

ORDINANCE NUMBER O- 18148 (NEW SERIES)

ADOPTED ON JAN 09 1995

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.2005, 103.2011, AND 103.2013 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 Sections 103.2005, 103.2011 and 103.2013, to read as follows:

SEC. 103.2005 Conditional Use Permits

- A. [No changes.]
- B. [No changes in text of first paragraph.]

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 decision maker, but appeals shall be heard by the City Council as set out in Municipal Code Chapter XI, Article 1, Divisions 4 and 5.

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.

1. and 2. [No changes.]

A. [No changes.]

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.

e. Cultural/Institutional.

f. Recreation-health Facilities.

g. Business and Home Services.

h. Personal Improvement Services.

i. 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.

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

2. Uses permitted by issuance of a Conditional Use Permit. The following uses may be

considered by conditional use permit for that portion of the area designated twenty percent (20%) nonresidential or within any portion of an existing structure if determined to be compatible with residential development:

- a. Religious assembly.
- b. Schools, public/private child care facilities.
- c. 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.

- d. Utility Substations.
- e. Residential Care Facilities.

On 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.

3. Uses permitted within existing structures. Structures existing as of September 22, 1988 which are rehabilitated, recreated or adaptively reused (i.e., the structure is being

legally used for a use other than what was originally contemplated when it was built) may be developed entirely with nonresidential uses. A condition use permit is required if the nonresidential uses are those contained in Section 103.2011(B)(2) or if the nonresidential uses exceed twenty percent (20%) of the gross floor area of the existing structure. A conditional use permit may be issued only if it is determined that the use is compatible with residential development.

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

2. through 4. [No changes.]

D. HOTEL SUBAREA 2

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

2. Residential development may be provided as an alternate use. Any such development shall be allocated such that at least eighty percent (80%) of the gross floor area is devoted to residential use and up to twenty percent (20%) of the gross floor area is devoted 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 permitted only as set forth in Municipal Code section 103.2012(B)(5).

3. [No changes.]

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

A. and B. [No changes.]

C. REVIEW PROCEDURES

[No changes in text of first paragraph.]


Two (2) public hearings are required, the first before CCDC's Board of Directors and the subsequent hearing before the Redevelopment Agency. Notice shall be given at last ten (10) working days prior to the hearing of the time, place and purpose of the hearing in the following manner.

1. [No changes in text of this paragraph.]

2. The notice shall be prepared as required under San Diego Municipal Code Chapter XI, Article 1, Division 3, as amended from time to time.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

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