

ORDINANCE NUMBER O- 19271 (NEW SERIES)

ADOPTED ON APR 12 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 10, ARTICLE 3, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 103.2011 RELATING TO THE MARINA PLANNED DISTRICT ORDINANCE.

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

Section 1. That Chapter 10, Article 3, Division 20, of the San Diego Municipal Code is amended by amending section 103.2011, to read as follows:

§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.

- (a) 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.

On the block bounded by First Avenue, Second Avenue, Island Avenue and J Street, an alternative to 80 percent residential/20 percent nonresidential as shown in Figure 1 of Chapter 10, Article 3, Division 20 of the San Diego Municipal Code may be the specific development which is the subject of Marina Development Permit No. 2003-33.

- (b) On the property legally described as Lot "L" of Block 30, 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, at least 60 percent of the gross floor area shall be residential use and up to 40 percent of the gross floor area may be nonresidential use.

(1) Residential Uses

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

(A) Multi-family.

(B) 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:

(i) Single Room Occupancy.

(ii) Live/Work Quarters. Not over 33 percent

of each live/work quarter shall be used for residential purposes such as a sleeping area, kitchen, bathroom and closet area.

(2) Nonresidential Uses

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

- (i) Eating and Drinking Establishments.
- (ii) Food Sales.
- (iii) Small Office-Business and Professional Services.
- (iv) Personal and Convenience Services.
- (v) Cultural/Institutional.
- (vi) Recreation-health Facilities.
- (vii) Business and Home Services.
- (viii) Personal Improvement Services.
- (ix) Retail Sales.
- 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.

- 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.

- 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).

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

(B) 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 20 percent nonresidential or within any portion of an existing structure if determined to be compatible with residential development:

- (i) Religious assembly.
- (ii) Schools, public/private child care facilities.
- (iii) 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.

- (iv) Utility Substations.

(v) 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) 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 conditional use permit is required if the non residential uses are those contained in section 103.2011(b)(2) or if the nonresidential uses exceed 20 percent 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.

(3) Mixed Hotel/residential Development

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

- (A) Subarea 1 permits hotel use if accompanying residential use is provided.
- (B) Development of an entire two block site requires 150 residential dwelling units. Development of individual blocks requires a minimum residential density of eighty-five dwelling units per acre (“dupa”).
- (C) Specialty commercial and entertainment uses may be permitted on a conditional use basis.
- (D) 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).

(4) Hotel Subarea 2

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

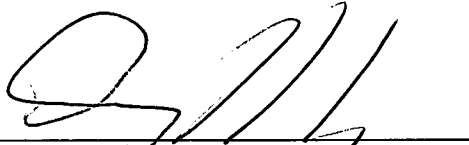
- (A) Subarea 2 uses and ancillary hotel uses such as meeting rooms, food establishments and gift shops.
- (B) Residential development may be provided as an alternate use. Any such development shall be allocated such that at least 80 percent of the gross floor area is devoted to residential use and up to 20 percent of the gross floor area is devoted to nonresidential land use from the listed uses provided for section 03.2011. Exceptions to the percentage ratio of 80 percent residential/20 percent nonresidential are permitted only as set forth in section 103.2012(b)(5).
- (C) Specialty commercial uses may be permitted on a conditional use permit basis.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

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Or.Dept: CCDC
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