

#331B

(O-2014-96)

4/15/14

#546
4-29-14

ORDINANCE NUMBER O- 20367 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 15 2014

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 11, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1511.0201, 1511.0202, 1511.0203, AND 1511.0204; BY AMENDING CHAPTER 15, ARTICLE 11, DIVISION 3 BY AMENDING SECTION 1511.0302; BY AMENDING CHAPTER 15, ARTICLE 11, DIVISION 4 BY AMENDING SECTIONS 1511.0401 AND 1511.0404, 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 15, Article 11, Division 2 of the San Diego Municipal Code is amended by amending sections 1511.0201, 1511.0202, 1511.0203, and 1511.0204, to read as follows:

§1511.0201 Administrative Regulations

(a) Administration

Civic San Diego shall administer the Marina Planned District Ordinance as the designee of the City Council in accordance with the provisions of this Planned District Ordinance.

(b) Activities Regulated

(1) [No change in text.]

(2) The City Manager shall not issue any permit for such activities in any portion of the Marina Planned District until Civic San Diego has issued a Marina Planned District Permit or a Marina Planned

District Exception Permit signifying compliance with the provisions of this Planned District Ordinance.

§1511.0202 Marina Planned District Permit Process

(a) [No change in text.]

(b) Application for Marina Planned District Permit

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

(A) and (B) [No change in text.]

(C) One hundred percent Construction Drawings.

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

(2) Civic San Diego shall review all Basic Concept/Schematic Drawings, 50 percent Construction Drawings and 100 percent Construction Drawings as identified in the Marina Planned District Ordinance regulations. The criteria for submitting each of the three types of drawings and a description of the design review process are as follows:

(A) The Basic Concept/Schematic Drawings shall illustrate the basic organization of the site. Civic San Diego 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:

(i) through (xii) [No change in text.]

(B) through (C) [No change in text.]

(c) Review Procedures

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

(1) through (3) [No change in text.]

(d) Determination -- Conditions of Approval

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

(1) Civic San Diego may approve, modify or disapprove any application for a Marina Planned District Permit, described in Section 1511.0202(c)(1), which has been initiated by the

submission of Basic Concept/Schematic Drawings. In approving a Marina Planned District Permit, Civic San Diego may impose reasonable conditions to ensure compliance with these regulations.

- (2) Civic San Diego shall advise the City Council and the City Council may approve, modify or disapprove any application for a Marina Planned District Permit, described in Section 1511.0202(c)(2), which has been initiated by the submission of Basic Concept/Schematic Drawings. In recommending approval of a Marina Planned District Permit, Civic San Diego may propose to the City Council reasonable conditions to ensure compliance with these regulations.

(e) Conditional Planned District Permit

The approval of Basic Concept/Schematic Drawings, as specified in Section 1511.0202(d), constitutes a Conditional Planned District Permit. Following approval, the applicant shall submit to Civic San Diego the 50 percent Construction Drawings and 100 percent Construction Drawings for approval.

(f) Issuance of Planned District Permit

If Civic San Diego 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.

(g) Permit Time Limits and Time Extensions

Any permit approved under this Planned District Ordinance shall be effective for a period not to exceed two years. Civic San Diego 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.

(h) Revocation

Following a hearing, Civic San Diego may, at any time, revoke a Marina Planned District Permit issued under Section 1511.0202. Civic San Diego shall give the holder of the Marina Planned District Permit 30 calendar days notice of the proposed revocation and hearing. After that hearing, Civic San Diego may revoke a permit if it finds any of the following is true:

(1) through (3) [No change in text.]

§1511.0203 Conditional Use Permits

(a) Notwithstanding the provisions of Section 151.0401, the President of Civic San Diego shall be the decision maker for the purpose of granting Conditional Use Permits within the boundaries delineated in Section 1511.0102.

(b) through (c) [No change in text.]

§1511.0204 Exceptions to the Provisions of the Marina Planned District Ordinance Regulations

(a) Civic San Diego may recommend and the City Council may approve permit exceptions from certain limits, restrictions and controls of this

Planned District Ordinance as provided in Sections 1511.0302(b)(3) and 1511.0302(c).

- (b) [No change in text.]
- (c) Review Procedures

Application for exceptions to the provisions of the Marina Planned District Ordinance regulations shall follow the review procedures outlined in Section 1511.0202(c), with the following additional requirements:

Two public hearings are required, the first before Civic San Diego's Board of Directors and the subsequent hearing before the City Council. Notice shall be given at least 10 working days prior to the hearing of the time, place and purpose of the hearing in the following manner:

- (1) through (2) [No change in text.]

Section 2. Chapter 15, Article 11, Division 3 of the San Diego Municipal Code is amended by amending section 1511.0302, to read as follows:

§1511.0302 Property Development Regulations

- (a) [No change in text.]
- (b) Regulations

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

- (1) through (3) [No change in text.]
- (4) Conditions for Exceptions to FAR
 - (A) through (B) [No change in text.]

**TABLE 1511-03B
Land Use Mix**

[No change in text.]

(C) Exceptions to either FAR or mixed land use standards may be recommended by Civic San Diego's Board and approved by the City Council in accordance with Section 1511.0204, where the project complies with the development standards contained in this Planned District Ordinance and the Marina Urban Design Plan and Development Guidelines provided that three of the following seven conditions set forth in Section 1511.0302(b)(4)(C)(i) through (vii) are met.

In the event that exceptions are requested for both land use mix and FAR, four of the seven conditions set forth in Section 1511.0302(b)(4)(C)(i) through (vii) must be met.

(i) through (vii) [No change in text.]

(c) [No change in text.]

Section 3. Chapter 15, Article 11, Division 4 of the San Diego Municipal Code is amended by amending sections 1511.0401 and 1511.0404, to read as follows:

§1511.0401 Off-Street Parking and Loading Regulations

(a) [No change in text.]

TABLE 1511-04A

RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

[No change in text.]

(1) through (4) [No change in text.]

- (b) [No change in text.]

TABLE 1511-04B

NON-RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

[No change in text.]

- (1) through (2) [No change in text.]

- (c) [No change in text.]

TABLE 1511-04C

NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

[No change in text.]

- (d) through (e) [No change in text.]

- (f) *Below-Grade* Parking.

At least three levels of *below-grade* parking shall be provided prior to the provision of any *above-grade* parking, with the following exceptions:

- (1) [No change in text.]
- (2) For *development* on sites that contain *designated historical resources*, the Civic San Diego President may approve an exception to the *below-grade* parking requirements upon finding that *below-grade* parking is infeasible due to the location or characteristics of the *historical resources*.
- (3) For *development* on sites significantly impacted by the underground water table, the Civic San Diego President may approve an exception to the *below-grade* parking requirements upon finding that it would create exceptional financial hardship to the property owner or *applicant*.

(g) Existing Buildings.

Buildings may be converted from one land use to another without providing additional parking spaces, unless the conversion is from commercial to residential use. The proposed conversion of a building to a residential use or the expansion of any building that cannot meet the parking requirements may be granted a deviation from the parking requirements by the Civic San Diego President upon approval of a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 of the Land Development Code.

(h) through (l) [No change in text.]

(m) Marina Cumulative Trip Generation Rates

Marina Trip Generation Rates are as specified in the Civic San Diego Land Development Manual and City of San Diego Land Development Manual, Appendix N.

§1511.0404 Sign Regulations

Proposed *signs* will be evaluated by the Civic San Diego President for conformance with the Marina Urban Design Plan and Development Guidelines. *Signs* shall conform with Chapter 14, Article 2, Division 12 of the Land Development Code.

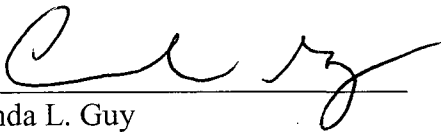
Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that those provisions of this ordinance that are applicable

inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Amanda L. Guy
Deputy City Attorney

ALG:als
1/12/14
Or.Dept:Civic San Diego
Doc. No. 659415

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 29 2014.

Note: This ordinance was returned unsigned ELIZABETH S. MALAND by the Mayor's Office to the Office City Clerk of the City Clerk on May 15, 2014. Pursuant to San Diego Charter Section 295 (a) (2), this resolution is deemed approved on May 15, 2014. By Karin Cook Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 29 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 15 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Cook, 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

APR 15 2014, and on MAY 15 2014

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Cook, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20367

STRIKEOUT ORDINANCE

OLD LANGUAGE: STRIKEOUT

NEW LANGUAGE: UNDERLINE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 11, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1511.0201, 1511.0202, 1511.0203, AND 1511.0204; BY AMENDING CHAPTER 15, ARTICLE 11, DIVISION 3 BY AMENDING SECTION 1511.0302; BY AMENDING CHAPTER 15, ARTICLE 11, DIVISION 4 BY AMENDING SECTIONS 1511.0401 AND 1511.0404, ALL RELATING TO THE MARINA PLANNED DISTRICT.

§1511.0201 Administrative Regulations

(a) Administration

~~The Centre City Development Corporation (“CCDC”)~~ Civic San Diego

shall administer the Marina Planned District Ordinance as the designee of the City Council in accordance with the provisions of this Planned District Ordinance.

(b) Activities Regulated

(1) [No change in text.]

(2) The City Manager shall not issue any permit for such activities in any portion of the Marina Planned District until ~~CCDC~~ Civic San Diego has issued a Marina Planned District Permit or a Marina

Planned District Exception Permit signifying compliance with the provisions of this Planned District Ordinance.

§1511.0202 Marina Planned District Permit Process

(a) [No change in text.]

(b) Application for Marina Planned District Permit

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

(A) and (B) [No change in text.]

(C) One hundred percent Construction Drawings.

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

(2) ~~CCDC~~ Civic San Diego shall review all Basic Concept/Schematic Drawings, 50 percent Construction Drawings and 100 percent Construction Drawings as identified in the Marina Planned District Ordinance regulations. The criteria for submitting each of the three types of drawings and a description of the design review process are as follows:

(A) The Basic Concept/Schematic Drawings shall illustrate the basic organization of the site. ~~CCDC~~ Civic San Diego 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:

(i) through (xii) [No change in text.]

(B) through (C) [No change in text.]

(c) Review Procedures:

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

(1) through (3) [No change in text.]

(d) Determination -- Conditions of Approval

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

(1) ~~CCDC~~ Civic San Diego may approve, modify or disapprove any application for a Marina Planned District Permit, described in

Section 1511.0202(c)(1), which has been initiated by the submission of Basic Concept/Schematic Drawings. In approving a Marina Planned District Permit, ~~CCDC~~ Civic San Diego may impose reasonable conditions to ensure compliance with these regulations.

- (2) ~~CCDC~~ Civic San Diego shall advise the City Council and the City Council may approve, modify or disapprove any application for a Marina Planned District Permit, described in Section 1511.0202(c)(2), which has been initiated by the submission of Basic Concept/Schematic Drawings. In recommending approval of a Marina Planned District Permit, ~~CCDC~~ Civic San Diego may propose to the City Council reasonable conditions to ensure compliance with these regulations.

(e) Conditional Planned District Permit

The approval of Basic Concept/Schematic Drawings, as specified in Section 1511.0202(d), constitutes a Conditional Planned District Permit. Following approval, the applicant shall submit to ~~CCDC~~ Civic San Diego the 50 percent Construction Drawings and 100 percent Construction Drawings to ~~CCDC~~ for approval.

(f) Issuance of Planned District Permit

If ~~CCDC~~ Civic San Diego 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.

(g) Permit Time Limits and Time Extensions

Any permit approved under this Planned District Ordinance shall be effective for a period not to exceed two years. ~~CCDC~~ Civic San Diego 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.

(h) Revocation

Following a hearing, ~~CCDC~~ Civic San Diego may, at any time, revoke a Marina Planned District Permit issued under Section 1511.0202. ~~CCDC~~ Civic San Diego shall give the holder of the Marina Planned District Permit 30 calendar days notice of the proposed revocation and hearing. After that hearing, ~~CCDC~~ Civic San Diego may revoke a permit if it finds any of the following is true:

(1) through (3) [No change in text.]

§1511.0203 Conditional Use Permits

(a) Notwithstanding the provisions of Section 151.0401, the President of ~~CCDC~~ Civic San Diego shall be the decision maker for the purpose of granting Conditional Use Permits within the boundaries delineated in Section 1511.0102.

(b) through (c) [No change in text.]

§1511.0204 Exceptions to the Provisions of the Marina Planned District Ordinance

Regulations

(a) ~~The CCDC~~ Civic San Diego may recommend and the City Council may approve permit exceptions from certain limits, restrictions and controls of this Planned District Ordinance as provided in Sections 1511.0302(b)(3) and 1511.0302(c).

(b) [No change in text.]

(c) Review Procedures

Application for exceptions to the provisions of the Marina Planned District Ordinance regulations shall follow the review procedures outlined in Section 1511.0202(c), with the following additional requirements:

Two public hearings are required, the first before ~~CCDC's~~ Civic San Diego's Board of Directors and the subsequent hearing before the City Council. Notice shall be given at least 10 working days prior to the hearing of the time, place and purpose of the hearing in the following manner:

(1) through (2) [No change in text.]

§1511.0302 Property Development Regulations

(a) [No change in text.]

(b) Regulations

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

(1) through (3) [No change in text.]

(4) Conditions for Exceptions to FAR

(A) through (B) [No change in text.]

**TABLE 1511-03B
Land Use Mix**

[No change in text.]

(C) Exceptions to either FAR or mixed land use standards may be recommended by CCDC's Civic San Diego's Board and approved by the City Council in accordance with Section 1511.0204, where the project complies with the development standards contained in this Planned District Ordinance and the Marina Urban Design Plan and Development Guidelines provided that three of the following seven conditions set forth in Section 1511.0302(b)(4)(C)(i) through (vii) are met.

In the event that exceptions are requested for both land use mix and FAR, four of the seven conditions set forth in Section 1511.0302(b)(4)(C)(i) through (vii) must be met.

(i) through (vii) [No change in text.]

(c) [No change in text.]

§1511.0401 Off-Street Parking and Loading Regulations

(a) [No change in text.]

TABLE 1511-04A

RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

[No change in text.]

(1) through (4) [No change in text.]

- (b) [No change in text.]

TABLE 1511-04B

NON-RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

[No change in text.]

- (1) through (2) [No change in text.]

- (c) [No change in text.]

TABLE 1511-04C

NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

[No change in text.]

- (d) through (e) [No change in text.]

- (f) Below-Grade Parking.

At least three levels of below-*grade* parking shall be provided prior to the provision of any above-*grade* parking, with the following exceptions:

- (1) [No change in text.]
- (2) For *development* on sites that contain *designated historical resources*, the CCDC Civic San Diego President President may approve an exception to the below-*grade* parking requirements upon finding that below-*grade* parking is infeasible due to the location or characteristics of the *historical resources*.
- (3) For *development* on sites significantly impacted by the underground water table, the CCDC Civic San Diego President President may approve an exception to the below-*grade* parking

requirements upon finding that it would create exceptional financial hardship to the property owner or *applicant*.

(g) Existing Buildings.

Buildings may be converted from one land use to another without providing additional parking spaces, unless the conversion is from commercial to residential use. The proposed conversion of a building to a residential use or the expansion of any building that cannot meet the parking requirements may be granted a deviation from the parking requirements by the ~~CCDC~~ Civic San Diego ~~President~~ President upon approval of a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 of the Land Development Code.

(h) through (l) [No change in text.]

(m) Marina Cumulative Trip Generation Rates

Marina Trip Generation Rates are as specified in the ~~CCDC~~ Civic San Diego Land Development Manual and City of San Diego Land Development Manual, Appendix N.

§1511.0404 Sign Regulations

Proposed *signs* will be evaluated by the ~~CCDC~~ Civic San Diego ~~President~~ President for conformance with the Marina Urban Design Plan and Development Guidelines. *Signs* shall conform with Chapter 14, Article 2, Division 12 of the Land Development Code.

ALG: als
1/21/14
Or.Dept:Civic San Diego
Document No.:643190_2