

Article 11: The Marina Planned District

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

Division 3: Zoning and Subdistricts

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

§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

Redevelopment Agency has by resolution adopted architectural and design standards to be used in the evaluation of the appropriateness of any development for which a permit is applied under this Planned District Ordinance. These architectural and design standards shall be entitled, "Marina Urban Design Plan and Development Guidelines," a copy of which is on file in the office of the City Clerk as Document No. OO-17123.

- (b) Regulations

The following regulations 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 CCDC's Board and approved by the Redevelopment Agency 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 Redevelopment Agency financial, assistance excluding off-site public improvements, is required for the project.

(c) General Provisions

Section 1511.0302(c) 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.

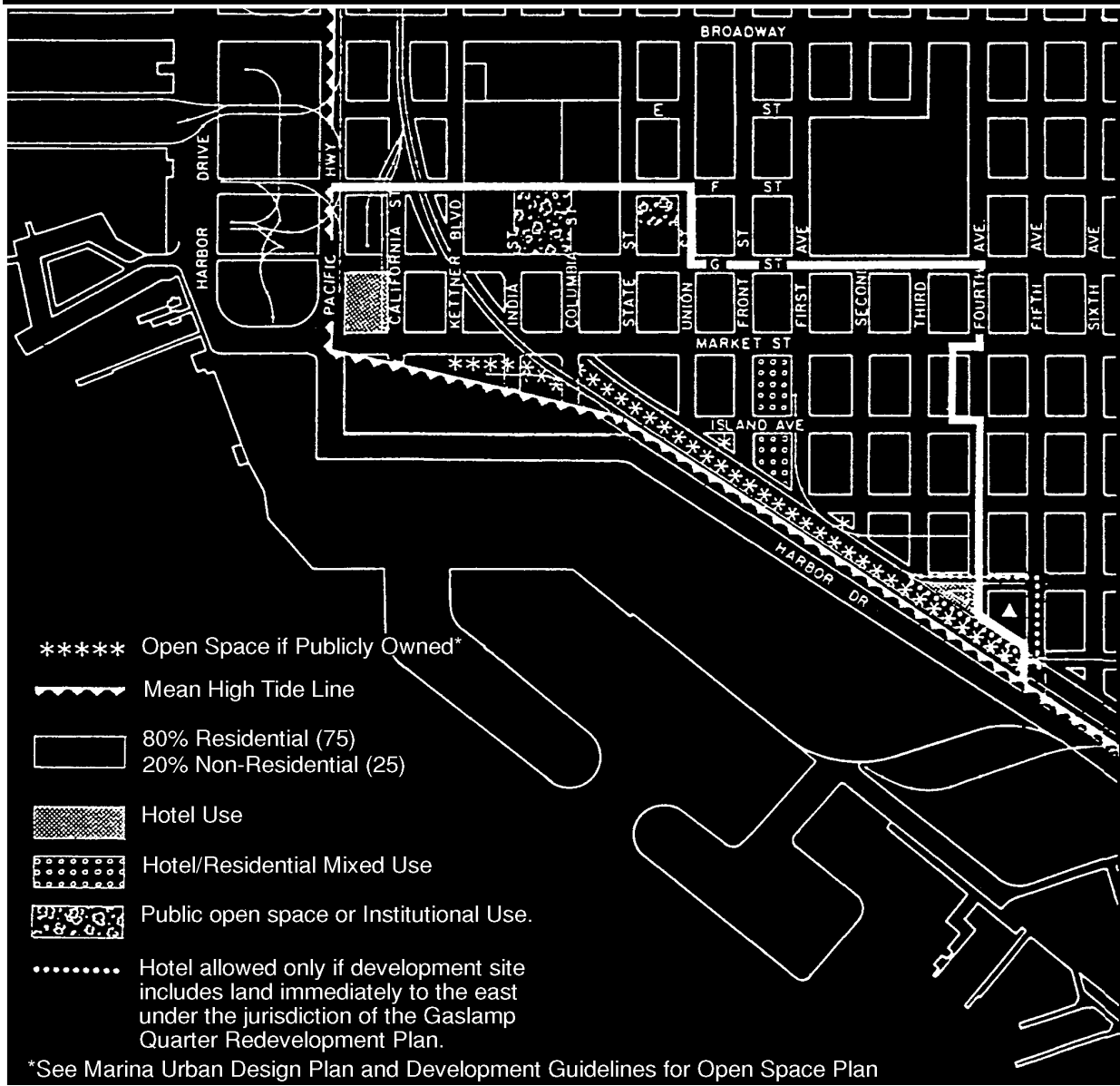
- (E) All residential/nonresidential activities located at the street level shall provide one direct at-grade entrance from the public right-of-way for each street frontage. Where such frontages exceed 75 feet, one entrance shall be provided for each 75 feet of frontage or portion thereof. Such entrances 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

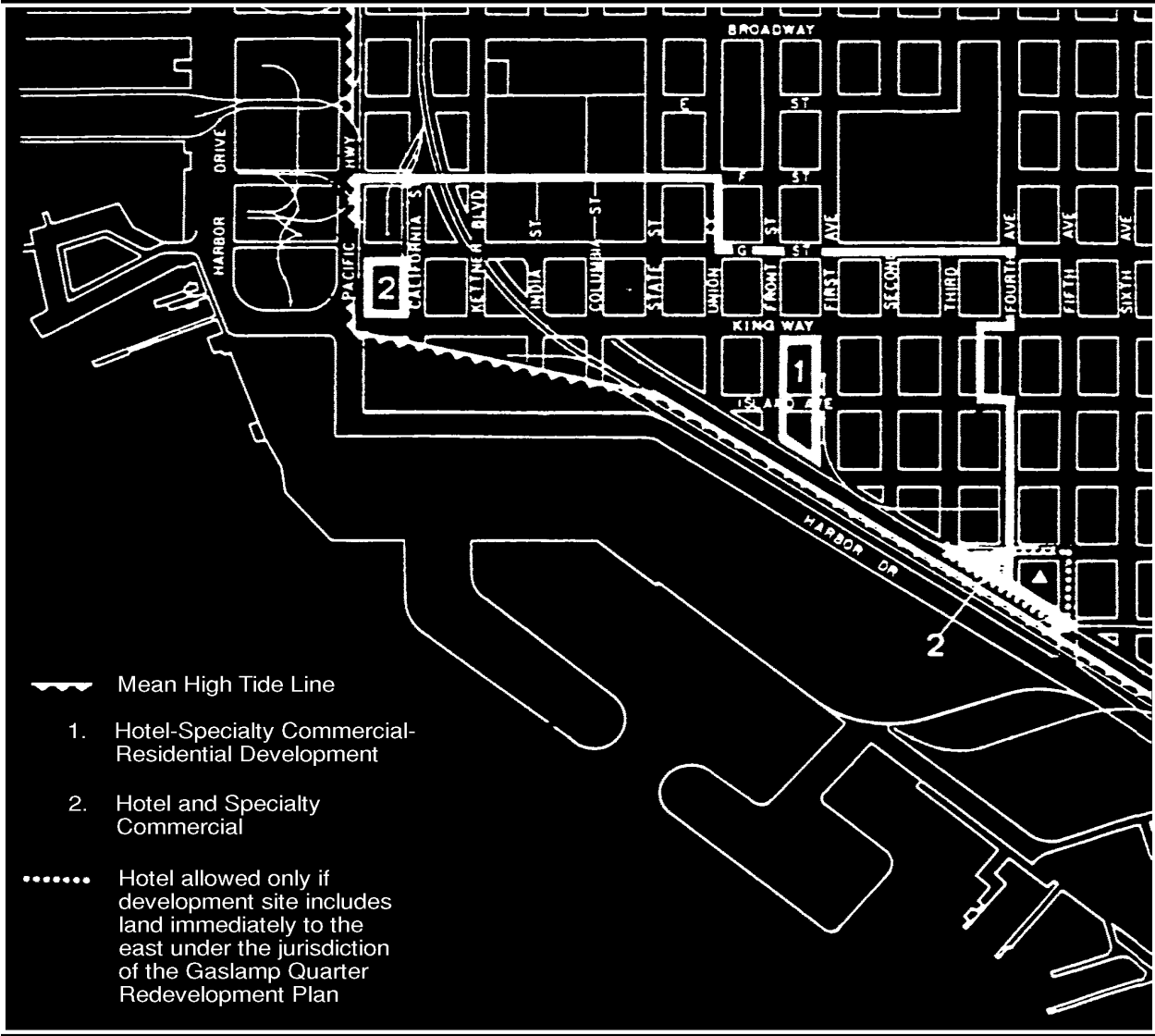
- (A) No more than 50 percent of the area of a sidewalk on the opposite side of a development shall be shaded by that development for no more than one hour between 11:00 a.m. and 2:00 p.m.
- (B) The location of existing and proposed development shall be considered in the siting of new structures in order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

Figure 1
 Land Use



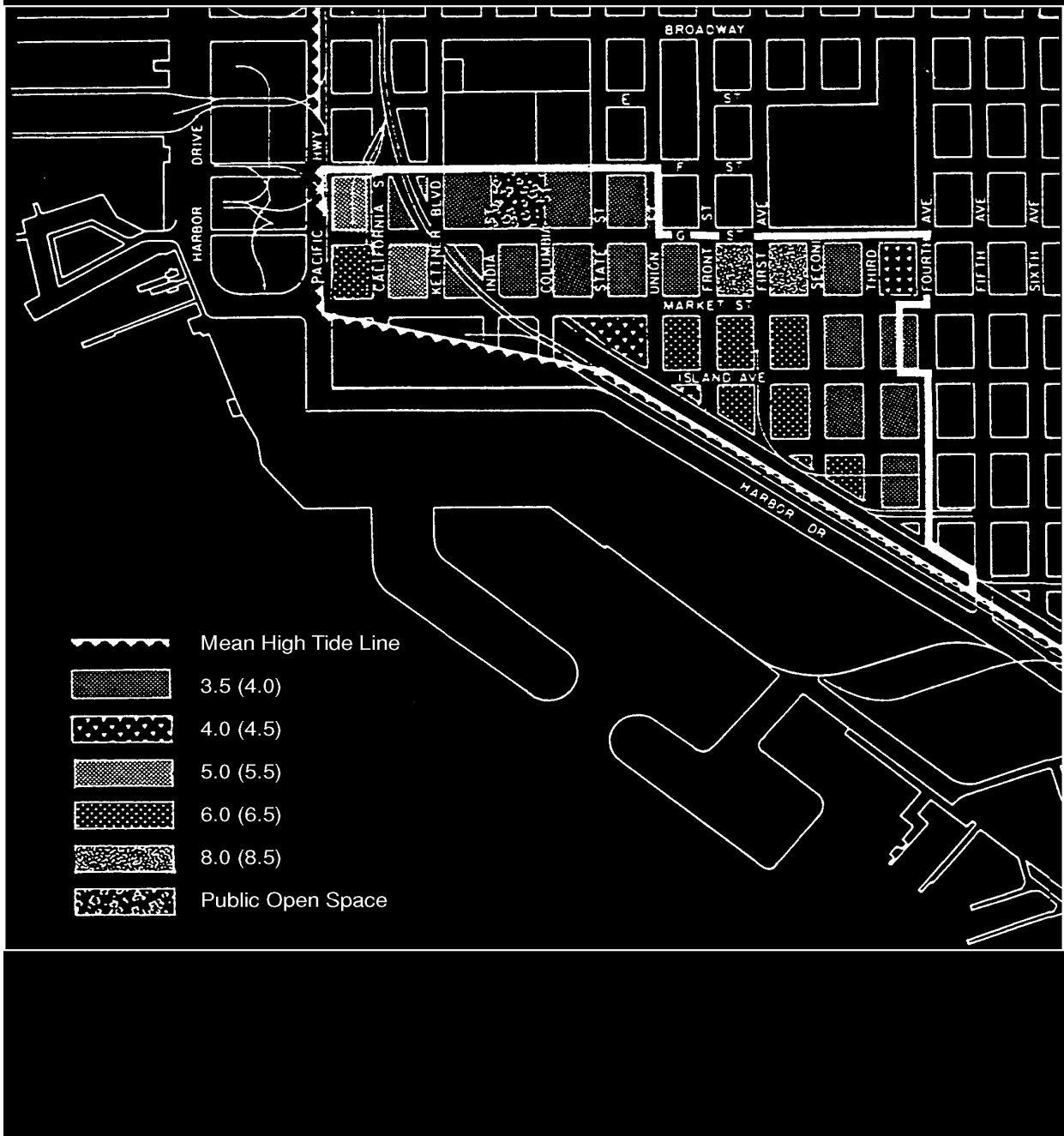
Division 20 Marina Planned District

Figure 2
Hotel / Residential Subareas



Division 20 Marina Planned District

EXHIBIT 4 Floor Area Ratios (FARS)



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