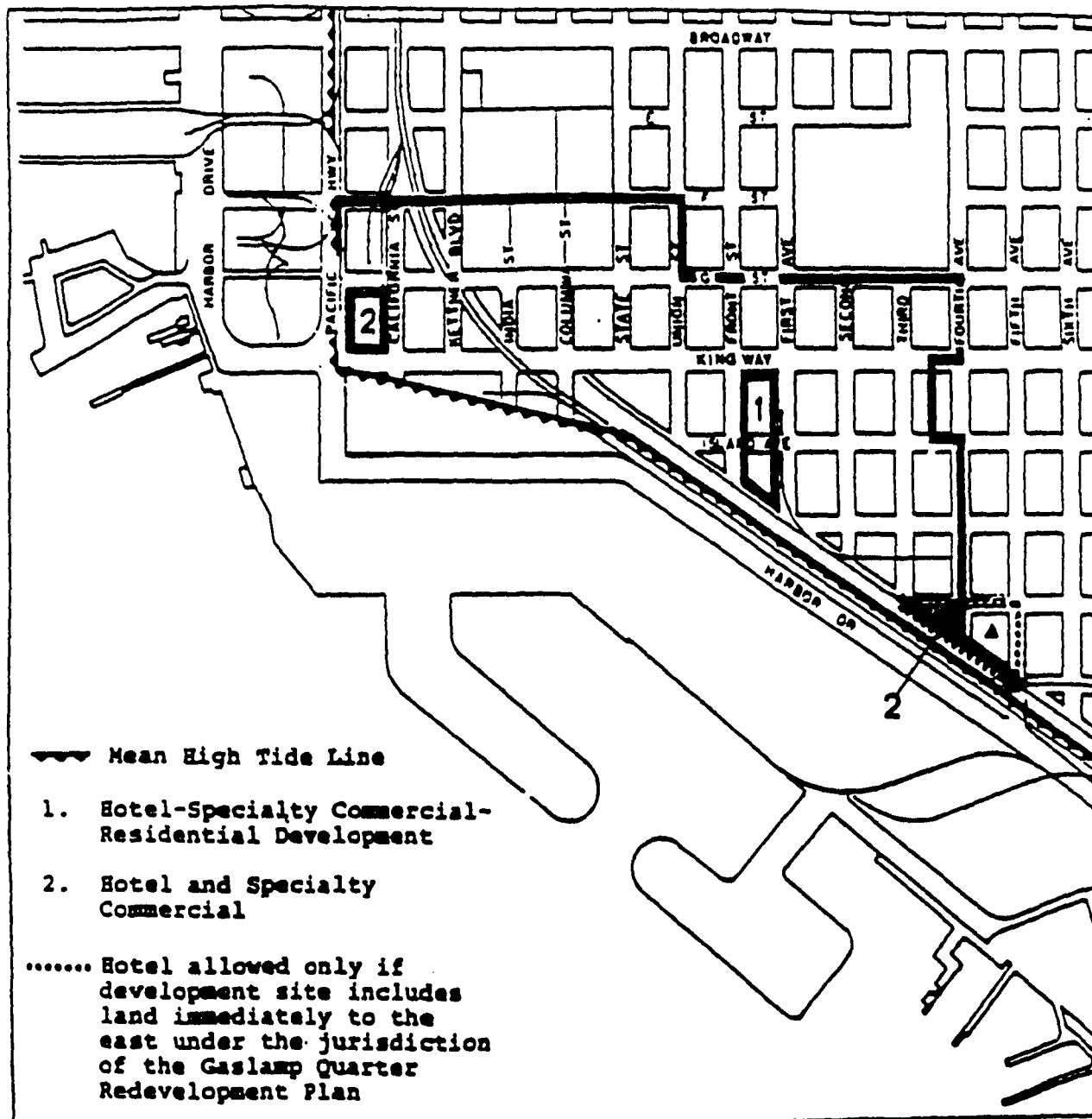


FIGURE 3
Height Limit

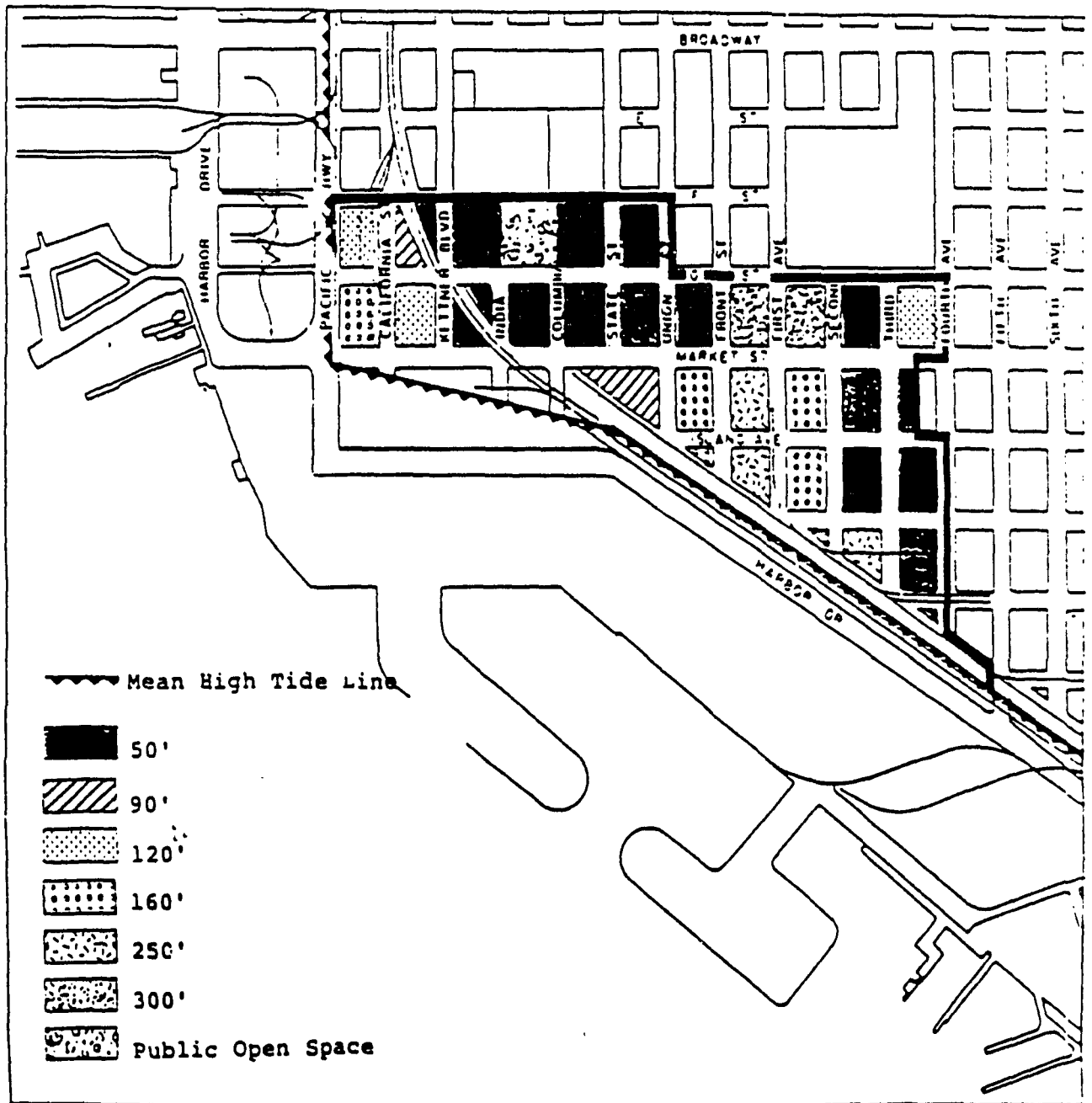
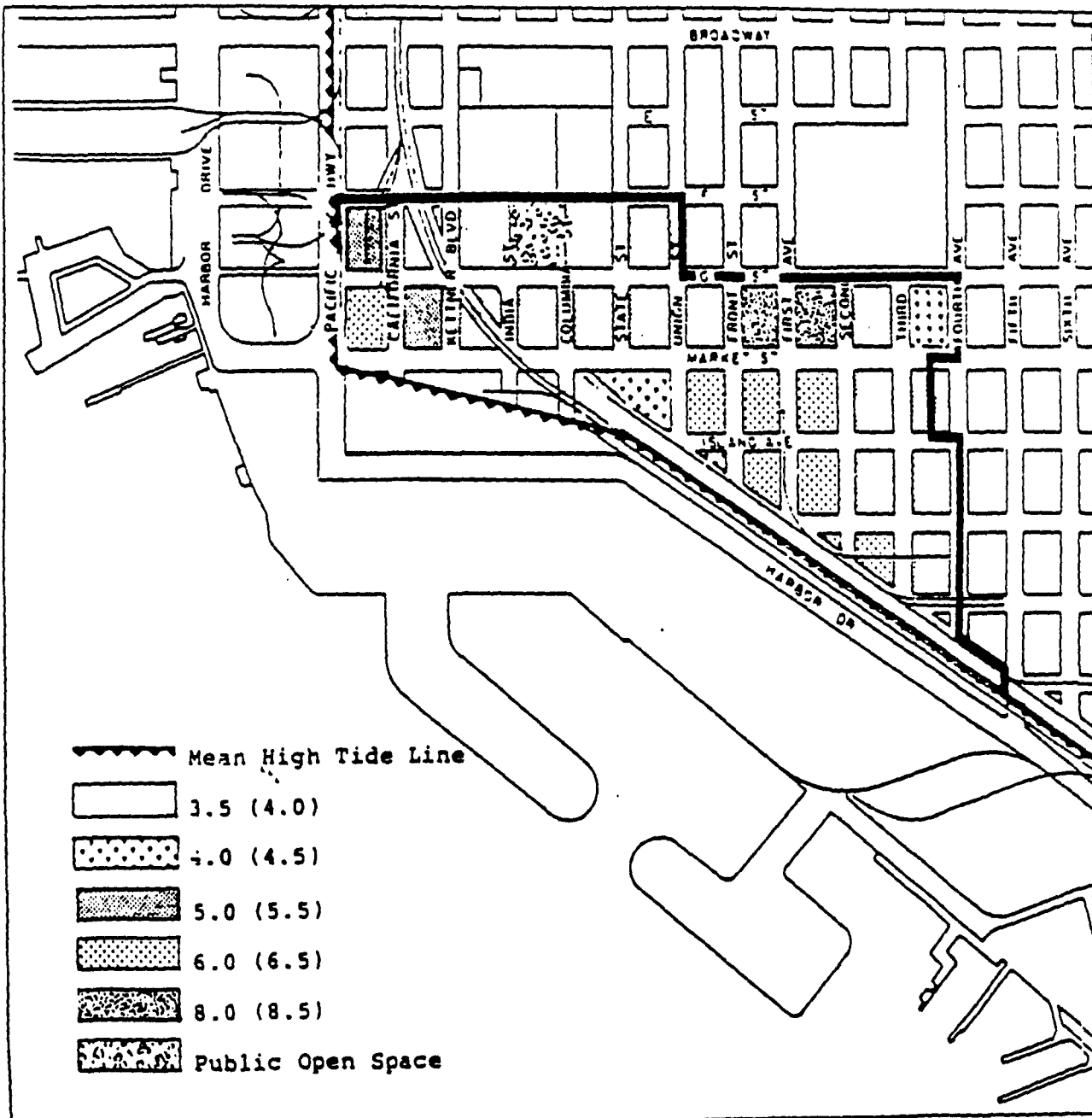


FIGURE 4
Floor Area Ratios
(FAR)



STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: ~~Redlined~~

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING AND RENUMBERING SECTION 103.2007 GLOSSARY TO SECTION 103.2002; BY RENUMBERING SECTION 103.2002 TO SECTION 103.2003; BY CONSOLIDATING, AMENDING AND RENUMBERING SECTIONS 103.2003 AND 103.2007 APPENDIX.A TO SECTION 103.2004; BY ADDING A NEW SECTION 103.2005; BY RENUMBERING SECTION 103.2004 TO SECTION 103.2006; BY AMENDING AND RENUMBERING SECTIONS 103.2005, 103.2006 AND 103.2007 TO SECTIONS 103.2011, 103.2012 AND 103.2013; AND BY RESERVING FOR FUTURE USE SECTIONS 103.2007, 103.2008, 103.2009 AND 103.2010; ALL RELATING TO THE MARINA PLANNED DISTRICT REGULATIONS.

~~SEC. 103.2007 GLOSSARY~~ ~~Glossary~~ ~~103.2002~~ ~~Definitions~~

~~For purposes of Chapter X, Article 3, Division 20, the following terms are defined as:~~

~~ATRIUM: An "Atrium" means an opening through two (2) or more floor levels other than which are enclosed on top. "Atrium" does not include enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air conditioning or other equipment, which is enclosed at the top.~~

~~BUILDING MATERIALS: ALL "Building Materials" means all materials visible from the exterior of a development, including materials used for walls, roofs, structure windows, doors, architectural or decorative features applied to the facade and trim.~~

~~"Business and Home Services"~~ means establishments providing appliance repair, office machine repair, building maintenance (janitorial), upholstering, graphic design, drafting, blueprinting, typesetting, printing, copying or photographic services.

~~COMMON OPEN SPACE:~~ These ~~"Common Open Space"~~ means those usable spaces commonly accessible to all residents and users of the building.

~~CONDITIONAL PLANNED DISTRICT PERMIT:~~ A ~~"Conditional Planned District Permit"~~ is a term applied to a permit which conditions development and is in effect after the Redevelopment Agency approves approval of the Basic Concept/Schematic Drawings. It signals preliminary approval and allows the completion of the design review process.

~~CULTURAL/INSTITUTIONAL:~~ Any ~~"Cultural/Institutional"~~ means a term applied to any use which provides a public or quasi-public function or which is nonprofit.

~~"Eating and Drinking Establishments"~~ means businesses serving prepared food or beverages for consumption on or off the premises.

~~FLOOR AREA:~~ The ~~"Floor Area"~~ means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. Floor area shall does not include areas below grade which are considered basements under the Uniform Building Code as adopted in Chapter IX of the San Diego Municipal Code.

~~FLOOR AREA RATIO (FAR):~~ The ~~"Floor Area Ratio (FAR)"~~ means the ratio of total enclosed building area including parking at

and above grade to the area of the site. The FAR is an indication of the intensity of development, ~~as such, it identifies the upper limit of building space permissible on a given lot.~~

"Food Sales" means retail sales of prepared food or food for home preparation including bakeries, candy stores, ice cream stores, delicatessens, grocery stores and supermarkets.

~~HEALTH FACILITIES:~~ ~~Club~~ **"Health Facilities"** means club rooms, gymnasias and fitness centers contained within a structure and ancillary to residential or commercial use.

~~HEIGHT TO WIDTH RATIO:~~ The **"Height to Width Ratio"** means the ratio described for a high-rise building in which the vertical dimension of all facades is greater than 1.6 times the widest horizontal dimension.

~~HIGH RISE:~~ A **"High Rise"** means a building exceeding ninety (90) feet in height.

~~HIGH RISE BUILDING ELEMENTS:~~ ~~High rise~~ **"High-Rise Building Elements"** means high-rise buildings that have the following elements: base, tower and roof. The tower may be subdivided into transition floors, a lower tower and an upper tower.

~~LAND USE MIX:~~ A **"Land Use Mix"** means a percentage distribution of a building's gross floor area devoted to residential or nonresidential uses.

~~LIVE/WORK QUARTERS:~~ An **"Live/Work Quarters"** means an area comprised of one (1) or more rooms or floors in a building which includes: (1) cooking space and sanitary facilities, and (2) working space reserved for persons residing therein. ~~Not over thirty three percent (33%) of each live/work quarter shall be~~

~~used or arranged for residential purposes such as a sleeping area, kitchen, bathroom and closet areas.~~

~~LOW-RISE:~~ A "Low-Rise" means a building with maximum height of fifty (50) feet.

~~MASS AND SCALE:~~ The "Mass and Scale" means the visual perception of the organization of the gross floor area of the structure compared to adjoining development.

~~MID-RISE:~~ A "Mid-Rise" means a building ranging in height from fifty (50) feet to ninety (90) feet.

~~MIXED USE DEVELOPMENT:~~ Developments "Mixed Use Development" means developments in which two (2) or more major land uses are permitted.

~~MULTI-FAMILY RESIDENTIAL:~~ A "Multi-Family Residential" means a building used or designed to be used for housing three (3) or more families.

"Personal and Convenience Services" include services of a frequently recurring nature such as barber and beauty shops, drug stores, dry cleaning, self-service laundries, shoe repair and tailors.

"Personal Improvement Services" means instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, reducing salons and fitness studios.

~~PLANNED DISTRICT EXCEPTION PERMIT:~~ Allows "Planned District Exception Permit" means a permit that allows construction of projects which vary from the requirements of the Marina Planned District regulations but which comply with the Marina Urban

Design Plan and Development Guidelines and facilitate the establishment of a residential community.

~~PLANNED DISTRICT PERMIT: A "Planned District Permit" means term applied to all permits which are required pursuant to the Marina Planned District regulations. This permit is issued after the Centre City Development Corporation determines that a project's One Hundred Percent (100%) Construction Drawings conform to the Marina Planned District regulations. The Marina Planned District Permit allows the applicant to apply for all other permits required for construction of a project.~~

~~PRIVATE OPEN SPACE: These "Private Open Space" means those usable spaces accessible only by the residents of a single dwelling unit.~~

~~PUBLIC OPEN SPACE: These "Public Open Space" means those usable spaces accessible by the general public.~~

~~RECREATIONAL FACILITIES: Outdoor "Recreational Facilities" means outdoor facilities ancillary to a residential complex, including swimming pools, saunas and courts.~~

~~REFLECTIVE GLASS: A "Reflective Glass" means a glazing material which obscures vision and has limited transparent qualities.~~

~~RELIGIOUS ASSEMBLY: Facilities "Religious Assembly" means facilities for religious workshop and incidental religious education.~~

~~RESIDENTIAL DENSITY: A "Residential Density" means a measure of housing, expressed in dwelling units per acre (dupa).~~

~~SCHOOLS -- PUBLIC AND PRIVATE:~~ A **"School -- Public and Private"** means buildings housing students for the primary purpose of education.

~~SETBACK:~~ A **"Setback"** means a horizontal separation between a vertical element and a property line.

~~SINGLE ROOM OCCUPANCY (SRO):~~ Any **"Single Room Occupancy (SRO)"** means any hotel room within a hotel intended or designed to be used, or which is used, rented or hired out to be occupied for sleeping purposes by guests and which is also the primary residence of such guests. The term ~~shall~~ **does** not include any hotel room which is used by transient guests who do not occupy such hotel room as their primary residence.

~~SKYVIEWS:~~ A **"skyviews"** means a horizontal and near-horizontal views of the sky. ~~Often in San Diego, such views include the Coronado Bridge.~~

"Small Office -- Business and Professional Services" includes offices such as architectural design, medical-dental, travel or administrative services, real estate, insurance and legal offices.

~~SMALL SITE DEVELOPMENT:~~ A **"Small Site Development"** means a designation applied to a block in which multiple developments occur.

~~STEPBACK:~~ The **"Stepback"** means the horizontal separation between two (2) major vertical elements. Stepbacks occur at upper levels.

~~STREET LEVEL:~~ Any **"Street Level"** means any access opposite the public right-of-way which ranges from four (4) feet below grade to five (5) feet above grade.

~~STREETWALL:~~ The "Streetwall" means the facade of buildings, or frontage, along a property line shared with a public right-of-way.

~~TOWER:~~ Any "Tower" means any structure which that exceeds a height of ninety (90) feet.

"Utility substation" means those structures and facilities which provide franchised or city utility services to land use and transportation systems located within the Marina Planned District.

~~SEC. 103.2002~~-103.2003 **Boundaries**

The Marina Planned District is within the boundaries of the Centre City Community Plan and is comprised of a portion of the area within the boundaries of the Marina Redevelopment Plan in the City of San Diego, California, designated on that certain Map Drawing No. C-741, filed in the office of the City Clerk under Document No. 00-17123.

~~SEC. 103.2003~~-103.2004 **Administrative Regulations**

A. **ADMINISTRATION**

The Centre City Development Corporation ("CCDC") shall administer the Marina Planned District as the designee of the City Council in accordance with the provisions of this division.

B. **ACTIVITIES REGULATED**

1. No building, structure or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall the use of any building or structure be changed, nor shall any such building, structure or improvement be used or occupied

unless it ~~shall comply~~ **complies** with the requirements of this division.

2. The Department of Building Inspection shall not issue any permit for such activities in any portion of the Marina Planned District until ~~approval of CCDC has issued a~~ Marina Planned District Permit or a Marina Planned District Exception Permit ~~by the Centre City Development Corporation has been obtained~~ signifying compliance with the provisions of this division.

C. MARINA PLANNED DISTRICT PERMIT PROCESS

1. Permit Required.

A Marina Planned District Permit shall be required prior to issuance of any City building permit within the Marina Planned District.

2. Application for Marina Planned District Permit.

a. A Marina Planned District Permit shall be issued after the applicant has completed a ~~four (4)~~ **three (3)** step design review process consisting of the submission of:

(1) Basic Concept/Schematic Drawings.

~~(2) Design Development Drawings.~~

~~(3) (2) Fifty Percent (50%) Construction Drawings.~~

~~(4) (3) One Hundred Percent (100%) Construction Drawings.~~

~~Based CCDC may issue a Marina Planned District Permit after review of the drawings based on the size of the project, nature of improvement or the~~

participation of the Redevelopment Agency. ~~Steps 2, 3 or 4 may be~~ CCDC may, at its discretion, consolidated ~~Steps 2 or 3~~ to facilitate review of the project at the discretion of the Centre City Development Corporation.

b. ~~SEC. 103.2007.Appendix.A Design Review Process~~ The Centre City Development Corporation will ~~CCDC shall~~ review all Basic Concept/Schematic Drawings, ~~Design Development Drawings, Fifty Percent (50%) Construction Drawings and One Hundred Percent (100%) Construction Drawings~~ as identified in the Marina Planned District regulations. ~~The following narrative describes the design review process.~~ The criteria for submitting ~~Basic Concept/Schematic Drawings each of the three (3) types of drawings~~ and a description of the design review process are contained in ~~appendix A.~~ as follows:

~~e-(1)~~ ~~The~~ Basic Concept/Schematic Drawings. ~~This design submittal shall illustrate the basic organization of the site. Plans are reviewed~~ CCDC shall review ~~Basic Concept/Schematic Drawings~~ for two-dimensional considerations such as the relationship of land use within the project, relationship of the project to proposed and existing land uses adjoining the site, siting considerations such as vehicular and pedestrian circulation, provision for public open space and three-dimensional images of the project. ~~A~~ ~~The~~

~~applicant shall provide a narrative explanation of the design concept should be provided.~~

~~Submission of Applicant and shall submit the following items as part of the Basic Concept/Schematic Drawings should consist of the following specific items:~~

~~1. (a) Description of the development concept including the density, dwelling unit composition, gross area devoted to specific land use, number of floors, type of construction and floor area ratio (FAR).~~

~~2. (b) Site plan at a scale no smaller than one thirty-second inch equals one foot (1/32" = 1'). which indicates The site plan shall show the relationship of the proposed project to adjoining development within approximately three hundred (300) feet and which shall also illustrates the dimensions of the site and the proposed project.~~

~~3. (c) Ground floor plan which that illustrates subsurface and ground floor plans at a scale not smaller than one sixteenth inch equals one foot (1/16" = 1').~~

~~4. (d) Two (2) project sections at a scale not smaller than 1/16' = one (1) foot one sixteenth inch equals one foot (1/16" = 1').~~

5.-(e) Exterior concept elevations of each street frontage.

6.-(f) One (1) exterior perspective drawn from a street level view.

7.-(g) Tabulation of the net leasable and gross building area including floor-area ratio, FAR, building coverage, eCommon eOpen sSpace areas, pPrivate eOpen sSpace, total area devoted to parking and number of spaces.

8.-(h) Preliminary identification of materials, finishings, colors and landscaping.

9.-(i) Preliminary off-site improvements, landscape and grading plans which that illustrate how the design elements of on-site public spaces are coordinated with the off-sites.

10.-(j) Preliminary evaluation of environmental factors such as sun and shade on open space and adjoining properties.

11.-(k) Statement of conformity to or variation from the Marina Planned District regulations.

12.-(l) Massing model which that illustrates the scale and architectural design concept of the project.

~~e Design Development Drawings. These are a refinement of the Basic Concept/Schematic~~

~~Drawings in which precise design elements of the project are determined. This submittal includes accurate site surveys, floor plans, elevations, sections, design details and a palette of exterior colors and materials. Other considerations include pedestrian and vehicular circulation, provision for servicing, utility infrastructure and exterior architectural and urban design features.~~

e-(2) Fifty Percent (50%) Construction Drawings. ~~These are expected to~~ shall resolve concerns identified during review of the Design Development Basic Concept/Schematic Drawings review. ~~The applicant may be required to submit~~ Additional material submitted for this review, shall include off-site improvement drawings and landscape plans.

e-(3) One Hundred Percent (100%) Construction Drawings. ~~These~~ shall represent the final plans, specifications and other documentation for the proposed project. These drawings shall illustrate how the conditions approving the previous submissions have been accommodated. These drawings are ~~shall be~~ in sufficient detail for the applicant to obtain a building permit.

3. Review Procedures.

Application for a Marina Planned District Permit shall begin with the applicant's submission of Basic Concept/Schematic Drawings to the ~~Centre City Development Corporation~~ CCDC. ~~These Basic Concept/Schematic Drawings~~ shall be reviewed by ~~according to the following process:~~

~~o The Centre City Development Corporation Resident Advisory Committee.~~

~~o The Centre City Development Corporation Board.~~

~~o The City Planning Commission.~~

~~o The Redevelopment Agency of The City of San Diego (the "Agency").~~

a. ~~The Executive Vice President shall review all applications.~~

b. ~~The Redevelopment Agency of The City of San Diego (the "Agency") shall review all projects that request or require financial assistance, are governed by either a Disposition and Development Agreement or an Owner Participation Agreement, or request an exception to the Marina Planned District Ordinance.~~

Interested citizens and area residents may review and comment on individual projects prior to or at the time of the above reviews. ~~The Planning Commission shall review the Basic Concept/Schematic Drawings and make recommendations to the Redevelopment Agency within thirty (30) days from the receipt of said drawings.~~

4. Determination -- Conditions of Approval.

The approval, modification or disapproval of Basic Concept/Schematic Drawings shall be as follows:

a. ~~The Center City Development Corporation and Redevelopment Agency~~ CCDC may approve, modify or disapprove any application for a Marina Planned District Permit, described in Municipal Code section 103.2004(C)(3)(a), which has been initiated by the submission of Basic Concept/Schematic Drawings ~~for a Marina Planned District Permit~~. In approving ~~the a~~ Marina Planned District Permit, ~~the Centre City Development Corporation~~ CCDC may ~~propose to the Redevelopment Agency~~ impose reasonable conditions to ensure compliance with these regulations.

b. CCDC shall advise the Agency and the Agency may approve, modify or disapprove any application for a Marina Planned District Permit, described in Municipal Code section 103.2004(C)(3)(b), which has been initiated by the submission of Basic Concept/Schematic Drawings. In recommending approval of a Marina Planned District Permit, CCDC may propose to the Agency reasonable conditions to ensure compliance with these regulations.

5. Conditional Planned District Permit.

The ~~Redevelopment Agency's~~ approval of the Basic Concept/Schematic Drawings, as specified in Municipal Code section 103.2004(C)(4), constitutes a Conditional Planned District Permit. Following ~~the Redevelopment Agency's~~ approval, the applicant shall submit to CCDC the Design

~~Development Drawings, Fifty Percent (50%) Construction Drawings and One Hundred Percent (100%) Construction Drawings to the Centre City Development Corporation CCDC for its approval.~~

6. Issuance of Planned District Permit.

~~If the Centre City Development Corporation CCDC finds that the One Hundred (100%) Construction Drawings conform to the conditions approving the Basic Concept/Schematic Drawings, Conditional Planned District Permit, then the applicant may apply for any other necessary permits from the Building Inspection Director, Planning Director or City Engineer or other applicable governmental agency.~~

7. Permit Time Limits and Time Extensions.

~~Any permit approved under this Chapter X, Article 3, Division 20 will shall be effective for a period of not to exceed two (2) years. CCDC may grant a one (1) time extension of one (1) year may be given if the Centre City Development Corporation it finds from the evidence submitted that there have been no material changes of circumstances since the permit was originally granted.~~

8. Revocation.

~~The Centre City Development Corporation Following a hearing, CCDC may, at any time, revoke a Marina Planned District Permit issued under this Section 103.2004. Prior to such a revocation, CCDC shall give the holder of the Marina Planned District Permit shall be given a hearing after thirty (30) calendar days' notice of the proposed revocation and hearing. After such a that hearing, the~~

Centre City Development Corporation CCDC may revoke a permit upon determining if it finds any of the following is true:

a. That the building or structure for which the permit was issued is being used for purposes other than or in addition to, the purposes and manner described in the permit application; or

b. That such the use or operation of the building or structure for which the permit was issued is contrary to these regulations Chapter X, Article 3, Division 20 of the San Diego Municipal Code; or

c. That the building or structure for which the Marina Planned District Permit was issued was not constructed in compliance with the terms and conditions of the Marina Planned District Permit.

~~D. MARINA PLANNED DISTRICT EXCEPTION PERMIT PROCESS~~

~~Exceptions sought under Section 103.2005 Municipal Code section 103.2011 shall be applied for concurrently with the Marina Planned District Permit process set forth in Section 103.2003.C. Municipal Code section 103.2004(C). If exceptions are granted, a Planned District Exception Permit shall be affixed to the Marina Planned District Permit.~~

SEC. 103.2005 Conditional Use Permits

A. Notwithstanding the provisions of San Diego Municipal Code Chapter X, Article 1, Division 5, Sections 101.0510, 101.0512, 101.0513, 101.0514, 101.0515, 101.0516, 101.0517, 101.0518, 101.0550, 101.0560, 101.0570, 101.0580 and 101.0581, the Executive Vice President of CCDC shall be the decision maker

for the purpose of granting conditional use permits within the boundaries delineated in Section. 103.2003.

B. The Executive Vice President shall grant conditional use permits according to the same criteria required for the conditional use permits listed in Section 103.2005(A). Except as provided in the next paragraph, the appeals procedure shall remain the same for the conditional use permits listed in Section 103.2005(A):

For those conditional use permits delineated in Municipal Code section 101.0510(C)(4), in which the City Council is listed as the decision maker, the Executive Vice President shall serve as the decisionmaker, but appeals shall be heard by the City Council, following a recommendation to the City Council by the Planning Commission as set out in Municipal Code section 101.0510(F).

~~SEC. 103.2004~~ ~~103.2006~~ Applicable Planning, Zoning and
Subdivision Regulations

Where not otherwise specified in this division, the provisions of the San Diego Municipal Code, Chapter X, Article 1, Divisions 1 through 3, 5, 6 and 8 through 18 and Chapter X, Article 2 shall apply. All other provisions of Chapter X, Article 1 of the San Diego Municipal Code are superseded by the regulations of this division. Where there is a conflict between the provisions of Chapter X, Article 1 and Chapter X, Article 2 and the provisions of this division, the provisions of this division shall apply. All applicable building code requirements must be met for construction, alteration, addition or repair of a building.

~~SEC. 103.2007~~ [Reserved for Future Use.]

~~SEC. 103.2008~~ [Reserved for Future Use.]

~~SEC. 103.2009~~ [Reserved for Future Use.]

~~SEC. 103.2010~~ [Reserved for Future Use.]

~~SEC. 103.2005-103.2011~~ Use Classifications for the Marina
Planned District

Use classifications for the Marina Planned District are
illustrated geographically in Table 1 of Chapter X, Article 3,
Division 20 of the San Diego Municipal Code.

In the area designated eighty percent (80%) residential/
twenty percent (20%) nonresidential ~~(Exhibit 1)~~, as shown in
Figure 1 of Chapter X, Article 3, Division 20 of the San Diego
Municipal Code, at least eighty percent (80%) of the gross floor
area shall be residential use and up to twenty percent (20%) of
the gross floor area may be nonresidential use. The total of all
corridor, storage, utility, parking and other support space shall
be allocated to residential or nonresidential on an eighty
percent (80%) residential/twenty percent (20%) nonresidential
basis.

A. RESIDENTIAL USES

The following permanent residential uses are permitted in
the Marina Planned District:

1. Multi-family.

2. The following uses may be considered by
conditional use permit if the use is the primary residence
of the occupants and the major use of the structure:

a. Single Room Occupancy.

b. Live/Work Quarters. Not over thirty-three percent (33%) of each live/work quarter shall be used for residential purposes such as a sleeping area, kitchen, bathroom and closet area.

B. NONRESIDENTIAL USES

1. ~~Uses permitted by Right.~~ The following nonresidential uses are permitted in the Marina Planned District for that portion of the area designated twenty percent (20%) nonresidential:

1. ~~a.~~ Eating and Drinking Establishments.

~~Businesses serving prepared food or beverages for consumption on or off the premises.~~

2. ~~b.~~ Food Sales.

~~Retail sales of prepared food or food for home preparation including bakeries, candy stores, ice cream stores, delicatessens, grocery stores and supermarkets.~~

3. ~~c.~~ Small Office-Business and Professional Services.

~~Services in this category include offices such as architectural design, medical-dental, travel or administrative services, real estate, insurance and legal offices.~~

4. ~~d.~~ Personal and Convenience Services.

~~Services in this category include those of a frequent reoccurring nature such as barber and beauty shops, drug stores, dry cleaning, self-service laundries, shoe repair and tailors.~~

5. ~~2.~~ Conditional Use.

The following uses may be considered by conditional use permit if determined to be compatible with the adjoining residential use:

- a. Cultural/Institutional.
- b. Religious assembly.
- c. Schools, public/private child care facilities.
- d. Recreation-health facilities.
- e. Business and Home Services.

~~Establishments providing appliance repair, office machine repair, building maintenance (janitorial), upholstering, graphic design, drafting, blueprinting, typesetting, printing, copying or photographic services.~~

- f. Broadcasting, recording and other communication services accomplished through electronic or telephonic mechanisms.

This classification includes radio, television or recording studios, telephone switching centers and telegraph offices, but excludes receiving towers and satellite dishes.

- g. Personal Improvement Services.

~~Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, reducing salons and fitness studios.~~

- h. Retail Sales.
 - (1) Arts and Crafts.

This classification includes Establishments selling art objects, art supplies, antiques, jewelry, handmade glass, custom photographs, pottery, porcelain, leather goods and similar products. This classification **also** includes art galleries, antique shops, ceramic studios, craft shops, jewelry design and creation studios and photo studios.

(2) Home Furnishings and Hardware.

This classification includes Establishments selling awnings and canvas, home appliances, carpets and floor coverings, hardware, furniture, kitchen utensils, paint and wallpaper.

(3) Other Retail Sales.

This classification includes small department stores, drugstores, dispensing opticians, clothing stores, ~~and~~-fabric stores, and businesses retailing the following goods: toys, hobby materials, books, cameras, photographic supplies, electronic equipment, records, sporting goods, shoes, office supplies, stationery, medical supplies, bicycles and new automotive parts and accessories (excluding service and installation).

(4) Display windows provided, however, that such windows have a minimum depth of approximately three (3) feet and displays are changed every sixty (60) days.

i. Existing Structures.

Historic and/or architecturally significant structures which are restored, recreated, or adaptively reused may be developed entirely with nonresidential uses and are exempt from the requirements to provide residential units.

j. Utility Substations.

~~Structures and facilities which provide franchised or city utility services to land use and transportation systems located within the Marina Planned District.~~

k. Residential Care Facilities.

On the property legally described as Lots "C" through "L" of Block 27, New San Diego Addition, according to the Map thereof No. 456, made by Gray and Johns, on file in the office of the County Recorder of San Diego County, ~~residential care facilities may be permitted by conditional use permit.~~

C. MIXED HOTEL/RESIDENTIAL DEVELOPMENT

In the area designated Subarea 1 ~~(Exhibit on Figure 2)~~ of ~~Chapter X, Article 3, Division 20~~, mixed uses including hotel and residential are permitted.

1. ~~Subarea 1 permits hotel~~ use if accompanying residential use is provided.

2. Development of ~~the an~~ entire two (2) block site requires one hundred fifty (150) residential dwelling units. Development of individual blocks requires a minimum residential density of eighty-five (85) dwelling units per acre ("dupa").

3. Specialty commercial and entertainment uses may be permitted on a conditional use basis.

4. Residential development may be provided as an alternate to hotel use. Such development shall allocate at least eighty percent (80%) of the gross floor area to residential use and may allocate up to twenty percent (20%) of the gross floor area to nonresidential land use from the listed uses provided for in ~~this~~ Section 103.2011.

Exceptions to the percentage ratio of eighty percent (80%) residential/twenty percent (20%) nonresidential are contained in ~~B.5. "Conditions for Exceptions," Section 103.2006~~ Municipal Code section 103.2012(B)(5).

D. HOTEL SUBAREA 2

In the area designated Subarea 2 (~~Exhibit on Figure 2~~), the following hotel uses are permitted:

1. ~~Subarea 2 permits hotel~~ use and ancillary hotel uses such as meeting rooms, food establishments and gift shops.

2. Residential development may be provided as an alternate use; ~~such~~ development shall allocate at least eighty percent (80%) of the gross floor area to residential use and may allocate up to twenty percent (20%) of the gross floor area to nonresidential land use from the listed uses provided for ~~this~~ Section 103.2011. Exceptions to the percentage ratio of eighty percent (80%) residential/twenty percent (20%) nonresidential are contained in ~~B.5.7 "Conditions for Exceptions," Section 103.2006~~ Municipal Code section 103.2012(B)(5).

3. Specialty commercial uses may be permitted on a conditional use permit basis.

SEC. ~~103.2006~~ 103.2012 Property Development Regulations

A. PLANNING STANDARDS AND URBAN DESIGN GUIDELINES

~~Concurrent with the adoption of this division, the~~ Redevelopment Agency shall ~~has~~ by resolution also ~~adopted~~ architectural and design standards ~~to be used in the evaluating evaluation of~~ the appropriateness of any development for which a permit is applied under this division. ~~Such~~ ~~These~~ architectural and design standards shall be entitled, "Marina Urban Design Plan and Development Guidelines," ~~—A~~ a copy of which is on file in the office of the City Clerk as Document No. 00-17123.

B. REGULATIONS

The following regulations shall apply to the specific areas ~~shown on accompanying maps as indicated:~~

1. Mixed Residential/Nonresidential Land Use Areas.

The major land use in the Marina Planned District shall be residential ~~(Exhibit 1)~~ ~~as illustrated on Figure 1.~~ In the area designated eighty percent (80%) residential/twenty percent (20%) nonresidential (except in structures fifty (50) feet or less in height), at least eighty percent (80%) of the gross floor area shall be residential use and up to twenty percent (20%) of the gross floor area may be nonresidential. Where structures are fifty (50) feet or less in height or meet the height requirements of the Uniform Building Code, ~~as adopted by Chapter IX of the San Diego Municipal Code,~~ for Type V construction, gross floor area in nonresidential use may exceed twenty percent (20%)

if the entire nonresidential use is accessible to and located at the street level of the project. The permitted uses are described in ~~Municipal Code s~~Section ~~103.2005~~ ~~103.2011~~. Exceptions to the percentage ratio of eighty percent to twenty percent (80%-20%) for ~~h~~High-~~r~~Rise structures are contained in ~~Municipal Code s~~Section ~~103.2006.B.5., "Conditions for Exceptions."~~103.2012(B)(4).

2. Permitted Heights.

a. ~~The h~~Heights for buildings in the Marina Planned District range from fifty (50) feet to three hundred (300) feet as illustrated in ~~Exhibit-Figure 3,~~ unless the building meets the criteria for exceptions to the height limits as set out in ~~Section 103.2012(B)(2)(b).~~

The intent of height limits as established in ~~this ordinance-Section 103.2012~~ is to guide the location of vertical development within the Marina Redevelopment Project area to accomplish the following objectives:

- e-(1) Enhance view corridors.
- e-(2) Provide variety in the provision of dwelling unit types.
- e-(3) Create distinct residential neighborhoods.
- e-(4) Conserve the character of existing residential development.
- e-(5) Minimize the impact of shadow on existing and future development.

~~3.-b.~~ Exceptions to Height Limits.

(1) Exceptions to height limits may be permitted as follows:

e-(a) Fifty (50) foot height limits may be increased to a maximum of ninety (90) feet.

e-(b) Ninety (90) foot height limits may be increased to a maximum of one hundred twenty (120) feet.

e-(c) Heights designated one hundred twenty (120) feet or greater as illustrated on Exhibit in Figure 3 may be increased without a maximum height.

(2) The following criteria shall be used to evaluate requests for height exceptions.

e-(a) ~~Provision of Applicant shall~~ provide one (1) or more parks, setback areas or widened and enhanced public rights-of-way. Such areas shall be landscaped by the ~~developer applicant~~. Their location shall complement the adjoining public right-of-way and while either public or private in nature, ~~should shall~~ be designed to be visually or physically enjoyed by residents, residents of adjoining structures and the general public, and

e-(b) Applicant's project shall ~~increase~~ increased nonresidential or residential activity at the street level of the

development from fifty percent (50%) of the total frontage to all the remaining street frontage with the exception of vehicular access and truck service delivery to serve the site.

~~e-~~Such activity ~~must~~ shall be directly accessible to the public right-of-way.

Entrances to activity ~~must~~ shall be provided at intervals which are approximately fifty (50) feet or less in distance apart; and

~~e-(c)~~ Accommodation of Applicant's project shall accommodate all or a substantial amount of all parking needed to serve the proposed development below grade.

~~e-(d)~~ Mitigating Applicant shall mitigate the mass and scale of a the project by reducing the size of the floor plate and creating a more slender tower which enhances view corridors or reduces the effect of shadow on adjoining developments.

(3) The procedure for considering exceptions to height are subject to Municipal Code section ~~103.2007, 103.2013.~~ "Exceptions to the Provisions of the Marina Planned District Ordinance."

~~4.3.~~ Floor Area Ratios ("FAR").

A FAR of 3.5 to 4.0, 4.0 to 4.5, 5.0 to 5.5, 6.0 to 6.5 and 8.0 to 8.5 shall be the maximum development intensity in

the Marina Planned District for those areas identified in ~~Exhibit Figure~~ 4 with the following exceptions:

a. Existing structures which are historically or architecturally significant, ~~or~~ which are restored or adaptively reused, may transfer unused FAR to contiguous development within the block if such structures are part of an integrated ~~or~~ architectural development for the total site.

b. Atria or common interior ~~or~~ enclosed space shall be included in the calculation of FAR. For each floor that an atrium penetrates through a structure, the square footage per floor shall be included in the calculations of the FAR.

~~5.4.~~ Conditions for Exceptions to FAR.

a. An increase in FAR in the amount of 0.5 of the base FAR, as illustrated in Figure 4, may be permitted as follows, subject to conditions set forth in Section 103.2012(B)(4)(c):

TABLE I OF SECTION 103.2012

Base FAR	Permitted Increase in FAR
3.5	4.0
4.0	4.5
5.0	5.5
6.0	6.5
8.0	8.5

b. ~~An~~ Subject to conditions set forth in Section 103.2012(B)(4)(a), an increase in the ratio of nonresidential use in the amount of five percent (5%) may be permitted as follows:

TABLE II OF SECTION 103.2012

Base Land Use Mix	Permitted Land Use Mix
80% Residential/ 20% Nonresidential	75% Residential/ 25% Nonresidential

c. Exceptions to either FAR or mixed land use standards may be granted ~~recommended~~ by the ~~Centre City Development Corporation~~ ~~CCDC's~~ Board and approved by the Redevelopment Agency where the project complies with the development standards contained in this ~~ordinance~~ ~~Division~~ and the Marina Urban Design Plan and Development Guidelines provided that three (3) of the following seven (7) conditions set forth in ~~Section 103.2012(B)(4)(c)(i) through (vii)~~ are met.

In the event that exceptions are requested for both land use mix and FAR, four (4) of the seven (7) conditions set forth in ~~Section 103.2012(B)(4)(c)(i) through (vii)~~ must be met.

a. ~~(i)~~ Development is infilled on sites or blocks which contain historic or architecturally significant structures and/or where historic or architecturally significant buildings are rehabilitated and integrated into the proposed new development.

b. ~~(ii)~~ The average size of twenty-five percent (25%) of all units exceed one thousand (1,000) square feet.

e. ~~(iii)~~ That a minimum of ten percent (10%) of all units contain three (3) bedrooms.

~~d.~~ (vi) The required ground floor activity increases from fifty percent (50%) to sixty percent (60%) of the street frontage. Such increase in activity shall be consumer-oriented commercial or residential land use.

~~e.~~ (v) At least one full level of underground parking is provided.

~~f.~~ (vi) The site is a receiver of a major public amenity including park, plaza, public art and sculpture or other equivalent amenity designed primarily for public use.

~~g.~~ (vii) No Redevelopment Agency financial assistance excluding off-site public improvements, is required for the project.

C. GENERAL PROVISIONS

~~This Municipal Code section 103.202012(C) defines sets forth~~ the general provisions of the Marina Planned District ordinance. Exceptions to the criteria contained in ~~this Municipal Code section 103.2012(C)~~ may be ~~considered granted~~ subject to the procedures established in Section ~~103.2007103.2013~~. The following regulations apply to all areas:

1. Minimum lot ~~requirements~~ ~~— sites area shall be~~ five thousand (5,000) square feet.
2. ~~Minimum~~ ~~There shall be no minimum~~ side yard, interior and rear yard setbacks ~~— none.~~
3. Development pattern.

A variety of development sites (single full block development and blocks with multiple developments) shall be

encouraged throughout the project area. Guidelines for smaller site development are contained in the Marina Urban Design Plan and Development Guidelines.

4. Permitted Projections.

a. Subject to encroachment permits as may be required by The City of San Diego, projections such as balconies and window bays are permitted to encroach up to four (4) feet into the public right-of-way starting at no less than twelve (12) feet above street level or above the height of the first floor.

b. Projections from tower elements which are set back from the street may be ~~considered~~ **granted** by Conditional Use Permit.

c. Subsurface structures within the public right-of-way up to three (3) feet from the curb.

5. Signs.

Proposed signage will be evaluated by **CCDC** for conformance to the signing objectives of the Marina Urban Design Plan and Development Guidelines and **by** The City of San Diego for compliance with Chapter X, Article 1, Division 11 and Chapter IX, Article 5 of the San Diego Municipal Code.

6. Streetwall.

a. All buildings shall have a minimum **s**Streetwall of two (2) stories or twenty-five (25) feet.

b. All buildings shall have a maximum **s**Streetwall of fifty (50) feet or the height of an

adjoining existing structure ~~if the existing structure~~ is a part of an integrated development.

c. At least fifty percent (50%) of each side of the total ground floor frontage of all new or reconstructed first story building walls that face a public street shall be devoted to pedestrian entrances, residential use, or windows affording views into retail consumer services, offices or lobby space or display windows. All blank facades shall be enhanced by architectural detailing, artwork, landscaping or similar features having visual interest.

d. At least seventy-five percent (75%) of the street facade of the building base shall be constructed to the street property line.

e. ~~All~~ Residential/nonresidential activities located at the street level shall provide one direct at-grade entrance from the public right-of-way for each street frontage. Where such frontages exceed seventy-five (75) feet, one entrance shall be provided for each seventy-five (75) feet of frontage or portion thereof. Such entrances shall conform to the State of California Administrative Code, State Building Code, Part 2, Title 24 (Handicapped Requirements).

7. Setbacks.

a. The tower portion of any structure shall be setback at the podium level at least twenty (20) feet from the base of the street wall on all street frontages except one ~~frontage of a structure,~~ as may be

required for fire/ and safety access by all applicable laws, rules and regulations.

b. Two (2) or more towers on the same parcel shall be separated by at least forty (40) feet.

c. The tower element of ~~mid-rise~~ and ~~high-rise~~ structures that share a common property line with another parcel shall be set back at least twenty (20) feet from that common property line.

d. All properties fronting on the proposed linear park shall observe a minimum landscaped setback of fifty (50) feet.

8. Height.

a. The height of any structure over one hundred sixty (160) feet shall observe a minimum height-to-width ratio of 1-width to 1.6-height.

b. The average floor plate for the top ~~one-third~~ (1/3) of any tower structure over one hundred sixty (160) feet shall diminish in size to create a slimmer silhouette; such reduction shall be in scale with the lower ~~two-thirds~~ (2/3) of the structure.

9. Open Space-Required.

a. All development shall maintain a minimum of thirty percent (30%) of the site open to the sky, occurring at grade and/or podium levels. This ~~open space~~ area, including courtyards and terraces, shall be considered common open space.

~~e-b.~~ First floor residential units which front on common interior courtyards may ~~utilize~~ use up

to twenty-five percent (25%) of the interior area for private enclosed open space related to individual units.

~~d. c.~~ ~~Hotels.~~ Balconies shall be provided for at least twenty-five percent (25%) of all hotel rooms.

~~b. d.~~ ~~Private Open Space.~~ Seventy-five percent (75%) of all multi-family residential units above the first floor shall have a private open space of thirty-six (36) square feet or five percent (5%) of the unit's gross floor area whichever is larger. The private open space shall have a minimum dimension of three (3) feet.

e. Private open space or common interior courtyards open to the sky shall not be calculated in the FAR of any structure.

f. No structure shall be sited in such a way so as to terminate a skyview down an existing street or potential view of San Diego Bay from a street in a southerly or westerly direction.

10. Screening and Landscape.

a. All refuse storage and mechanical equipment shall be screened by walls, fences, buildings or combinations thereof to a height of six (6) feet.

b. All on-site open space or setback areas shall be landscaped or architecturally enhanced.

c. Mechanical equipment or appurtenances on the roof shall be architecturally screened or enclosed

and/or painted to blend with the roof surface to mitigate the view of cluttered roof surfaces.

11. Parking.

a. All above grade parking structures shall be architecturally integrated into the structure and screened from view by landscaping, architectural detailing or buffered by residential or nonresidential use.

b. Outdoor or garage lighting shall be indirect and diffused.

12. Off-Street Loading.

a. Off-street loading facilities shall be required for all developments which exceed a gross floor area of one hundred thousand (100,000) square feet.

b. All off-street loading areas shall be screened from view.

c. All trash container areas shall be enclosed within and integrated into the structure and not visible from the public right-of-way.

13. Building Materials.

a. With the exception of the first level, no more than fifty percent (50%) of each of the facades of the structure shall be vision glass or spandrel construction of material which is up to thirty percent (30%) in reflectivity. The remaining fifty percent (50%) may be masonry or stone or other appropriate material.

b. Clear or lightly tinted glass for doors and display window shall be installed at the first or pedestrian level.

14. Roof Tops.

a. ~~No~~ Exposed roof top parking shall be ~~is~~ not permitted.

b. Roof surfaces shall be simplified and appurtenances shall be grouped and screened.

c. Flat exposed roofs at any level shall be designed as an architectural ~~or~~ landscape amenity to enhance the views from the proposed structure or adjacent structures. Such enhancements may ~~consider~~ include roof gardens, architectural features, special pavings and patterns or other comparable treatment.

15. Solar Access.

a. No more than fifty percent (50%) of the area of a sidewalk on the opposite side of a development shall be shaded by that development for no more than one (1) hour between 11:00 a.m. and 2:00 p.m.

b. The location of existing and proposed development shall be considered in the siting of new structures in order to maximize views and sun penetration to the greatest extent possible, ~~views and sun penetration.~~

SEC. ~~103.2007~~ 103.2013 Exceptions to the Provisions of the Marina Planned District Regulations

A. The Centre City Development Corporation may recommend and the Redevelopment Agency ~~are authorized to~~ may approve permit

exceptions from certain limits, restrictions and controls of this ordinance-Division as provided in Municipal Code sSections ~~103.2006.B.3.~~ 103.2012(B)(3) and ~~103.2006.C~~ 103.2012(C).

B. Conditions under which exceptions to this dDivision may be considered will be based on the developer's demonstration that the implementation of a proposed exception will meet the criteria described below. Application for exceptions shall be submitted concurrently with application for a Marina Planned District Permit in accordance with Municipal Code sSection ~~103.2003.D~~ 103.2004(D) (Marina Planned District Exception Permit Process) and shall include:

1. Demonstration that the proposed exceptions implement the intent of this Marina Planned District, comply with the objectives of the Marina Urban Design Plan and Development Guidelines and are design solutions which enhance the livability of the Marina Planned District.

2. The granting of exceptions to the dDivision does not adversely ~~impact-affect~~ the development of the residential community.

3. The granting of an exception will have a beneficial impact on the residential community.

4. The granting of an exception will not establish an adverse precedent for the consideration of future requests for exception.

5. The design of the proposed development is distinctively San Diegan and architecturally superior. Such distinction will be evaluated against the objectives of the

Marina Urban Design Plan and Development Guidelines and ~~one~~
~~or more of~~ the following:

~~e-a.~~ The degree to which the architecture characterizes the historical context of San Diego as contrasted ~~to~~ ~~with~~ any other location.

~~e-b.~~ Incorporation or adoption of design elements from San Diego's architectural past into the proposed development.

~~e-c.~~ Innovation or creativity of the project design.

C. REVIEW PROCEDURES

Application for exceptions to the provisions of the Marina Planned District regulations shall follow the review procedures outlined in ~~Municipal Code sSection 103.2003-103.2004,~~
~~Administrative Regulations,~~ with the following additional requirements:

Two (2) public hearings are required, the first before ~~the Centre City Development Corporation~~ ~~CCDC's~~ Board of Directors and a subsequent hearing before the Redevelopment Agency ~~of The City of San Diego~~. Notice shall be given at least ten (10) ~~calendar~~ days prior to the hearing of the time, place and purpose of such hearing in the following manner:

1. By publication in the official City newspaper and by mail to all property owners of record within three hundred (300) feet of the property under consideration. This notice shall also be mailed to any group(s), organization or individual ~~which has~~ ~~that have made a~~

requested for notification by written request to the Centre
City Development Corporation CCDC.

2. Submission of an application fee of two hundred
dollars ~~(\$200.00)~~ to cover the cost of noticing. The fee
shall be published in the City Clerk's rate book.

3. The notice shall be prepared as required under
Section 101.0220 of the San Diego Municipal Code, as amended
from time to time.

ALT:lc
07/23/92
Or.Dept:CCDC
O-92-107
Form=o+t

EXHIBIT #
 FIGURE 1
 Land Use

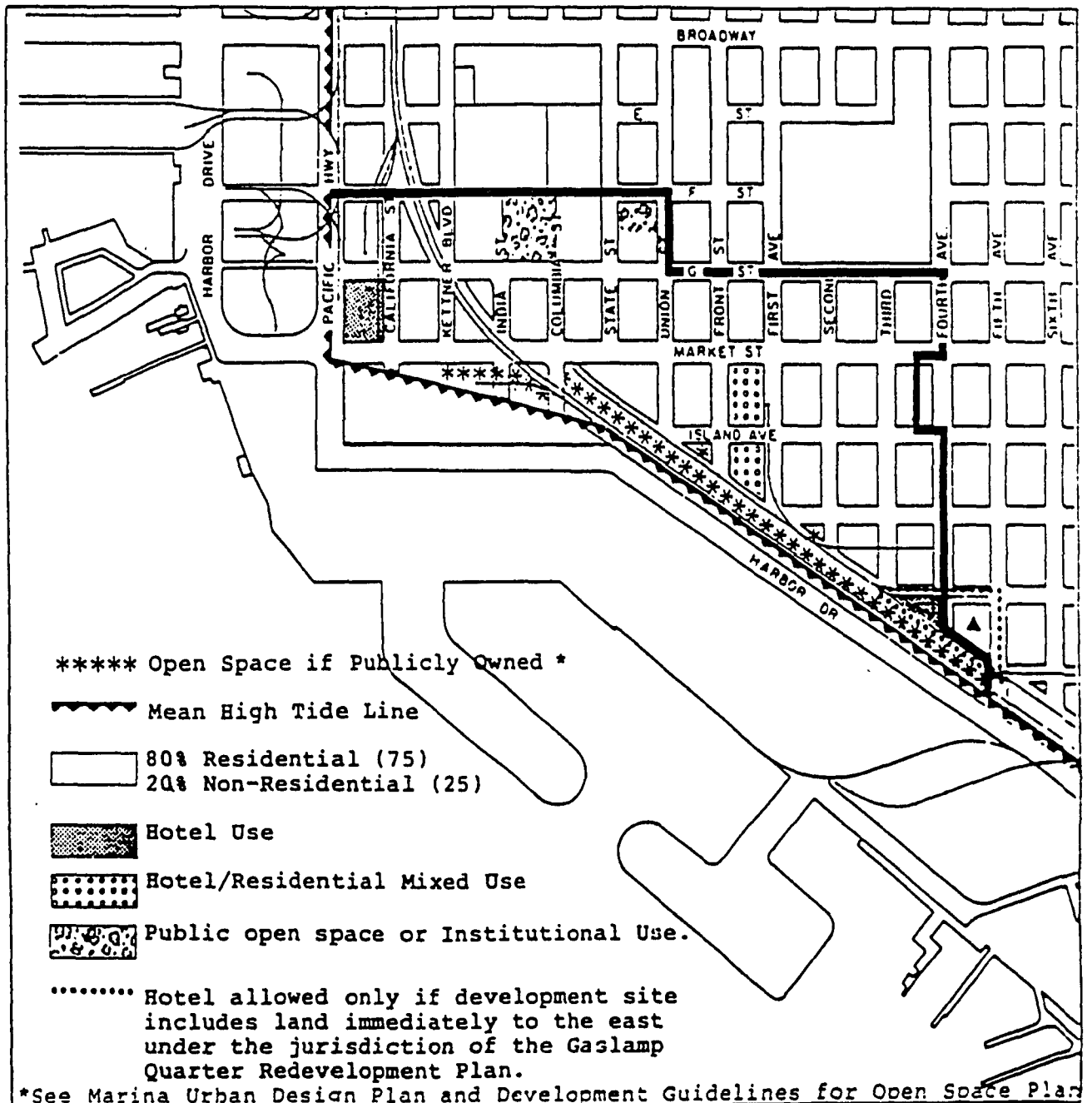


EXHIBIT-2
FIGURE 2
Hotel/Residential Subareas

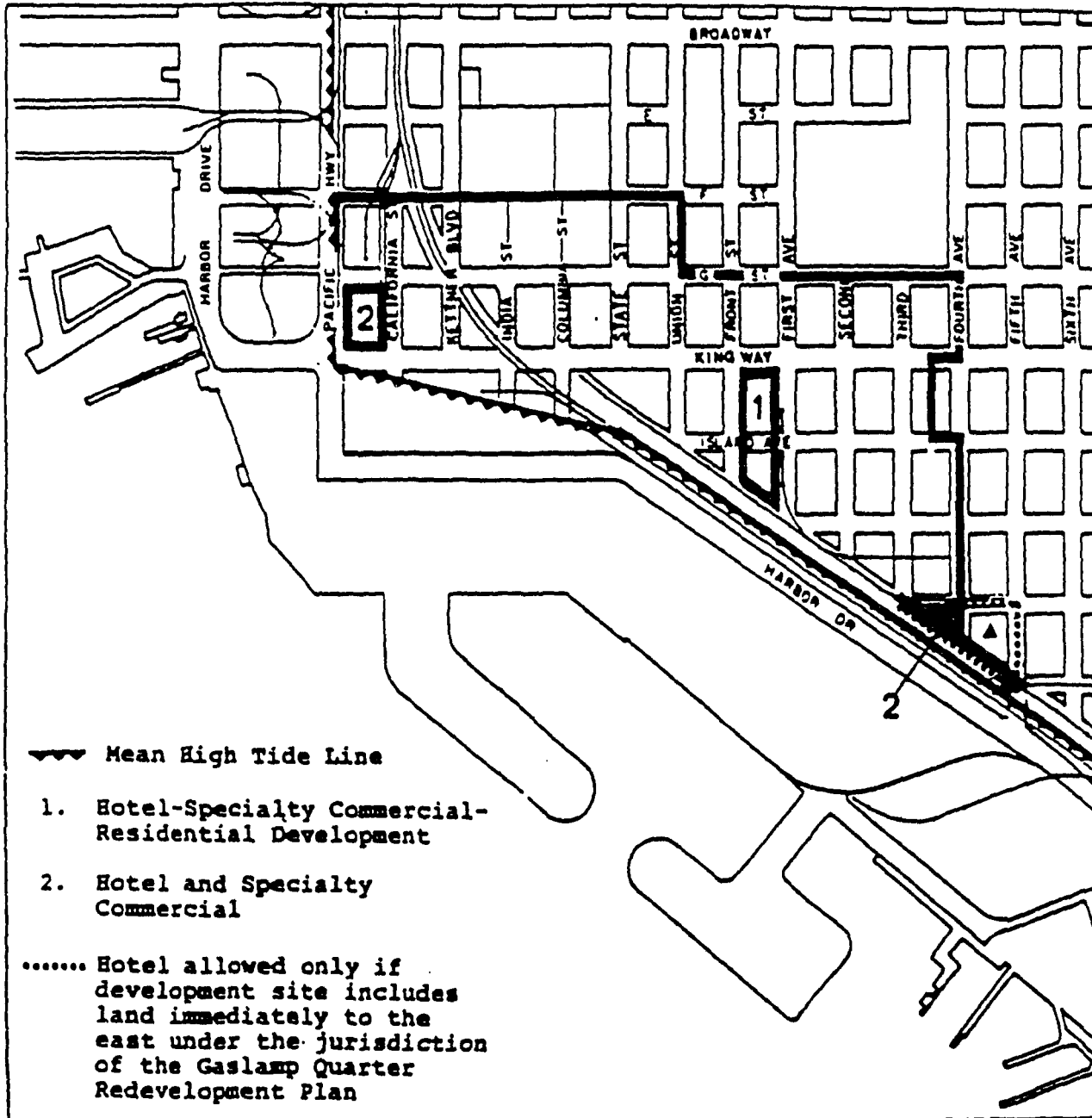


EXHIBIT-3

FIGURE 3

Height Limit

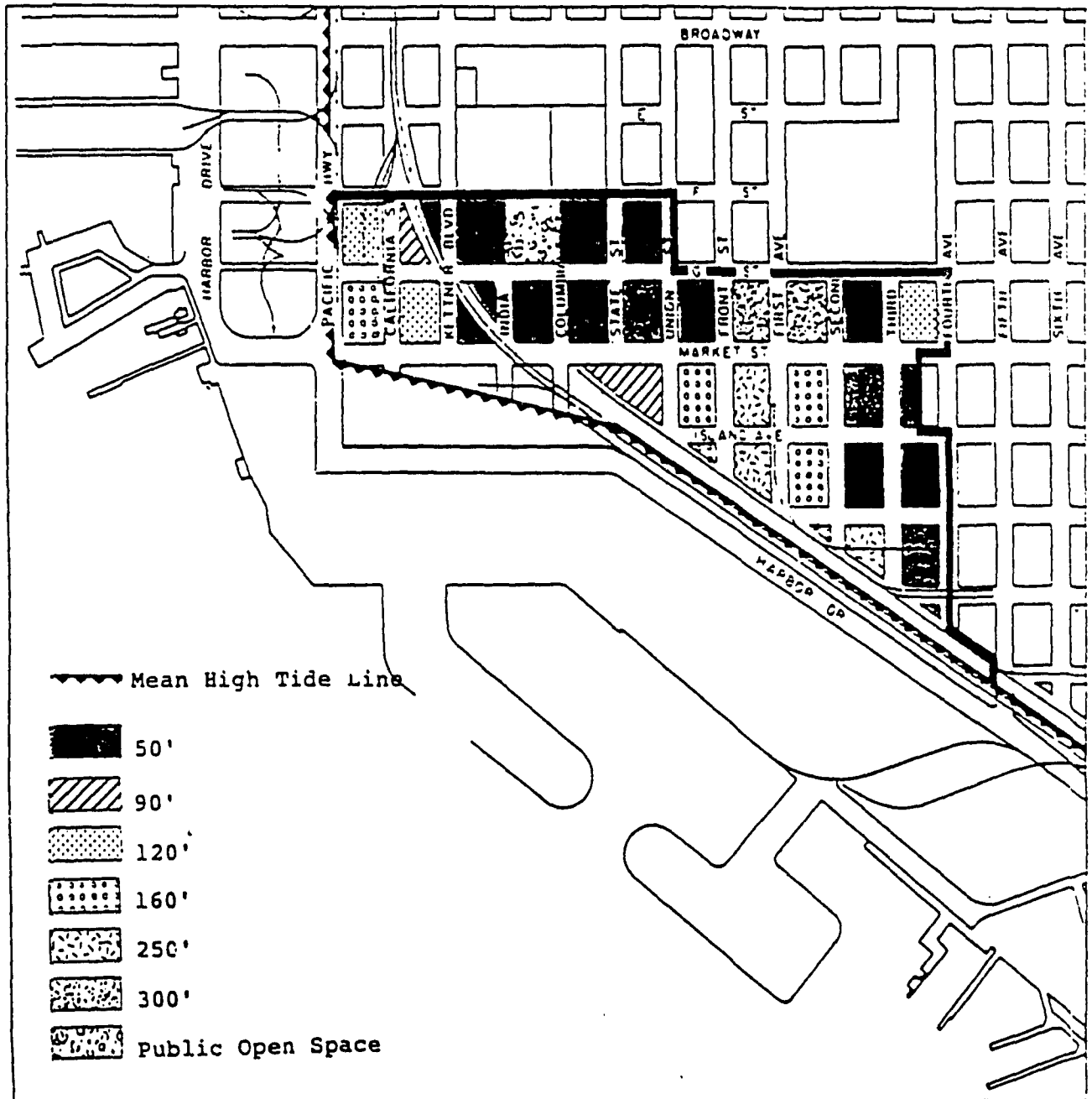
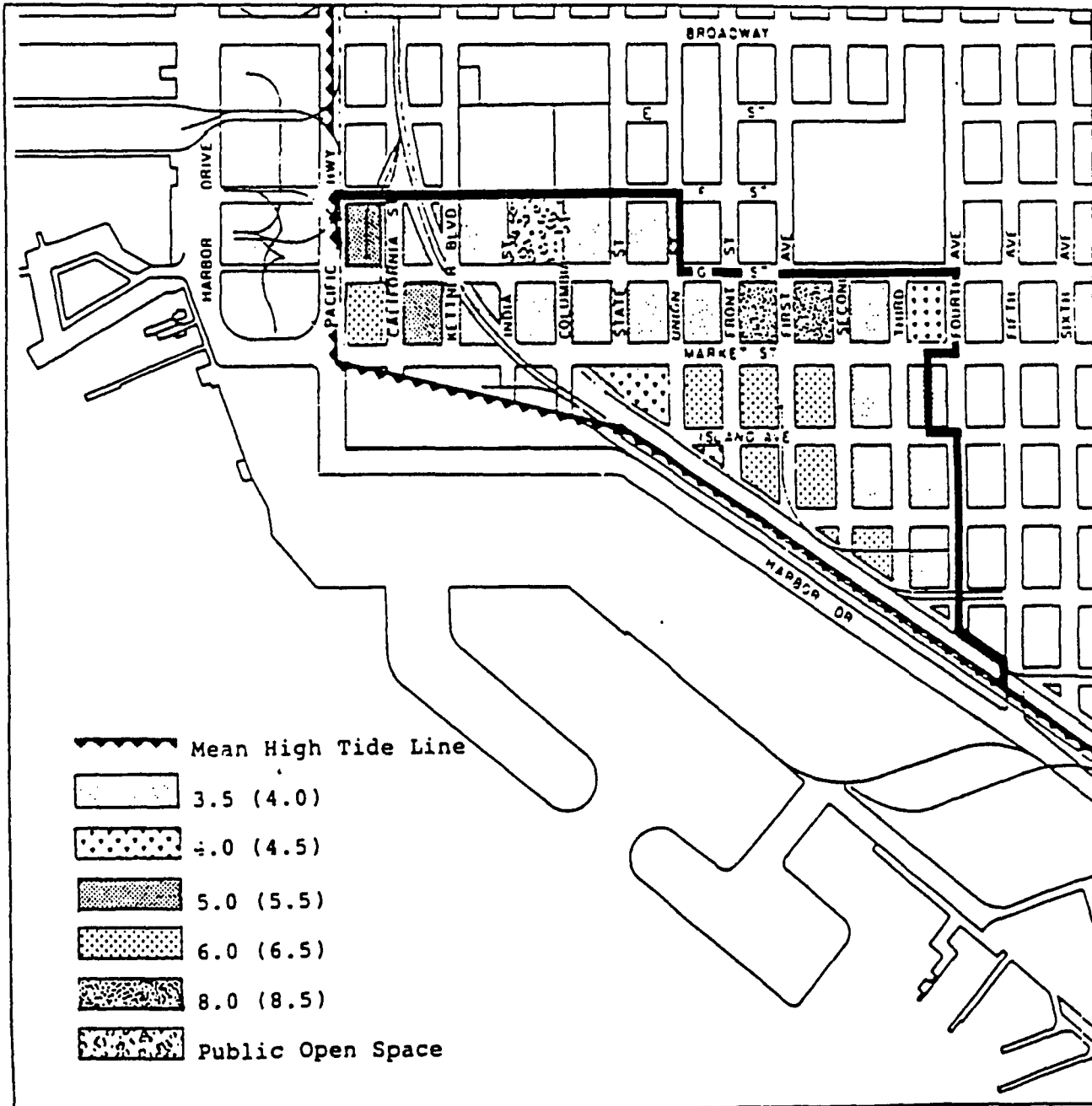


EXHIBIT-4
FIGURE 4
Floor Area Ratios
(FARS)



SEP 14 1992

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By:  Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on
AUG 11 1992, and on **SEP 14 1992**

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By:  Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17830** Adopted **SEP 14 1992**

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK
92 SEP 29 AM 9:45
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BUILDING
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

ck

IN THE MATTER OF

NO.

MARINA PLANNED DISTRICT REGULATIONS

ORDINANCE NUMBER 0-17830 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING AND RENUMBERING SECTION 103.2007 GLOSSARY TO SECTION 103.2002; BY RENUMBERING SECTION 103.2002 TO SECTION 103.2003; BY CONSOLIDATING, AMENDING AND RENUMBERING SECTIONS 103.2003 AND 103.2007 APPENDIX A TO SECTION 103.2004; BY ADDING A NEW SECTION 103.2005; BY RENUMBERING SECTION 103.2004 TO SECTION 103.2006; BY AMENDING AND RENUMBERING SECTIONS 103.2006, 103.2006, AND 103.2007 TO SECTIONS 103.2011, 103.2012 AND 103.2013; AND BY RESERVING FOR FUTURE USE SECTIONS 103.2007, 103.2008, 103.2009, AND 103.2010; ALL RELATING TO THE MARINA PLANNED DISTRICT REGULATIONS.

This ordinance amends Chapter X, Article 3, Division 20, of the San Diego Municipal Code by clarifying the process by which one may obtain a Marina Planned District Permit and eliminating mandatory Planning Commission review.

A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, second floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON August 11, 1992

Passed and Adopted by the Council of the City of San Diego on September 14, 1992.

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of the City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of the City
of San Diego, CA
By SUZANNE OLIVA, Deputy

Pub. Sect. 28

257020

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17830 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

SEPTEMBER 28

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 28th day of SEPT., 1992.

Corey Donahue
(Signature)

6 1/8" = 87.04

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK
92 SEP 29 AM 9:44
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BUILDING
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

Ch

IN THE MATTER OF

NO.

CENTRAL IMPERIAL REDEVELOPMENT PROJECT

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17831 (NEW SERIES)
AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE CENTRAL IMPERIAL REDEVELOPMENT PROJECT.
This ordinance approves and adopts the Central Imperial Redevelopment Plan, on file in the office of the City Clerk as Document No. 00-17831, for the purpose of using the full powers provided for in the California Community Redevelopment Law (codified as California Health and Safety Code section 33000 et seq.) to eliminate conditions of blight existing in the Central Imperial Redevelopment Project area.
INTRODUCED ON 8/4/92
Passed and Adopted by the Council of the City of San Diego on 9/14/92.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By Suzanne Olive, Deputy
Pub. Sep. 28 257374

ORDINANCE NUMBER O-17831 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

SEPTEMBER 28

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 28th day of SEPT., 1992.

Corey Donahue

(Signature)

4" = 56.32