

ORDINANCE NUMBER O- 21086 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 21 2019

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 11, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 1511.0101, 1511.0102, 1511.0103, AND 1511.0104; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 2 BY REPEALING SECTIONS 1511.0201, 1511.0202, 1511.0203, AND 1511.0204; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 3 BY REPEALING SECTIONS 1511.0301 AND 1511.0302, FIGURE 1, FIGURE 2, FIGURE 3, AND EXHIBIT 4; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 4 BY REPEALING SECTIONS 1511.0401, 1511.0402, 1511.0403, AND 1511.0404, RELATING TO THE MARINA PLANNED DISTRICT.

ITEM # 52e
6/18/19

WHEREAS, since 1992, Civic San Diego, formerly, The Centre City Development Corporation (CCDC), has administered the City's zoning ordinances for the Centre City Planned District (Centre City PDO), Gaslamp Quarter Planned District (Gaslamp PDO), and Marina Planned District (Marina PDO), which are the planned district ordinances for the Downtown Community Plan area; and

WHEREAS, on April 15, 2015, a lawsuit entitled *Murtaza Baxamusa, San Diego County Building & Construction Trades Council, AFL-CIO v. Civic San Diego, City of San Diego*, San Diego Superior Court Case No. 37-2015-00012092-CU-PT-CTL was filed against Civic San Diego and the City of San Diego (Lawsuit); and

WHEREAS, as part of the Settlement Agreement in the Lawsuit in which the City admitted no liability, the City agreed to return all planning and permitting authority from Civic San Diego to the City, including special administrative permits specific to the Downtown area; and

WHEREAS, the City agreed to preserve the separate ordinances for Downtown due to its unique dense urban environment and designation as a National Historic District; and

WHEREAS, as part of the amendments, the Marina PDO will be merged into the Centre City PDO, and the Gaslamp PDO will remain separate due to its historical designation; and

WHEREAS, the Marina PDO in Chapter 15, Article 11, Divisions 1 through 4 was established in 1988 for the Marina neighborhood of the Downtown Community Plan area and the land use and development regulations have not been substantially updated since that date; and

WHEREAS, the Downtown Community Plan was significantly updated in 2006 and has been subsequently amended through 2016; and

WHEREAS, the Centre City Planned District regulations found in Chapter 15, Article 6, Division 3 were significantly updated in 2006 and have been subsequently amended through 2016; and

WHEREAS, the Downtown Design Guidelines were adopted in 2011 and serve as best practices for the design of private and public developments in the Downtown Community Plan area; and

WHEREAS, the City Council desires to implement the goals and policies of the Downtown Community Plan through the most comprehensive, up-to-date set of regulations, guidelines, and review procedures; and

WHEREAS, the City Council finds that the Downtown Community Plan, Centre City PDO, and the Downtown Design Guidelines are the appropriate planning documents to implement the goals and policies of the City of San Diego General Plan and Downtown Community Plan within the Marina neighborhood; and

WHEREAS, Ordinance No. 21087, which was considered along with this Ordinance, proposes to rezone the land within the Downtown Community Plan area to use the Centre City PDO zones as set forth in San Diego Municipal Code Chapter 15, Division 3, on file

in the Office of the City Clerk as Document No. OO-21087 (Marina Rezone);

and

WHEREAS, the Marina PDO, which only applies within the Downtown Community Plan area, is no longer necessary because of the adoption of the Marina Rezone; and

WHEREAS, ~~Ordinance~~ No. 21083, which was considered along with this Ordinance, amends the Downtown Community Plan and the General Plan and recognizes the inclusion of the Marina neighborhood into the Centre City PDO area; and

WHEREAS, the matter was set for a public hearing on June 4, 2019, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 11, Division 1 of the San Diego Municipal Code is amended by repealing sections 1511.0101, 1511.0102, 1511.0103, and 1511.0104.

Section 2. That Chapter 15, Article 11, Division 2 of the San Diego Municipal Code is amended by repealing sections 1511.0201, 1511.0202, 1511.0203, and 1511.0204.

Section 3. That Chapter 15, Article 11, Division 3 of the San Diego Municipal Code is amended by repealing sections 1511.0301 and 1511.0302, Figure 1, Figure 2, Figure 3, and Exhibit 4.

Section 4. That Chapter 15, Article 11, Division 4 of the San Diego Municipal Code is amended by repealing sections 1511.0401, 1511.0402, 1511.0403, and 1511.0404.

Section 5. That, notwithstanding San Diego Municipal Code sections 111.0107 and 112.0509, which provides for a Planning Commission hearing or recommendation prior to


certain City Council actions, no Planning Commission hearing or recommendation is required related to the actions being authorized pursuant to this Ordinance

Section 6. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage, or the date that 0- 21083 adopting the amendment to the Downtown Community Plan becomes effective, whichever date occurs later, except that the provisions of this Ordinance 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.

Section 8. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
05/17/2019
Or.Dept:Planning Dept.
Doc. No.: 1793754_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 18 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/21/19
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ITEM# 52e
6/18/19

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 11, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 1511.0101, 1511.0102, 1511.0103, AND 1511.0104; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 2 BY REPEALING SECTIONS 1511.0201, 1511.0202, 1511.0203, AND 1511.0204; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 3 BY REPEALING SECTIONS 1511.0301 AND 1511.0302, FIGURE 1, FIGURE 2, FIGURE 3, AND EXHIBIT 4; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 4 BY REPEALING SECTIONS 1511.0401, 1511.0402, 1511.0403, AND 1511.0404, RELATING TO THE MARINA PLANNED DISTRICT.

~~Article 11: The Marina Planned District~~

~~Division 1: General Rules~~

~~§1511.0101 Purpose and Intent~~

~~The purpose of the Marina Planned District Ordinance is to establish development controls that will:~~

- ~~(a) Create discreet neighborhoods~~
- ~~(b) Encourage new housing~~
- ~~(c) Conserve heritage buildings~~
- ~~(d) Permit mixed-use developments~~
- ~~(e) Provide opportunities for both large and small scale development~~
- ~~(f) Guide the location of high-rise development intensity and land use characteristics~~

- (g) Establish strong linkages to the waterfront
- (h) Prescribe building mass standards
- (i) Establish a strong sense of pedestrian orientation at the street level

(“Purpose and Intent” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

§1511.0102 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. OO-17123.

(“Boundaries” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

§1511.0103 Applicable Regulations

Where not otherwise specified in the Marina Planned District Ordinance, the following provisions 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 the Marina
Planned District Ordinance, the Planned District Ordinance applies. All applicable
building code requirements must be met for construction, alteration, addition or
repair of a building.~~

~~(“Applicable Regulations” added 3-27-2007 by O-19600 N.S.; effective 4-26-
2007.)~~

§1511.0104 Definitions

~~For purposes of the Marina Planned District Ordinance, the following terms are
defined as:~~

~~**Atrium**—means an opening through two or more floor levels which are enclosed
on top. An 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), upholstery, 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 California Building Code as adopted in Land Development Code Chapter 14, Article 5.~~

~~**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 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 converted to integrate living space into work space in buildings originally designed for industrial or commercial occupancy in compliance with the requirements of Section 141.0311.

Low-Rise—means a building with maximum height of 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 50 feet to 90 feet.

Mixed Use Development—means developments in which two or more major land uses are permitted.

~~**Multi-Family Residential**—means a building used or designed to be used for housing three 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 Ordinance 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 Ordinance 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 workshop and incidental religious education.~~

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

~~**Schools—Public & 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 major vertical elements. Stepbacks occur at upper levels.~~

~~**Street Level**—means any access opposite the public right-of-way which ranges from 4 feet below grade to 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 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.

*(“Definitions” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)
(Amended 9-18-2018 by O-20985 N.S.; effective 10-18-18.)*

~~[Editors Note: Amendments as adopted by O-20985 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.~~

~~Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20985-SO.pdf]~~

~~Article 11: The Marina Planned District~~

~~Division 2: Permits and Procedures~~

~~§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 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 the Marina Planned District Ordinance.

- (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.~~

~~("Administrative Regulations" added 3-27-2007 by O 19600 N.S.; effective 4-26-2007.)~~

~~(Amended 5-15-2014 by O 20367 N.S.; effective 6-14-2014.)~~

[Editors Note: Amendments as adopted by O 20367 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§1511.0202 Marina Planned District Permit Process

- (a) Permit Required

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

- (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) Basic Concept/Schematic Drawings~~
- ~~(B) Fifty percent Construction Drawings.~~
- ~~(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) 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.
- (ii) 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 300 feet and shall also illustrate the dimensions of the site and the proposed project.
- (iii) Ground floor plan that illustrates subsurface and ground floor plans at a scale not smaller than one sixteenth inch equals one foot ($1/16" = 1'$).
- (iv) Two project sections at a scale not smaller than one sixteenth inch equals one foot ($1/16" = 1'$). foot.
- (v) Exterior concept elevations of each street frontage.
- (vi) One exterior perspective drawn from a street level view.
- (vii) 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.

- (viii) Preliminary identification of materials, finishings, colors and landscaping.
 - (ix) 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.
 - (x) Preliminary evaluation of environmental factors such as sun and shade on open space and adjoining properties.
 - (xi) Statement of conformity to or variation from the Marina Planned District Ordinance regulations.
 - (xii) Massing model that illustrates the scale and architectural design concept of the project.
- (B) Fifty percent 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, shall including off-site improvement drawings and landscape plans.
- (C) One hundred percent 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.~~

~~(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) The President shall review all applications~~
- ~~(2) The City Council 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.~~
- ~~(3) Interested citizens and area residents may review and comment on individual projects prior to or at the time of the above reviews.~~

~~(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) 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
- (2) That the use or operation of the building or structure for which the permit was issued is contrary to this Planned District Ordinance; or
- (3) 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.

(“Marina Planned District Permit Process” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

(Amended 5-7-2012 by O-20157 N.S.; effective 6-6-2012.)

(Amended 5-15-2014 by O-20367 N.S.; effective 6-14-2014.)

[Editors Note: Amendments as adopted by O-20367 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20367-SO.pdf

§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~~
- (b) ~~The President shall grant Conditional Use Permits according to the provisions of Section 151.0401, 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 1511.0203(c), the appeals procedure shall remain the same for the Conditional Use Permits listed in Section 151.0401.~~
- (c) ~~For those Conditional Use Permits listed in Section 151.0401 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.~~

(“Conditional Use Permits” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

(Amended 5-15-2014 by O-20367 N.S.; effective 6-14-2014.)

[Editors Note: Amendments as adopted by O-20367 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§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(e).~~

~~(b) Conditions under which exceptions to this Planned District Ordinance 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 1511.0202 (Marina Planned District Permit Process) and shall include:~~

- ~~(1) Demonstration that the proposed exceptions implement the intent of this Marina Planned District Ordinance, 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 Planned District Ordinance 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.~~

~~(e) 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(e), 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) Submission of an application fee to cover the cost of noticing. The fee shall be published in the City Clerk's rate book.~~
- ~~(2) The notice shall be prepared as required under Land Development Code Chapter 11, Article 2, Division 3 (Notice).~~

*~~("Exceptions to the Provisions of the Marina Planned District Ordinance Regulations" added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)
(Amended 5-7-2012 by O-20157 N.S.; effective 6-6-2012.)
(Amended 5-15-2014 by O-20367 N.S.; effective 6-14-2014.)~~*

~~[Editors Note: Amendments as adopted by O-20367 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment. Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20367_SO.pdf]~~

Article 11: The Marina Planned District

Division 3: Zoning and Subdistricts

§1511.0301 Use Classifications for the Marina Planned District

~~Use classifications for the Marina Planned District are illustrated geographically in Diagram 1511-03A of this Planned District Ordinance.~~

- (a) ~~In the area designated 80 percent residential/ 20 percent nonresidential as shown in Diagram 1511-03A of this Planned District Ordinance 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.~~
- (b) ~~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 Diagram 1511-03A of this Planned District Ordinance may be the specific development which is the subject of Marina Conditional Planned District Permit No. 94-0452.~~
- (c) ~~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.~~

(d) 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 33 percent of each live/work quarter shall be used for residential purposes such as a sleeping area, kitchen, bathroom and closet area.~~

(e) 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 20 percent 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~~

(J) ~~Retail Sales~~

(i) ~~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.~~

(ii) ~~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.~~

(iii) ~~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).

- (iv) Display windows provided, however, that they have a minimum depth of approximately 3 feet and displays are changed every 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 20 percent 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 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.

- (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 Conditional Use Permit is required if the nonresidential uses are those contained in Section 1511.0301(e) 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.~~

(4) ~~Mixed Hotel/Residential Development~~

~~In the area designated Subarea 1 on Diagram 1511-03B of this Planned District Ordinance, 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 2 block site requires 150 residential dwelling units. Development of individual blocks requires a minimum residential density of 85 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 1511.0301. Exceptions to the percentage ratio of 80 percent residential/ 20 percent nonresidential are contained in Section 1511.0302(b)(4)(C).~~

(5) ~~Hotel Subarea 2~~

~~In the area designated Subarea 2 on Diagram 1511-03B, 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 1511.0301. Exceptions to the percentage ratio of 80 percent residential/ 20 percent~~

nonresidential are permitted only as set forth in Section 1511.0302(b)(4)(C).

- (C) Specialty commercial uses may be permitted on a conditional use permit basis.

(“Use Classifications for the Marina Planned District” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

§1511.0302 Property Development Regulations

- (a) ~~Planning Standards and Urban Design Guidelines.~~

~~Architectural and design standards titled, “Marina Urban Design Plan and Development Guidelines,” on file in the office of the City Clerk as Document No. OO-17123, are to be used in the evaluation of the appropriateness of any development for which a permit is applied under this Planned District Ordinance.~~

- (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 Diagram 1511-03A.~~

~~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 California 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 1511.0301. Exceptions to the percentage ratio (80-20 percent) for High-Rise structures are contained in Section 1511.0302(b)(4).~~

(2) Permitted Heights

(A) ~~Heights for buildings in the Marina Planned District range from 50 feet to 300 feet as illustrated in Diagram 1511-03C, unless the building meets the criteria for exceptions to the height limits as set out in Section 1511.0302(b)(2)(B).~~

~~The intent of height limits as established in Section 1511.0302 is to guide the location of vertical development within the Marina Redevelopment Project area to accomplish the following objectives:~~

- ~~(i) Enhance view corridors.~~
- ~~(ii) Provide variety in the provision of dwelling unit types.~~
- ~~(iii) Create distinct residential neighborhoods.~~
- ~~(iv) Conserve the character of existing residential development.~~
- ~~(v) Minimize the impact of shadow on existing and future development.~~

(B) Exceptions to Height Limits

Exceptions to height limits may be permitted as follows:

- (i) Fifty foot height limits may be increased to a maximum of 90 feet.
- (ii) Ninety foot height limits may be increased to a maximum of 120 feet.
- (iii) Heights designated 120 feet or greater as illustrated in Diagram 1511-03C may be increased without a maximum height.

(C) The following criteria shall be used to evaluate requests for height exceptions:

- (i) Applicant shall provide one 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
- (ii) Applicant's project shall increase nonresidential or residential activity at the street level of the development from 50 percent 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 50 feet or less in distance apart; and

- (iii) Applicant's project shall accommodate of all or a substantial amount of all parking needed to serve the proposed development below grade.
- (iv) 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.
- (D) The procedure for considering exceptions to height are subject to Section 1511.0204.
- (E) Notwithstanding the provisions of Municipal Code Section 1511.0302(b)(2)(A) and (B), on the property described as Lots "C," "D," "E," "F," "G," "H," "I," "J," "K," " and "L" of Block 27 of New San Diego, Map No. 000456, a maximum height of 120 feet shall be permitted for the fourth phase of the project permitted by Marina Conditional Planned

~~District Permit No. 94-0457 (the "Project"), provided the following phases of development are completed within the time periods provided in Marina Conditional Planned District Permit No. 94-0457. If the phases of development are not completed in the time periods provided, a maximum height of 120 feet shall not be allowed and height limits shall be as identified in Figure 3 of Municipal Code Chapter 10, Article 3, Division 20. The phases of development and the time periods provided are:~~

- ~~(i) Building permits shall be obtained for Phases One and Two of the Project within the permit time limits provided in Municipal Code Section 1511.0202(g). Certificates of Occupancy shall be obtained by the holder of Marina Conditional Planned District Permit No. 94-0457 before building permits are issued for Phases Three and Four.~~
- ~~(ii) Upon the issuance of building permits for Phases One and Two, Marina Conditional Planned District Permit No. 94-0457 shall be extended 4 years from its scheduled date of expiration to allow for additional time for the development of Phases Three and Four.~~

- (iii) ~~Upon issuance of a building permit for Phase Three, Marina Conditional Planned District Permit No. 94-0457 shall be extended an additional 4 years from the extension granted in Municipal Code Section 1511.0202(g), for a total of 8 years from the original expiration date.~~
- (iv) ~~A Certificate of Occupancy for Phase Three must be obtained prior to the issuance of a building permit for Phase Four.~~
- (v) ~~The one year extension provided for in Municipal Code Section 1511.0202(g) may be utilized only once for Marina Conditional Planned District Permit No. 94-0457, but it may be used at any time during and within the time limits stated Section 1511.0202(g).~~

(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 Diagram 1511-03D 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 Diagram 1511-03D, may be permitted as follows, subject to conditions set forth in Section 1511.0302(b)(4)(C):~~

**TABLE 1511-03A
Exceptions to FAR**

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 1511.0302(b)(4)(A), an increase in the ratio of nonresidential use in the amount of 5 percent may be permitted as follows:

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

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 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) 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 25 percent of all units exceed 1,000 square feet.~~
- ~~(iii) That a minimum of 10 percent of all units contain 3 bedrooms.~~
- ~~(iv) The required ground floor activity increases from 50 percent to 60 percent 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 financial assistance involving Community Redevelopment Law funds, excluding off site public improvements, is required for the project.~~

~~(e) General Provisions~~

~~Section 1511.0302(e) sets forth the general provisions of the Marina Planned District Ordinance. Exceptions to the criteria contained in Section~~

1511.0302(c) may be granted subject to the procedures established in Section 1511.0206. The following regulations apply to all areas:

- (1) Minimum lot area shall be 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 4 feet into the public right of way starting at no less than 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 3 feet from the curb.
- (5) Streetwall

- (A) All buildings shall have a minimum Streetwall of 2 stories or 25 feet.
- (B) All buildings shall have a maximum Streetwall of 50 feet or the height of an adjoining existing structure if the existing structure is a part of an integrated development.
- (C) At least 50 percent 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 75 percent 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 75 feet, one entrance shall be provided for each 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).

(6) Setbacks

- (A) ~~The tower portion of any structure shall be setback at the podium level at least 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 or more towers on the same parcel shall be separated by at least 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 20 feet from that common property line.~~
- (D) ~~All properties fronting on the proposed linear park shall observe a minimum landscaped setback of 50 feet.~~

(7) Height

- (A) ~~The height of any structure over 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 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.~~

(8) Open Space

- (A) ~~All development shall maintain a minimum of 30 percent 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 25 percent of the interior area for private enclosed open space related to individual units.~~

~~(C) Balconies shall be provided for at least 25 percent of all hotel rooms.~~

~~(D) Seventy five percent of all multi-family residential units above the first floor shall have a Private Open Space of 36 square feet or 5 percent of the unit's gross floor area whichever is larger. The Private Open Space shall have a minimum dimension of 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.~~

~~(9) Building Materials~~

~~(A) With the exception of the first level, no more than 50 percent of each of the facades of the structure shall be vision glass or spandrel construction of material which is~~

up to 30 percent in reflectivity. The remaining 50 percent 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.

(10) 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.

(11) Solar Access

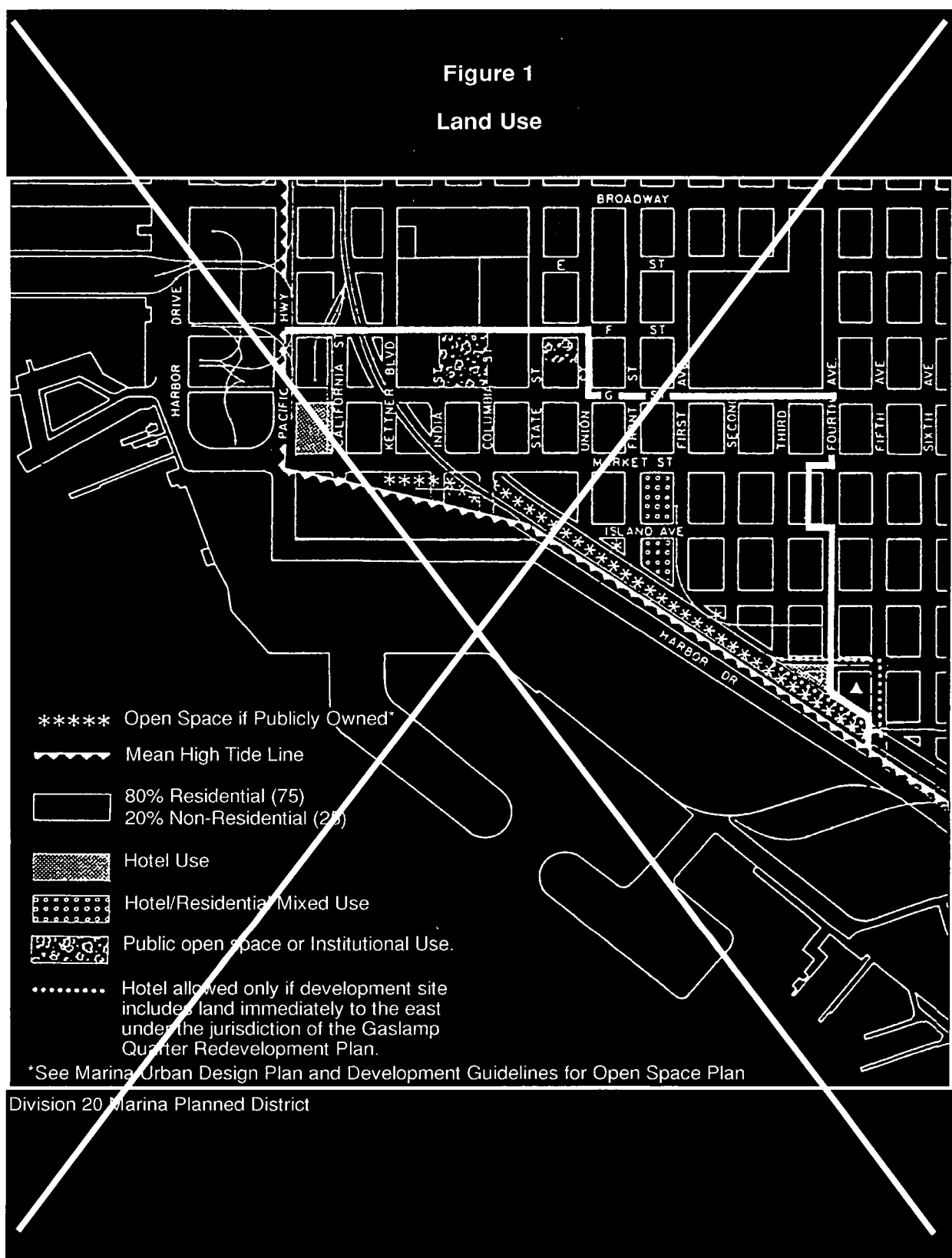
- (A) No more than 50 percent of the area of a sidewalk on the opposite side of a development shall be shaded by that development for no more than one hour between 11:00 a.m. and 2:00 p.m.
- (B) The location of existing and proposed development shall be considered in the siting of new structures in order to maximize views and sun penetration to the greatest extent possible.

~~(“Property Development Regulations” added 3-27-2007 by O-19600 N.S.;
effective 4-26-2007.)
(Amended 5-7-2012 by O-20157 N.S.; effective 6-6-2012.)
(Amended 5-15-2014 by O-20367 N.S.; effective 6-14-2014.)~~

~~[**Editors Note:** Amendments as adopted by O-20367 N. S. will not apply within
the Coastal Overlay Zone until the California Coastal Commission certifies it as a
Local Coastal Program Amendment.~~

~~Click the link to view the Strikeout Ordinance highlighting changes to prior
language http://docs.sandiego.gov/municode_strikeout_ord/O-20367-SO.pdf~~

Figure 1
Land Use



Division 20 Marina Planned District

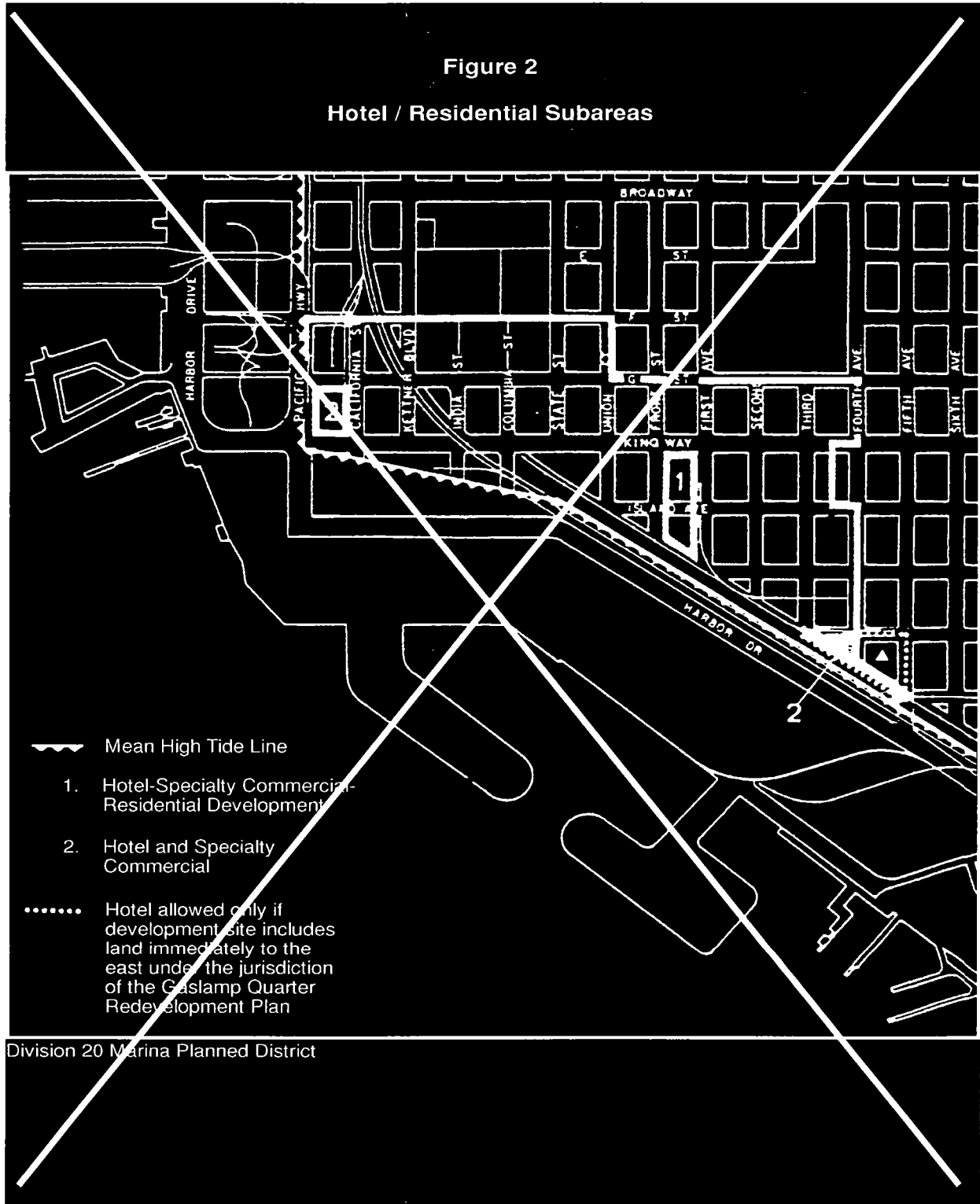
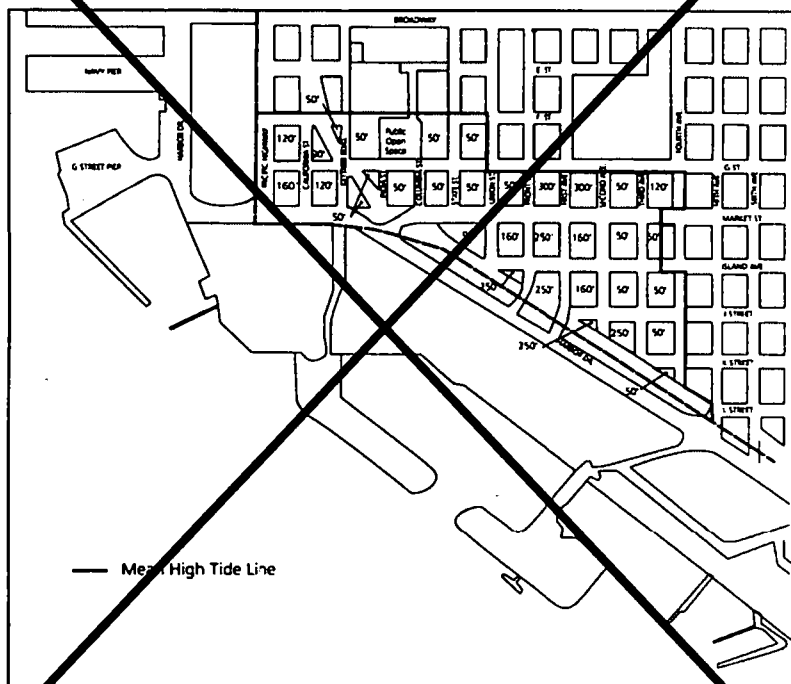
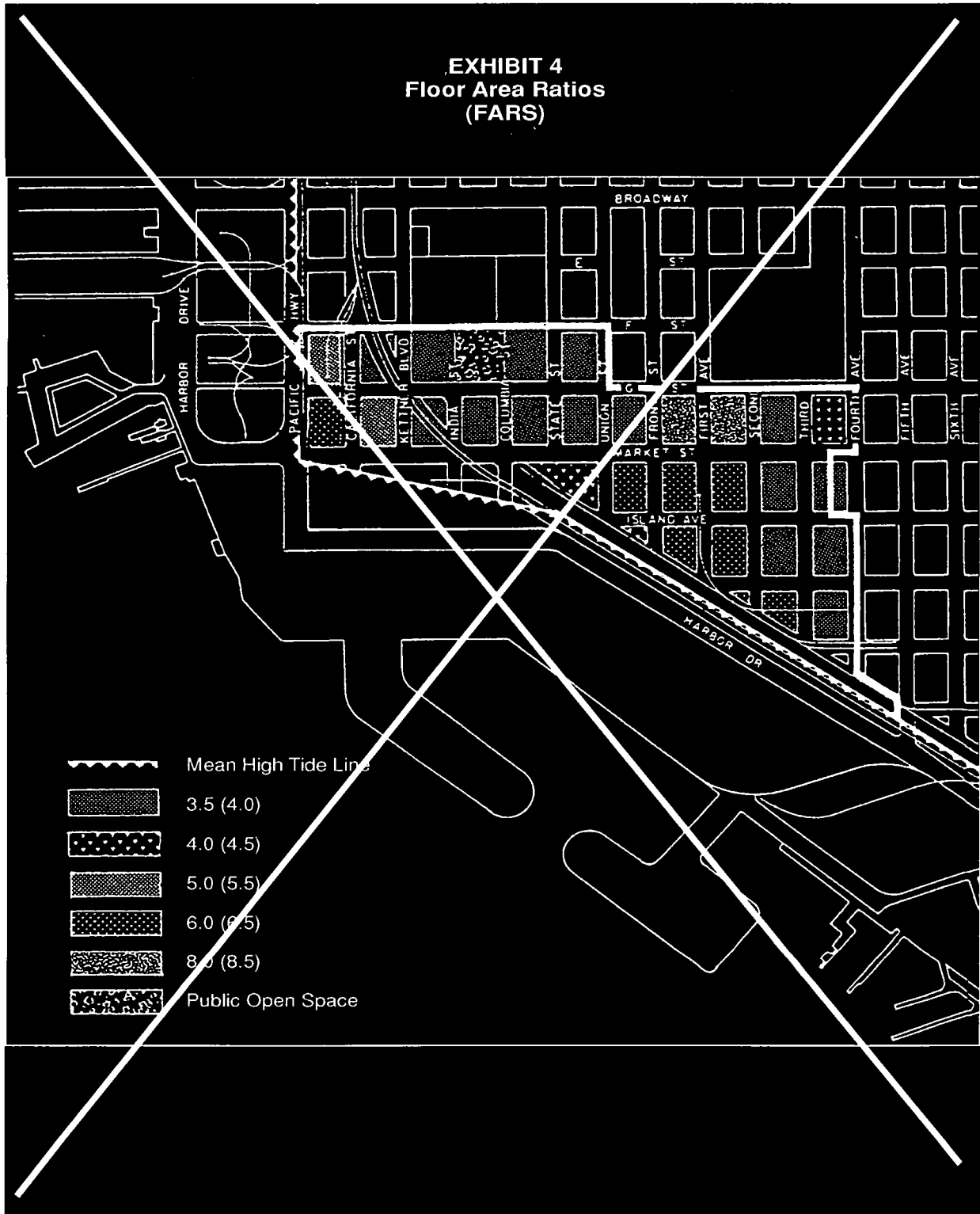


FIGURE 3
HEIGHT LIMIT



Division 20 Marina Planned District



(“Property Development Regulations” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

Article 11: The Marina Planned District**Division 4: General and Supplemental Regulations****§1511.0401 Off-Street Parking and Loading Regulations**

- (a) Residential
- Off-Street Parking Space*
- and Loading Bay Requirements.

The parking requirements in Table 1511-04A and section 1511.0401(a) shall apply to residential uses. All parking spaces required by Table 1511-04A shall be reserved for the exclusive use of residents of the development.

**TABLE 1511-04A
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>dwelling unit</i>		
<i>Living Units</i>	Market rate unit	0.3 spaces per unit	Parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0.1 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living</i>	0.1 spaces per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.
<i>Live/Work or Shop Keeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.

**Reasonable accommodations* to these parking requirements may be granted if necessary to afford *disabled persons* equal housing opportunities under state or federal law. Please refer to the *reasonable accommodations* provisions of the San Diego Municipal Code section 131.0466.

- (1) ~~Guest or Service Parking. Multi-family residential *development* shall provide additional *off-street* parking spaces at a ratio of one space for every thirty units. These spaces shall be permanently reserved and clearly marked for visitor or service use only. *Development* containing fewer than fifty *dwelling units* shall be exempt from this requirement.~~
- (2) ~~Off-Street Loading. The following standards shall apply for multi-family residential *development*:~~
 - (A) ~~*Developments* containing 100 or more *dwelling units* shall provide at least one *off-street* loading bay that shall be at least 35 feet deep, 13 feet wide, and 13 feet tall (measured from the inside walls);~~
 - (B) ~~Loading bays shall have direct access into the internal circulation system of the *development* and elevators;~~
 - (C) ~~Loading bays shall share the parking access driveway, unless separate driveways better facilitate access to the loading bay and parking areas and decrease potential conflicts; and~~
 - (D) ~~Loading bay location shall not create traffic conflicts.~~
- (3) ~~Motorecycle Parking. One motorecycle parking space shall be provided for every twenty *dwelling units*.~~
- (4) ~~Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for~~

every five *dwelling units*. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any common storage area to serve more than one *dwelling unit* shall provide racks or fixtures on which to lock individual bicycles.

(b) ~~Non-Residential Off-Street Parking Space and Loading Bay~~

Requirements. The parking requirements in Table 1511-04B and section 1511.0401(b) shall apply to non-residential uses.

**TABLE 1511-04B
NON-RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

Use Category	Minimum		Notes
Office	1.5 spaces per 1,000 square feet		Developments containing less than 50,000 square feet of office space are exempt.
Commercial/Retail	1 space per 1,000 square feet		Developments containing less than 30,000 square feet of commercial/retail space are exempt.
Warehouse & Storage	1 space per 10,000 square feet		
Hotel	0.3 spaces per room		Developments containing less than 25 guest rooms are exempt
Single Room Occupancy Units	Market rate unit	0.3 spaces per unit	Parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0.1 spaces per unit	
	At or below 40% AMI	None	

(1) ~~Motorecycle and Bicycle Parking. One motorecycle parking space and one bicycle parking space shall be provided for every twenty required vehicle spaces.~~

(2) ~~Off-Street Loading.~~

- (A) For ~~developments~~ containing 30,000 to 100,000 square feet of commercial space, one off-*street* loading bay shall be provided that shall be a minimum of 30 feet deep, 14 feet wide, and 14 feet tall (measured from the inside walls).
- (B) For ~~developments~~ containing over 100,000 square feet of commercial space:
 - (i) One off-*street* loading bay shall be provided that shall be a minimum of 35 feet deep, 14 feet wide, and 14 feet tall;
 - (ii) Loading bays shall provide direct access into the internal circulation system of the *development*;
 - (iii) Loading bays shall share the parking access driveway, unless separate driveways better facilitate access to the loading bay and parking areas and decrease potential conflicts; and
 - (iv) Loading bay location shall not create traffic conflicts.
- (e) ~~North Embarcadero Off-Street Parking Space Requirements.~~
The parking requirements in Table 1511-04C shall apply to *development* located west of California Street between Harbor Drive and West F Street.

TABLE 1511-04C
NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>bedroom</i>		To a maximum of two spaces per unit.
<i>Living Units & Single-Room Occupancy Units</i>	Market rate unit	0.3 spaces per unit	Based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0.1 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living</i>	0.1 space per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review		The intent of this provision is to accommodate requests for reduction in parking requirements.
<i>Live/Work or Shopkeeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review		The intent of this provision is to accommodate requests for reduction in parking requirements.
<i>Office</i>	2 spaces per 1,000 square feet		
<i>Hotel</i>	0.5 spaces per room		
<i>Warehouse & Storage</i>	1 space per 10,000 square feet		
<i>Retail</i>	2.5 spaces per 1,000 square feet		
<i>Restaurant</i>	5.0 spaces per 1,000 square feet		

**Reasonable accommodations to these parking requirements may be granted if necessary to afford disabled persons equal housing opportunities under state or federal law. Please refer to the reasonable accommodations provisions of the San Diego Municipal Code section 131.0466.*

(d) ~~Small Lot Reduction.~~

~~For lots of 5,000 or fewer square feet, the minimum number of parking spaces required is reduced by 50 percent.~~

(e) ~~Enclosed Parking.~~

~~All parking provided within a development shall be enclosed and architecturally integrated into, or on top of, a structure.~~

(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) Below-grade parking is not required for parcels less than 10,000 square feet in area.~~
- ~~(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) *Structured Parking Facility Standards.*

The following shall apply to all above *grade* parking facilities:

- (1) All enclosed ground level parking areas shall be separated from the public sidewalk by habitable residential or non-residential space or utility rooms. The minimum depth of residential space, measured from the exterior building wall to the interior wall separating the habitable space from the parking area, shall be 10 feet. The minimum depth of commercial space, measured from the exterior building wall to the interior wall separating the commercial space from the parking area, shall be 20 feet.
- (2) All parking located above the ground level shall meet the following:
 - (A) *Development* located on a site of fewer than 30,000 square feet does not require encapsulated parking.
 - (B) *Development* located on a site of 30,000 or more square feet shall encapsulate 50 percent of the cumulative *building facades* directly abutting *street frontages* with habitable residential or non-residential uses.
 - (C) Roof top parking is allowed if all parking spaces, not including drive aisles, are covered with a roof or trellis *structure*.
 - (D) Parking levels located above the ground level shall be shielded from view by a solid wall or headlight obscuring

screen a minimum height of forty-two inches, measured from the finished *floor* of the adjoining parking space.

- (E) Any open areas in the exterior *building facade* of the *structure* shall be designed as an integral component of the overall architecture of the *development*.
- (3) All interior surfaces of a parking *structure* visible from the exterior of the garage shall be painted.
- (4) All duct work or utility functions serving a parking *structure* shall be *screened* from view.
- (5) All interior lighting fixtures shall be designed so that the light source is not directly visible from the exterior of the garage. Lighting for any roof top parking levels shall either be wall-mounted or on poles. Light poles shall not exceed a maximum height of fifteen feet, shall be located at least forty feet from any *property line*, and shall be designed so the light source is shielded from view from any *property line*. Lighting levels shall meet the requirements of the Illuminating Engineers Society's Manual, as amended.
- (6) All parking *structures* open to the sky shall be engineered and circulation designed to accommodate vertical expansion of three additional parking levels or the maximum amount permitted under the *FAR* limits applicable to the site, whichever is less.

(7) ~~Every vehicular access point to a public parking *structure*, shall have at least one 4 by 4 foot, internally illuminated, cabinet *sign*, clearly visible to pedestrians and motorists with a parking symbol consisting of a white letter “P” on a green background. Additional space may be added to the cabinet *sign* to indicate whether the *structure* is full or to provide information on pricing, ownership, management, or hours of operation, and whether it is private or *public parking*. The 4 by 4 foot area shall not be reduced or encroached upon by this additional information. The 4 by 4 foot area shall not be included in calculations regarding other *signs* for the *structure*.~~

(i) ~~Off Site Parking Provisions.~~

~~*Development* may provide required *off-street parking spaces* at an off-site location. The off-site location shall be within 500 feet of the *development* served by the parking, measured *property line to property line*, and shall be secured by *CC&Rs* recorded on both properties in a form acceptable to the City Attorney’s Office that ensures the parking use without reduction in spaces in perpetuity, unless another off-site location is secured in compliance with this section.~~

(j) ~~Parking Space Standards.~~

~~All parking spaces required by this Division shall meet City standards in accordance with section 142.0560 of the Land Development Code. Parking spaces provided in excess of the number of spaces required may deviate from the standards, but the final and permanent size of any non-~~

~~standard spaces for exclusive use by a *dwelling unit* in a residential *development* shall be disclosed to the resident prior to the execution of a sales or rental agreement.~~

~~(k) Vehicular Access.~~

~~(1) All driveways shall be perpendicular to the public sidewalk.~~

~~(2) The maximum linear feet of curb cut for vehicular access shall be calculated at a ratio of 1 linear foot per 500 square feet of site area. Parcels containing 10,000 or fewer square feet may double this ratio (2 linear feet of curb cut per 500 feet of site area). Curb cuts that serve up to ten parking spaces shall be between 12 and 20 feet wide. Curb cuts that serve over ten parking spaces shall be between 20 and 30 feet wide.~~

~~(3) All vehicular access curbs shall be located at least 65 feet away from the curb line of the closest intersection or at least 80 feet from the nearest curb cut on the same parcel, except on parcels of 5,000 or fewer square feet. On parcels of 5,000 or fewer square feet, the vehicular access curb cuts shall be located at least of 32.5 feet from the curb line of the closest intersection or at least 40 feet from the nearest curb cut on the same parcel. Curb cuts shall be located to minimize conflicts and maximize on *street* parking.~~

~~(l) Driveway Slopes and Security Gates.~~

~~Driveway slopes shall meet the requirements of section 142.0560(j)(9) of the Land Development Code. There shall be a transition behind the *public*~~

~~right-of-way not to exceed a gradient of 5 percent for a distance of 10 feet.~~

~~Security gates shall be located a minimum distance of 10 feet from the front *property line*, and the door swing from any security gate shall not encroach into the 10 foot required minimum distance from the front *property line*.~~

(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.~~

~~(“Parking Regulations” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)
(Retitled to “Off-Street Parking and Loading Regulations” and amended 5-6-2010 by O-19948 N.S.; effective 6-5-2010.)
(Amended 5-15-2014 by O-20367 N.S.; effective 6-14-2014.)~~

~~**[Editors Note:** Amendments as adopted by O-20367 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.~~

~~Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20367-SO.pdf~~

§1511.0402 *Transportation Demand Management (TDM)*

~~To reduce single-occupant vehicle trips into the Marina Planned District, applicants for proposed commercial and *hotel* projects with over 50,000 square feet of *gross floor area* shall achieve a minimum of twenty four points by implementing *TDM* measures in Table 1511-04D.~~

TABLE 1511-04-D: TRANSPORTATION DEMAND MANAGEMENT (TDM)	
Points	Measure
20	Five-year, 50% subsidy for transit passes for employee occupants
5	Designated shuttle stop, including signage, seating, lighting and on-going maintenance, for the publicly accessible shuttle serving the downtown area, with routing to include key destination points such as airport, hotels, and visitor-serving facilities.
15	"Shared Use Vehicles" —a minimum of 1 vehicle shall be provided for every 50,000 square feet of leasable <i>gross floor area</i> .
15	Electric, natural gas, fuel cells, fueling stations —a minimum of 1 space per 30,000 square feet of office space, a minimum of 1 space per 100 <i>hotel</i> rooms —a minimum of 50% of the stations shall be electric vehicle charging stations
10	On-site day care
5	Bicycle storage — a minimum of 1 space for every 10 parking spaces
5	Upgraded transit stop adjacent to new <i>development</i> , including shelter, seating, lighting and ongoing routine maintenance through an agreement with the appropriate transit agency for the life of the improvement.
5	On-site shower facilities available to all tenants/employees of a building —a minimum of 1 space per 100,000 square feet of office space —a minimum of 1 space per 100 <i>hotel</i> rooms
5	Participation by building management and tenants in carpool coordination, ridesharing and car-sharing programs.
5	Discounted parking rates for carpools containing three or more adults—minimum 25% discount
5	Preferential parking for car-sharing, carpool and vanpool (minimum 5% of permitted parking)
5	Discounted parking rates for vehicles with CARB classifications ULEV, SULEV, PZEV, and ZEV—minimum 20% discount

(“Mechanical and Utility Equipment Screening Regulations” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

(Retitled to “Transportation Demand Management (TDM)” and amended 5-6-2010 by O-19948 N.S.; effective 6-5-2010.)

(Amended 5-16-2013 by O-20258 N.S.; effective 6-12-2013.)

§1511.0403 Mechanical and Utility Equipment Screening Regulations

- (a) All refuse storage and mechanical equipment shall be ~~screened~~ by walls, fences, buildings, or combinations thereof to a height of 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~~, enclosed, or painted to blend with the roof surface.

(“Off Street Loading Facilities” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

(Retitled to “Mechanical and Utility Equipment Screening Regulations” and amended 5-6-2010 by O-19948 N.S.; effective 6-5-2010.)

§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.~~

(“Sign Regulations” added 3-27-2007 by O-19600 N.S.; effective 4-26-2007.)

(Amended 5-6-2010 by O-19948 N.S.; effective 6-5-2010.)

(Amended 5-15-2014 by O-20367 N.S.; effective 6-14-2014.)

~~**[Editors Note:** Amendments as adopted by O-20367 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.~~

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CLN:als
05/17/2019
Or.Dept:Planning Dept.
Doc. No.: 1793748_2

Passed by the Council of The City of San Diego on JUN 18 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 21 2019.

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 Hy Ready for Connie Patterson, 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

JUN 04 2019, and on JUN 21 2019.

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 Hy Ready for Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21086