

ORDINANCE NUMBER O- 18485 (NEW SERIES)

ADOPTED ON APR 07 1998

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 20 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.2002, 103.2004, 103.2005, 103.2006, 103.2011, 103.2012, 103.2013, ALL RELATING TO THE MARINA PLANNED DISTRICT.

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 is amended by amending section 103.2002, to read as follows:

SEC. 103.2002 Definitions

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

"Atrium" through "Eating and Drinking Establishments" [No change.]

"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 Land Development Code Chapter 14, Article 5.

"Floor Area Ratio (FAR)" through "Utility Substation" [No change.]

Section 2. That Chapter X, Article 3, Division 20, of the San Diego Municipal Code is amended by amending section 103.2004, to read as follows:

SEC. 103.2004 Administrative Regulations

A. [No change.]

B. ACTIVITIES REGULATED

1. [No change.]

2. The City Manager 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. and 2. [No change.]

3. Review Procedures.

[No change in first paragraph.]

a. The President shall review all applications.

b. [No change.]

c. 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 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 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 Section 103.2004(C)(4), constitutes a Conditional Planned District Permit. Following approval, the applicant shall submit to CCDC the 50 Percent Construction Drawings and 100 Percent Construction Drawings to CCDC for approval.

6. Issuance of Planned District Permit.

If CCDC finds that the 100 Percent Construction Drawings conform to the Conditional Planned District Permit, then the applicant may apply for any other necessary permits from the City.

7. Permit Time Limits and Time Extensions.

Any permit approved under this division shall be effective for a period not to exceed two years. CCDC may grant a one time extension of one 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.

[No change in first paragraph.]

a. [No change.]

b. That the use or operation of the building or structure for which the permit was issued is contrary to this division; or

c. [No change.]

Section 3. That Chapter X, Article 3, Division 20, of the San Diego Municipal Code is amended by amending section 103.2005, to read as follows:

SEC. 103.2005 Conditional Use Permits

A. Notwithstanding the provisions of Section 103.0105, the 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 President shall grant conditional use permits according to the provisions of Section 103.0105, Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), and Chapter 14, Article 1 (Separately Regulated Use Regulations). Except as provided in the next paragraph, the appeals procedure shall remain the same for the conditional use permits listed in Section 103.0105.

For those conditional use permits listed in Section 103.0105 to be decided in accordance with Process Five, the President shall serve as the decision maker, but appeals shall be heard by the City Council, as set out in Land Development Code Section 112.0508.

Section 4. That Chapter X, Article 3, Division 20, of the San Diego Municipal Code is amended by amending section 103.2006, to read as follows:

SEC. 103.2006 Applicable Planning, Zoning and Subdivision Regulations

Where not otherwise specified in this division, the following chapters of the Land Development Code apply:

- Chapter 11 (Land Development Procedures);
- Chapter 12 (Land Development Reviews);
- Chapter 13 (Zones);
- Chapter 14, Article 1 (Separately Regulated Use Regulations);
- Chapter 14, Article 2, Division 1 (Grading Regulations);
- Chapter 14, Article 2, Division 2 (Drainage Regulations);
- Chapter 14, Article 2, Division 3 (Fence Regulations);
- Chapter 14, Article 2, Division 6 (Public Facility Regulations);
- Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);
- Chapter 14, Article 2, Division 12 (Sign Regulations);
- Chapter 14, Article 3 (Supplemental Development Regulations);
- Chapter 14, Article 4 (Subdivision Regulations);
- Chapter 14, Article 5 (Building Regulations);
- Chapter 14, Article 6 (Electrical Regulations); and
- Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and this division, this division applies. All applicable building code requirements must be met for construction, alteration, addition or repair of a building.

Section 5. That Chapter X, Article 3, Division 20, of the San Diego Municipal Code is amended by amending section 103.2011, to read as follows:

SEC. 103.2011 Use Classifications for the Marina Planned District

Use classifications for the Marina Planned District are illustrated geographically in Table 1 of this division.

1. In the area designated 80 percent residential/ 20 percent nonresidential as shown in Figure 1 of this division at least 80 percent of the gross floor area shall be residential use and up to 20 percent 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 80 percent residential/20 percent nonresidential basis.

On the block bounded by G Street, Second Avenue, Market Street and First Avenue, an alternative to 80 percent residential/20 percent nonresidential as shown in Figure 1 of this division may be the specific development which is the subject of Marina Conditional Planned District Permit No. 94-0452.

2. [No change.]

A. [No change.]

B. [No change.]

C. MIXED HOTEL/RESIDENTIAL DEVELOPMENT

In the area designated Subarea 1 on Figure 2 of this division, mixed uses including hotel and residential are permitted.

1. through 3. [No change.]

4. Residential development may be provided as an alternate to hotel use. Such development shall allocate at least 80 percent of the gross floor area to residential use and may allocate up to 20 percent 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 80 percent residential/20 percent nonresidential are contained in 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. [No change.]

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

3. [No change.]

Section 6. That Chapter X, Article 3, Division 20, of the San Diego Municipal Code is amended by amending section 103.2012, to read as follows:

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 titled "Marina Urban Design Plan and Development Guidelines," a copy of which is on file in the office of the City Clerk as Document No. OO-17123.

B. REGULATIONS

The following regulations 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 80 percent residential/20 percent nonresidential (except in structures 50 feet or less in height), at least 80 percent of the gross floor area shall be residential use and up to 20 percent of the gross floor area may be nonresidential. Where structures are 50 feet or less in height or meet the height requirements of the Uniform Building Code, as adopted by Land Development Code Chapter 14, Article 5, for Type V construction, gross floor area in nonresidential use may exceed 20 percent if the entire nonresidential use is accessible to and located at the street level of the project. The permitted uses are described in Section 103.2011. Exceptions to the ratio of 80 percent to 20 percent for High-Rise structures are contained in Section 103.2012(B) (4).

2. Permitted Heights.

a. [No change.]

b. Exceptions to Height Limits.

(1) and (2) [No change.]

(3) The procedure for considering exceptions to height are subject

to Section 103.2013.

3. [No change.]

4. [No change.]

C. GENERAL PROVISIONS

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

1. through 4. [No change.]

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 for compliance with Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

6. through 15. [No change.]

Section 7. That Chapter X, Article 3, Division 20, of the San Diego Municipal Code is amended by amending section 103.2013, to read as follows:

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 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 Section 103.2004(D) (Marina Planned District Exception Permit Process) and shall include:

1. through 5. [No change.]

C. REVIEW PROCEDURES

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

[No change in second paragraph.]

1. [No change.]
2. The notice shall be prepared as required under Land Development Code Chapter 11, Article 2, Division 3 (Notice).

Section 8. This ordinance shall take effect and be in force on May 1, 1998 or on the date the Coastal Commission unconditionally certifies the provisions subject to Coastal Commission

jurisdiction as a local coastal program amendment, whichever is later.

APPROVED: CASEY GWINN, City Attorney

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