

JUL 14 1976

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 4 AND SECTIONS 103.0400 THROUGH 103.0414 ESTABLISHING THE GASLAMP QUARTER PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, of the San Diego Municipal Code, be and it is hereby amended by adding Division 4 and Sections 103.0400 through 103.0414, to read as follows:

GASLAMP QUARTER PLANNED DISTRICT

Division 4

SEC. 103.0400 PURPOSE AND INTENT

The public health, safety, and general welfare require that property in the Gaslamp Quarter be revitalized and protected from further impairment in value. It is necessary to impose reasonable restriction upon erection of new buildings and structures and the alteration of existing and relocated buildings and structures. To assist in this endeavor the distinctive architectural character that existed from 1880 to 1910 shall be retained and enhanced. Businesses that can enhance this historic environment will be encouraged to locate in the Gaslamp Quarter. The major segment of the modern City of San Diego began here and was the central business district of those early times. Many officially designated historical landmarks provide a basic architectural unity and visual distinction in the area, and historically significant architecture is found throughout the district. Six architectural

elements in varying patterns and emphasis govern the overall structural form and design continuity. These are: scale and proportion, fenestration, materials, color, texture, detail and decorative features. The Gaslamp Quarter's historic quality is further enhanced by its central location, contrasting impressively with the contemporary buildings

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proposed for the Horton Plaza area. The revitalization of the Gaslamp Quarter is in keeping with the objectives and proposals of the General Plan for the City of San Diego and the Centre City Plan, and would compliment the adjacent Horton Plaza Redevelopment Project.

SEC. 103.0401 BOUNDARIES

The regulations as defined herein shall apply in the Gaslamp Quarter which is within the boundaries of the Centre City area in the City of San Diego, California, designated on that certain Map Drawing No. C-466, and described in the appended boundary description, filed in the office of the City Clerk under Document No. 755608.

SEC. 103.0402 ADMINISTRATION

A. PLANNING DIRECTOR

The Planning Director or his designated representative shall administer the Gaslamp Quarter Planned District.

B. POWERS AND DUTIES

It is the duty of the Planning Director to administer and ensure compliance with the regulations and procedures contained within this Division in the manner prescribed herein for both public and private developments; to recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this Division. The

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Planning Director shall utilize architectural criteria and design standards adopted by the City Council in evaluating the appropriateness of any development for which a permit is applied under this Division. The Planning Director may approve, modify, or disapprove any applications for a permit, based upon the conditions of compliance or noncompliance with the adopted regulations and approved criteria and standards.

## SEC. 103.0403 PROCEDURES FOR PERMITS APPLICATION AND REVIEW

### A. APPLICATION

Applications for permits shall be made in accordance with the Municipal Code, Chapter IX and Chapter VI, Article 2, before the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing building or structure within the Planned District or any building which is moved into the Planned District or any grading or landscaping. Approval of the Planning Director is not required for interior modifications, repairs or remodeling, nor any exterior repairs or alterations for which a permit is not now required.

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B. CONTENT

The application shall include the following:

1. The purpose for which the proposed building, structure or improvement is intended to be used;
2. Adequate plans and specifications indicating proposed uses, lot area, lot coverage and off-street parking;
3. Adequate plans and specifications for the building and improvements showing the exterior appearance, color and texture of materials, and architectural design of the exterior;
4. Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety; and
5. Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein and other applicable laws and regulations.

C. REFERRAL

The Building Inspection Director and the City Engineer shall refer all applications made under "A" above to the Planning Director.

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D. DETERMINATION

The Planning Director may approve, modify or disapprove any application for a permit. Action by the Planning Director shall include a statement that the Planning Director finds that the building, structure, or improvement for which the permit was applied does or does not conform to the regulations contained herein. In the event the Planning Director determines that the proposed development does not conform to the regulations contained herein, the specific facts on which that determination is based shall be included in the written decision as provided for in paragraph "E" following.

The Building Inspection Director may approve permit applications of an emergency nature without prior approval of the Planning Director, if such actions are to rehabilitate any condition which renders a building unsafe or to demolish the structure for the same reasons. All such actions by the Building Inspection Director shall be immediately reported to the Planning Director.

E. NOTIFICATION

Within 60 days after the submission of a complete application to the Planning Director, the Planning Director shall as required above, send his decision in writing to the applicant, Building Inspection Director and City Engineer, except when the applicant requests or agrees to an extension of time.

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F. ISSUANCES

If the Planning Director approves the application and the application conforms to all other regulations and ordinances of the City of San Diego, the Building Inspection Director or City Engineer shall then issue the permit for the work.

G. CONDITIONS

Any permit granted by the City as herein provided, shall be conditioned upon the privileges granted being utilized within 18 months after the date of issuances of said permit. Failure to start work within this 18-month period will automatically void the permit unless an extension of time has been granted by the Planning Director as set forth in paragraph "H" below. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been no construction substantial in character since the date of the issuance of said permit, or that there has been during the course of development a lapse of work for six months, the permit shall be void.

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H. EXTENSION OF TIME TO A VALID PERMIT

The Planning Director may grant an extension of time up to two years on the time limit contained in a currently valid permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning Director in the office of the Planning Department prior to the expiration of the permit. The Planning Director may grant the extension of time if he finds from the evidence submitted that there has been no material change of circumstances since the permit was originally granted.

I. OTHER DETERMINATION

All other applications made under the Building Code and not under Section 103.0403 or involving interior work and not subject to any regulation contained within this Division shall be processed in the normal manner without referral to or approval by the Planning Director.

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SEC. 103.0404 APPEALS TO THE PLANNING COMMISSION

A. FILING

In the event of a denial or conditional approval of an application, the applicant may appeal from the decision of the Planning Director to the City Planning Commission within ten days after the decision is filed with the Planning Department. The appeal shall be in writing and filed in duplicate with the Planning Department upon forms provided by the Department. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the Planning Commission.

B. PUBLIC HEARING

Upon the filing of the appeal, the Planning Department shall set the matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0206 of the Municipal Code. The Planning Director shall transmit to the Planning Commission a copy of his decision and findings, and all other evidence, maps, papers and exhibits upon which the Planning Director made his decision.

C. DECISION OF THE PLANNING COMMISSION

Upon the hearing of such appeal, the Planning Commission may, by resolution, affirm, reverse, or modify, in whole or in part, any determination of the Planning Director. The Planning Commission decision shall be final.

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## SEC. 103.0405 PLANNING AND ZONING REGULATIONS WHICH SHALL APPLY

Chapter X, Article 1, Division 1 (Definitions and Interpretations), Chapter X, Article 1, Division 3 (Non-conforming Uses), Chapter X, Article 1, Division 9, (Planned Developments), Chapter X, Article 2, (Subdivisions), and Chapter X, Article 1, Division 11, Section 101.1101 (On-Premise Sign Definitions) of the Municipal Code shall apply in the Gaslamp Quarter Planned District as they exist now or as they maybe amended in the future. All other Divisions of Chapter X, Article 1, are superseded in the Planned District by the regulations contained within Chapter X, Article 3, Division 4.

## SEC. 103.0406 CHARACTER OF THE AREA

The architecture of the area is characterized by structures erected during a 30 year period from 1880 to 1910. The buildings are typically two or three stories high and are constructed of common brick with continuous facades at the property line. Ground floors are frequently 20 feet high with cornices separating them from the upper floors. Corbeling is very often found at the terminal cornice, particularly in the case of brick buildings. The fronts of buildings are often designed with closely set bays framed with segmental, stilted or flat arches, 10 to 12 feet apart. The openings are deep-set and the entrances are typically inset. Heavy ornate cornices and spandrels, carefully detailed parapets and bay windows are also typical design elements.

The following buildings, located throughout the Gaslamp Quarter, typify

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Backesto (Block) Buildings . . . 614 Fifth Avenue  
 Hubbell Building. . . . . 813 Fifth Avenue  
 McGurck Block . . . . . 611 Fifth Avenue  
 I.O.O.F. Building. . . . . 526 Market Street  
 Masonic Building (Independent  
 Order of Odd Fellows)  
 Keating Building. . . . . 432 F Street  
 Nesmith-Greeley Building. . . . 825 Fifth Avenue  
 Louis-Bank of Commerce . . . . . 835 Fifth Avenue  
 Yuma Building. . . . . 631 Fifth Avenue  
 First National Bank. . . . . Fifth & E Street  
 Spencer-Ogden Building . . . . . SW Corner 5th & F  
 Llewelyn Building. . . . . 722-728 Fifth Avenue

SEC. 103.0407 GENERAL DESIGN REGULATIONS

Concurrent with the adoption of this Division, the City Council shall by resolution also adopt architectural and design standards to be used in evaluating the appropriateness of any development for which a permit is applied under this Division. Such architectural and design standards shall be filed in the office of the City Clerk as a numbered document.

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A. MAXIMUM BUILDING HEIGHT

Buildings or structures in the Gaslamp Quarter shall be limited to four stories or 60 feet in overall height including parapets and appurtenances. Height exceptions for buildings or structures with frontage on Broadway may be granted by the Planning Director provided that the proposed building or structure:

- 1) Provides a stepping down or visual transition of height from the adjacent core area to the Gaslamp Quarter.
- 2) Is complimentary to the historical and architectural character and special scale of the Gaslamp Quarter by conformance with all other standards and criteria of the Planned District.
- 3) Does not visually intrude into the Gaslamp Quarter because of excessive bulk or height, does not adversely affect view, pedestrian movement or in any other way compromise the purpose and intent of the Gaslamp Quarter Planned District.

B. SCALE AND PROPORTION

Ground floors shall be a minimum of 15 feet in height and separated from the upper floors by a continuous cornice. There shall be a regularity of overall form and proportion. Ground floor treatment

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shall be pedestrian in scale with large show windows separated by pillars or columns.

C. FENESTRATION

Glazing shall be deeply recessed. Window frames shall be detailed and protrude beyond the front face of the buildings. Except on the ground floor, all windows shall be longer in their vertical dimension than they are wide. They shall be rhythmically spaced, matching the bay spacing below and the general proportions of windows in nearby buildings. At the upper floors, the area of the window openings shall be less than one-half of the total wall area. At the ground floor, the area of window openings shall be more than two-thirds the total wall area.

D. MATERIALS

Primary materials shall be brick, stone and concrete (substitute materials that are equal in appearance and achieve the desired effect may be used). Appurtenances, including bays, cornices, dentils, pilasters, etc., may be constructed of wood. Canvas may be used for awnings, marquees and canopies. Cast iron may also be used in details and decorative features, notably in pilasters, rails, grills, lamps, and other trim.

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E. COLOR

Earth tones shall predominate. The natural red of common brick should be typical; however, whites, blacks, reds, browns, yellows, greens, grays and blues should also be used.

F. TEXTURE

Typical facing materials shall be textured in appearance. However, the overall street facade shall be unified in scale and appearance.

G. DETAIL

Arches are most frequently found on the ground floor, and shall be either segmental, stilted or flat. Upper terminal cornices, as well as cornices separating the ground floor from the upper floors shall be provided. These are often heavy and projecting. Other classical features shall predominate including pediments, columns or pilasters and parapets.

H. ROOFS

Roofs shall not be visible from the street.

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## I. REMODELING

To preserve the historical integrity of the Gaslamp Quarter, all exterior remodelings must be in character with the original style of the building in question, regardless of its era.

## SEC. 103.0408 PERMITTED USES

In the Gaslamp Quarter no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:
  - a. Antique shops
  - b. Art galleries
  - c. Bakeries
  - d. Barber shops
  - e. Beauty shops
  - f. Bicycle shops
  - g. Book stores
  - h. Boutiques
  - i. Camera shops
  - j. Card rooms
  - k. Clothing stores
  - l. Confectionaries (candy stores)
  - m. Decorator and home accessory shops
  - n. Delicatessans
  - o. Drug stores
  - p. Financial institutions, subject to the following provision:

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That they be limited to occupying a maximum of 25% of the parcel width not to exceed 25 feet in the front 50% of each parcel. The full width of the parcel may be occupied in the rear 50% of the parcel.

- q. Florists
- r. Food stores not exceeding 10,000 sq. ft.
- s. Gift and novelty shops
- t. Hardware stores
- u. Hobby shops
- v. Ice cream parlors
- w. Import and art objects stores
- x. Jewelry stores
- y. Locksmith shops
- z. Leather goods stores
- aa. Liquor stores
- bb. Luggage shops
- cc. Nightclubs
- dd. Nurseries
- ee. Music Stores
- ff. Open air cafes (sidewalk cafes not located in public right-of-way)
- gg. Pawn shops
- hh. Arcades
- ii. Pet shops
- jj. Photographic studios
- kk. Post offices
- ll. Wholesale produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry, and groceries.
- mm. Saloons, pubs, etc.
- nn. Restaurants, excluding drive-in and drive-through
- oo. Shoe stores
- pp. Shoe repair shops
- qq. Shoe shine parlors
- rr. Sporting goods stores
- ss. Stationers and card shops
- tt. Studios for art, dance, music
- uu. Supper clubs
- vv. Tobacco shops
- ww. Travel bureaus
- xx. Theaters
- yy. Variety shops
- zz. Wedding shops

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2. The following uses shall be permitted only above or below the first floor.
  - a. Business machines sales display and service
  - b. Drafting and blueprint services
  - c. Medical appliance sales
  - d. Office furniture and equipment sales
  - e. Furniture stores
  - f. Photographic equipment, supplies and film processing
  - g. Funeral parlors
  - h. Newspaper plants
  - i. Lithography shops
  - j. Radio and TV stations
  - k. Wholesaling and warehousing
  - l. Hotels and motels
  - m. Business and professional office uses. Such uses may include accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, financial institutions, insurance brokers, securities brokers, surveyors, and graphic artists.
  - n. Addressing, secretarial and telephone answering services
  - o. Electronic data processing, tabulating and record keeping
  - p. Labor unions and trade associations
  - q. Medical, dental, biological and x-ray laboratories
  - r. Private clubs, fraternal organizations and lodges
  - s. Dwelling units
3. Specialized Uses
  - a. Charitable organizations (non-profit or otherwise) and their attendant activities. These may include the collection, manufacture, sale and/or distribution of food, lodging or other forms of contact; and related activities.
  - b. Churches, Temples or buildings of a permanent nature used primarily for religious purposes.
4. Street uses in the Fifth Avenue right-of-way where such uses are consistent with the 1880-1910 era:

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- a. Flower sales, musicians, newstands, shoe shine parlors and street vendors (popcorn, ice cream, hot dogs, balloons, etc.)
  - b. Awnings, canopies and marquees no closer than two feet from the curb line
  - c. Street furniture including street lights, benches, fountains, flags, water troughs, etc.
5. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

## SEC. 103.0409 OFF-STREET PARKING, CONSTRUCTION, MAINTENANCE AND OPERATION REGULATIONS.

No off-street parking shall be visible from the street frontage. Off-street parking shall be restricted to the rear 50% of any parcel along Fifth Avenue. Off-street parking shall be in conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Development Standards and Operations Standards - Off-Street Parking Lots," on file in the office of the Planning Department. Off-street parking shall also be in substantial conformance with the Architectural Controls as specified within Division 4 of this Article. Substantial conformance shall be determined by the Planning Director; said determination shall be subject to appeal in the manner set forth in Section 103.0404.

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## SEC. 103.0410 SIGNS

### A. Regulations

The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs in the Gaslamp Quarter Planned District shall be subject to the following regulations:

1. Signs shall be pedestrian oriented in size and shape. Lettering and symbols shall be simple and bold.
2. The area of all signs on a building shall not exceed an area of two square feet for each foot of street frontage occupied by the building, and shall in no event exceed a total of 100 square feet on each street frontage.
3. No roof sign shall be permitted.
4. A sign may not project perpendicularly beyond the property line more than six (6) feet. This limitation shall apply to signs only.
5. Projecting signs for each establishment shall be limited to one 18 square foot double space sign on each street frontage

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occupied by the establishment. Faces of double sided signs shall be parallel.

6. The tops of all signs shall be placed entirely below the level of the lowest cornice or strong horizontal element located above the ground story of the building, but in no event higher than three feet above the top of the ceiling level of the ground story, with the exception of simple black or gold letters which may be applied to windows above the first floor. Lettering should be contemporary to the period in which the building or structure was built.
7. All illumination shall be by means of gas and/or incandescent bulbs to be in keeping with the lighting of the period.
8. Nothing herein shall prohibit flashing, moving, or animated signs providing that all provisions and conditions stated above are met.
9. Preservation of commercial graphics painted on the sides of certain buildings shall be encouraged.
10. Historical Signs: All requests for signs not conforming to that permitted in the above paragraphs shall be accompanied by documentary evidence that signs of such size and advertising

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such a business were in use in the area prior to 1910. Signs must conform in size, shape, design, material, coloring, lighting and location to the Pre-1910 period. Documentary evidence must be approved by the City of San Diego Historical Site Board.

B. COMPLIANCE

Signs in existence on the effective date of the ordinance which do not conform to the provisions of the Gaslamp Quarter Planned District but which were constructed, erected, affixed, or maintained in compliance with all previous regulations shall be regarded as nonconforming signs. Said non-conforming signs shall be removed no later than (7) seven years from the date it became non-conforming. In the event signs become non-conforming by amendments to the sign regulations of the District they shall be removed no later than seven years from the date they became non-conforming.

Nonconforming signs and/or parts thereof, including sign supports, may be declared "Public Nuisances" and then shall be abated as prescribed by law. Applications for extensions of time may be made in accordance with Sec. 95.0123 and Sec. 95.0124 of the Municipal Code.

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## SEC. 103.0411 PUBLIC FACILITIES, STRUCTURES AND AREA

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of Division 4 of this Article which is to re-create the history of the character of the Gaslamp Quarter in general accord with the period between 1880 to 1910 and shall be subject to the same regulations, conditions and standards established herein.

## SEC. 103.0412 REGULATIONS FOR HISTORIC AND ARCHITECTURALLY SIGNIFICANT STRUCTURES

### A. ALTERATIONS

Chapter X, Article 1, Division 3 of the Municipal Code, concerning alterations of nonconforming uses, shall not apply to historic or architecturally significant buildings, structures, or sites as designated by the Historical Site Board.

### B. EXCEPTIONS

The Planning Director shall have the power to grant an exception to any regulation within Division 4 of this Article including permitted uses, when such exception is necessary to permit the preservation or restoration of a historic or architecturally

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significant building, structure or site. Such exception shall be subject to the following conditions:

1. The subject building, structure or site must be identified by the Historical Site Board as being historic or architecturally significant;
2. The proposed exception shall be referred to the Planning Department and the Historical Site Board for a report and recommendation;
3. The Planning Director in granting an exception shall make a finding that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site; that strict application of the provisions contained within Division 4 of this Article would result in economic or other practical difficulties in securing the preservation or restoration of a historic or architecturally significant building, structure or site, and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and
4. In making a decision, the Planning Director shall make a written finding which shall specify facts relied upon in

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rendering his decision. A copy of this written finding, together with all evidence presented to the Planning Director, including plans required elsewhere in Division 4 of this Article shall be filed with the Planning Director's decision in the office of the City Clerk, the Department of Building Inspection and the Planning Department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal as provided in Section 103.0404.

#### SEC. 103.0413 DEVIATIONS FROM BUILDING CODE ALLOWED

Notwithstanding the provisions of this ordinance or any other ordinance, it shall be lawful in the Gaslamp Quarter District to repair, remodel or restore all historic or architecturally significant buildings or structures designated by the Historical Site Board in the same manner and with the same kind or similar materials with which they were originally constructed, providing that such building or structure shall be approved by the Planning Director and the Building Inspection Director and such building or structure shall be safe and not hazardous to its occupants or the public. The Planning Director and the Building Inspection Director shall require such repairs, modifications, and/or improvements to the building or structure as conditions permit, as are deemed necessary to preserve the architectural and historic character and meet adequate life and safety standards. Requirements of the Planning Director may be appealed to the Planning Commission as provided by

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Section 103.0404. Requirements of the Building Inspection Director concerning methods and materials or minor deviations to alleviate practical difficulties of construction may be appealed to the Board of Appeals and Advisors as provided for in Section 204A of the Building Code.

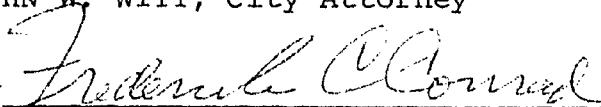
### SEC. 103.0414 REMOVAL OF DAMAGED HISTORIC STRUCTURES

In the event any building or structure of architectural or historic value or interest shall be damaged by earthquake, fire, or act of God to such an extent that in the opinion of the Planning Director and the Building Inspection Director it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for said removal.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

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Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By LaVonne E. Miller, 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 30 1976

JUL 14 1976

and on \_\_\_\_\_, and on \_\_\_\_\_

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By LaVonne E. Miller Deputy.

RECEIVED  
CITY CLERK'S OFFICE

1976 JUN 28 AM 8:52

SAN DIEGO, CALIF.

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CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California

Ordinance  
Number

11870

Adopted

JUL 14 1976

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fw

ATTORNEY(S)

San Diego, City of  
202 C St., 12th Floor  
San Diego, CA 92101

CERTIFICATE OF PUBLICATION

No.

\_\_\_\_\_  
IN THE MATTER OF

INDUSTRIAL LEAVE  
\_\_\_\_\_

PATRICIA M. DUTRA

I, hereby certify  
that the San Diego Daily Transcript is a daily newspaper of  
general circulation within the provisions of the Government Code  
of the State of California, printed and published in the City of San  
Diego, County of San Diego, State of California; that I am the  
principal clerk of said newspaper; and the

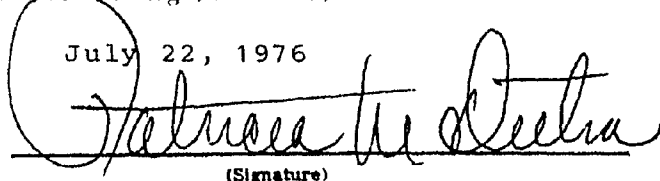
ORDINANCE NO. 11861

is a true and correct copy of which this certificate is annexed and  
was published in said newspaper on

July 22, 1976

I certify under penalty of perjury that the foregoing is true and  
correct, at San Diego, California, on

July 22, 1976

  
\_\_\_\_\_  
(Signature)

13" @ 4.84 = 62.92

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**ORDINANCE NO. 11861**

(New Series)

**AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 23.1111 (RULE X, SECTION 11 OF THE RULES OF THE CIVIL SERVICE COMMISSION) RELATING TO INDUSTRIAL LEAVE.**

WHEREAS, The City of San Diego has executed Memoranda of Understanding with employee organizations providing for an industrial leave program to provide benefits similar to and thereby eventually replace the existing injury leave program now contained in the Civil Service Rules; and

WHEREAS, the Civil Service Commission on May 12, 1976, voted to amend Rule X, Leaves of Absence, to add a new section which describes the basic provisions of the industrial leave program; and

WHEREAS, it is now necessary to amend, by Council ordinance, the San Diego Municipal Code to place such program in full force and effect;

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 3, Division 11 of the San Diego Municipal Code be and the same is hereby amended by adding Section 23.1111 (Rule X, Section 11 of the Rules of the Civil Service Commission) to read as follows:

**SEC. 23.1111 INDUSTRIAL LEAVE**  
(Rule X, Section 11 of the Rules of the Civil Service Commission)

a. **INDUSTRIAL LEAVE INTENT AND DEFINITION:** The intent of this section is to provide industrial leave benefits in lieu of injury leave to employees who are temporarily and totally disabled from performing productive City work by reason of injury or illness, arising out of or in the course of their employment, while properly performing the duties of their classification. Participation in the industrial leave program shall be limited to employees in classifications approved by the Civil Service Commission.

b. **ELIGIBILITY FOR INDUSTRIAL LEAVE:** Employees shall be eligible for industrial leave benefits subject to the provisions approved by the Civil Service Commission.

c. **INDUSTRIAL LEAVE BENEFIT:** The industrial leave benefit shall be the employee's net take-home pay as defined by the Civil Service Commission.

d. **DURATION OF INDUSTRIAL LEAVE:** An employee's maximum industrial leave benefit shall not exceed the number of hours equivalent to the employee's work year for each injury, including any recurrence or aggravation to an injury previously approved for industrial leave. Industrial leave will terminate when the employee no longer qualifies for industrial leave under the provisions approved by the Civil Service Commission.

e. **APPEAL FROM DENIAL OF INDUSTRIAL LEAVE:** An employee may appeal the denial of industrial leave by the Worker's Compensation Administration in writing to the Personnel Director by stating the specific reasons for the employee's appeal and the issues upon which the appeal is based. The Personnel Director, in conjunction with the Worker's Compensation Administration, shall review all pertinent facts and written information and shall report the findings and decision in writing to the employee and the Civil Service Commission.

f. **TOTAL COMPENSATION OF EMPLOYEE:** Industrial leave is granted in lieu of Worker's Compensation Temporary Disability.

g. **WORKER'S COMPENSATION AND INDUSTRIAL LEAVE:** Nothing herein contained shall be deemed to affect the employee's entitlement to medical, surgical and hospital treatment as provided in Division 4 of the California Labor Code nor be deemed to affect the employee's entitlement to receive such Temporary Disability payments as also provided in Division 4. Industrial leave is not within the jurisdiction of the California Labor Code nor the adjudication of the Worker's Compensation Appeals Board.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on June 22, 1976.

Passed and adopted by the Council of The City of San Diego on July 7, 1976.

**AUTHENTICATED BY:**  
PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.  
By KATHLEEN MARTINEZ, Deputy.

(SEAL)  
Pub. July 22, 1976

LS 7408

01794

ATTORNEY(S)

San Diego, City of  
202 C St., 12th Floor  
San Diego, CA 92101  
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

\_\_\_\_\_  
IN THE MATTER OF

SOUTH BAY TERRACES AREA  
\_\_\_\_\_

I, PATRICIA M. DUTRA hereby certify  
that the San Diego Daily Transcript is a daily newspaper of  
general circulation within the provisions of the Government Code  
of the State of California, printed and published in the City of San  
Diego, County of San Diego, State of California; that I am the  
principal clerk of said newspaper; and the

ORDINANCE NO. 11862

is a true and correct copy of which this certificate is annexed and  
was published in said newspaper on

July 22, 1976

I certify under penalty of perjury that the foregoing is true and  
correct, at San Diego, California, on

July 22, 1976

  
\_\_\_\_\_  
(Signature)

21" @ 4.84 = 101.64 L  
01795

**ORDINANCE NO. 11862**

(New Series)

**AN ORDINANCE OF THE CITY OF SAN DIEGO CONSENTING TO THE TRANSFER OF THE NONEXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO LAY AND USE LINES, WIRES, COAXIAL CABLE AND APPURTENANCES FOR TRANSMITTING, DISTRIBUTING AND SUPPLYING RADIO AND TELEVISION ANTENNA SERVICE ALONG, ACROSS AND UPON THE PUBLIC STREETS, WAYS, ALLEYS AND PLACES WITHIN THE CITY OF SAN DIEGO KNOWN AS THE SOUTH BAY TERRACES AREA FROM SOUTH BAY TERRACES ANTENNA SYSTEM, INC. TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION.**

WHEREAS, The City of San Diego has by Ordinance No. 10207 (N.S.) granted the nonexclusive right, privilege and franchise to lay and use lines, wires, coaxial cable and appurtenances for transmitting, distributing and supplying radio and television antenna service along, across and upon the public streets, ways, alleys and places within the City of San Diego known as the South Bay Terraces area to South Bay Terraces Antenna System, Inc., as more particularly set forth in said ordinance; and

WHEREAS, South Bay Terraces System, Inc. has by a letter dated April 5, 1976, a copy of which is on file in the office of the City Clerk as Document No. 755707, requested The City of San Diego to consent to the transfer of said franchise to American Television and Communications Corporation pursuant to the provisions of Section 8 of Ordinance No. 10207 (N.S.); and subject to the following conditions subsequent:

(a) That within thirty (30) days of the effective date of this ordinance American Television and Communications Corporation interconnect the existing South Bay Terraces Antenna System, Inc. cable with the neighboring cable owned and operated by Mission Cable TV, Inc. pursuant to the terms and conditions set forth in an agreement dated June 22, 1976, between Mission Cable TV, Inc. and American Television and Communications Corporation, a copy of which is on file in the office of the City Clerk as Document No. 755708, in order that the subscribers in the area served by the franchise now held by South Bay Terraces Antenna System, Inc. may enjoy cable television signal reception equivalent to that received by subscribers in the neighboring area served by Mission Cable TV, Inc.; and that hereafter American Television and Communications Corporation shall at all times continue with said cable interconnect or otherwise insure that the subscribers in the franchise area presently held by South Bay Terraces Antenna System, Inc. continuously and at all times receive equivalent high quality of cable television service and signal as is available in the neighboring area served by Mission Cable TV, Inc.; and

(b) that American Television and Communications Corporation strictly comply with the terms and conditions of the Sales Commitment heretofore executed by American Television and Communications Corporation on June 22, 1976, a copy of which is on file in the office of the City Clerk as Document No. 755709; and

WHEREAS, American Television and Communications Corporation has indicated its willingness to accept the transfer of said franchise on the conditions subsequent as set forth above as evidenced by testimony on the public record in connection with the hearing at the introduction of this ordinance and the execution of the Sales Commitment dated June 22, 1976, referred to above; NOW, THEREFORE,

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

Section 1. That The City of San Diego does by this ordinance consent to the transfer to American Television and Communications Corporation of the franchise heretofore granted to South Bay Terraces Antenna System, Inc. subject to all the terms and conditions contained in said Ordinance No. 10207 (N.S.) and subject to the following conditions subsequent:

(a) That within thirty (30) days of the effective date of this ordinance American Television and Communications Corporation interconnect the existing South Bay Terraces Antenna System, Inc. cable with the neighboring cable owned and operated by Mission Cable TV, Inc. pursuant to the terms and conditions set forth in an agreement dated June 22, 1976, between Mission Cable TV, Inc. and American Television and Communications Corporation, a copy of which is on file in the office of the City Clerk as Document No. 755708, in order that the subscribers in the area served by the franchise now held by South Bay Terraces Antenna System, Inc. may enjoy cable television signal reception equivalent to that received by subscribers in the neighboring area served by Mission Cable TV, Inc.; and that thereafter American Television and Communications Corporation shall at all times continue with said cable interconnect or otherwise insure that the subscribers in the franchise area presently held by South Bay Terraces Antenna System, Inc. continuously and at all times receive equivalent high quality of cable television service and signal as is available in the neighboring area served by Mission Cable TV, Inc.; and

(b) that American Television and Communications Corporation strictly comply with the terms and conditions of the Sales Commitment heretofore executed by American Television and Communications Corporation on June 22, 1976, a copy of which is on file in the office of the City Clerk as Document No. 755709.

Section 2. Failure by American Television and Communications Corporation to strictly comply with all the terms and conditions set forth in Section 1 hereof shall be grounds for action by the City Council by ordinance to rescind the consent granted herein or take such other action as the City Council deems appropriate and in the best interests of the Franchise area subscribers without giving rise to any liability to the City, its officers or agents for said act of rescission.

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

Passed and adopted by the Council of The City of San Diego on July 7, 1976, by the following vote:

YEAS: Johnson, O'Connor, Hubbard, Morrow, Gade, Ellis, Haro, Wilson.

NAYS: None.

ABSENT: Williams.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy.

(SEAL)

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 June 23, 1976, and on July 7, 1976.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy.

(SEAL)

Pub. July 22, 1976

LS 7409

ATTORNEY(S)

San Diego, City of  
202 C St., 12th Floor  
San Diego, CA 92101  
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

\_\_\_\_\_  
IN THE MATTER OF

MIRA MESA AREA  
\_\_\_\_\_

I, PATRICIA M. DUTRA hereby certify  
that the San Diego Daily Transcript is a daily newspaper of  
general circulation within the provisions of the Government Code  
of the State of California, printed and published in the City of San  
Diego, County of San Diego, State of California; that I am the  
principal clerk of said newspaper; and the

ORDINANCE NO. 11863

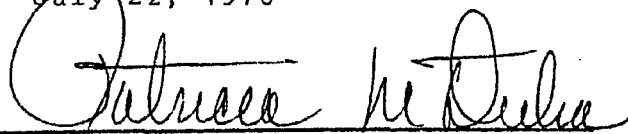
7404

is a true and correct copy of which this certificate is annexed and  
was published in said newspaper on

July 22, 1976

I certify under penalty of perjury that the foregoing is true and  
correct, at San Diego, California, on

July 22, 1976



(Signature)

10 7/8" @ 4.84 = 49.61

01797 ✓

**ORDINANCE NO. 11863**

(New Series)

AN ORDINANCE OF THE CITY OF SAN DIEGO CONSENTING TO THE TRANSFER OF THE NONEXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO LAY AND USE LINES, WIRES, COAXIAL CABLE AND APPURTENANCES FOR TRANSMITTING, DISTRIBUTING AND SUPPLYING RADIO AND TELEVISION ANTENNA SERVICE ALONG, ACROSS AND UPON THE PUBLIC STREETS, WAYS, ALLEYS AND PLACES WITHIN THE CITY OF SAN DIEGO KNOWN AS THE MIRA MESA AREA FROM PENASQUITOS ANTENNA SYSTEM, INC. TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION.

WHEREAS, The City of San Diego has by Ordinance No. 10502 (N.S.) granted the nonexclusive right, privilege and franchise to lay and use lines, wires, coaxial cable and appurtenances for transmitting, distributing and supplying radio and television antenna service along, across and upon the public streets, ways, alleys and places within the City of San Diego known as the Mira Mesa area to Penasquitos Antenna System, Inc., as more particularly set forth in said ordinance; and

WHEREAS, Penasquitos Antenna System, Inc. has by a letter dated April 5, 1976, a copy of which is on file in the office of the City Clerk as Document No. 753707, requested The City of San Diego to consent to the transfer of said franchise to American Television and Communications Corporation pursuant to the provisions of Section 8 of Ordinance No. 10502 (N.S.); NOW, THEREFORE,

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

Section 1. That The City of San Diego does by this ordinance consent to the transfer to American Television and Communications Corporation of the franchise heretofore granted by Ordinance No. 10502 (N.S.) to Penasquitos Antenna System, Inc. subject to all the terms and conditions contained in said Ordinance No. 10502 (N.S.).

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Passed and adopted by the Council of The City of San Diego on July 7, 1976, by the following vote:

YEAS: Johnson, O'Connor, Hubbard, Morrow, Gade, Ellis, Haro, Wilson.

NAYS: None.  
ABSENT: Williams.

AUTHENTICATED BY:  
PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.  
By KATHLEEN MARTINEZ, Deputy.

(SEAL) 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 June 23, 1976, and on July 7, 1976.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.  
By KATHLEEN MARTINEZ, Deputy.

(SEAL)

Pub. July 22, 1976

L.S. 7304

*Ordinance No. 11863*

01798

ATTORNEY(S)

San Diego, City of  
202 C St., 12th Floor  
San Diego, CA 92101  
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

RANCHO LOS PENASQUITOS AREA

PATRICIA M. DUTRA

I, Patricia M. Dutra hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 11864

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

July 22, 1976

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

July 22, 1976

Patricia M. Dutra

(Signature)

10' 4.84 = 48.40 01799 ✓



**ORDINANCE NO. 11864**

(New Series)

AN ORDINANCE OF THE CITY OF SAN DIEGO CONSENTING TO THE TRANSFER OF THE NONEXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO LAY AND USE LINES, WIRES, COAXIAL CABLE AND APPURTENANCES FOR TRANSMITTING, DISTRIBUTING AND SUPPLYING RADIO AND TELEVISION ANTENNA SERVICE ALONG, ACROSS AND UPON THE PUBLIC STREETS, WAYS, ALLEYS AND PLACES WITHIN THE CITY OF SAN DIEGO KNOWN AS THE RANCHO LOS PENASQUITOS AREA FROM PENASQUITOS ANTENNA SYSTEM, INC. TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION.

WHEREAS, The City of San Diego has by Ordinance No. 9966 (N.S.) granted the nonexclusive right, privilege and franchise to lay and use lines, wires, coaxial cable and appurtenances for transmitting, distributing and supplying radio and television antenna service along, across and upon the public streets, ways, alleys and places within the City of San Diego known as the Rancho Los Penasquitos area to Penasquitos Antenna System, Inc., as more particularly set forth in said ordinance; and

WHEREAS, Penasquitos Antenna System, Inc. has by a letter dated April 5, 1976, a copy of which is on file in the office of the City Clerk as Document No. 755707, requested The City of San Diego to consent to the transfer of said franchise to American Television and Communications Corporation pursuant to the provisions of Section 8 of Ordinance No. 9966 (N.S.); NOW, THEREFORE,

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

Section 1. That The City of San Diego does by this ordinance consent to the transfer to American Television and Communications Corporation of the franchise heretofore granted by Ordinance No. 9966 (N.S.) to Penasquitos Antenna System, Inc. subject to all the terms and conditions contained in said Ordinance No. 9966 (N.S.).

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Passed and adopted by the Council of The City of San Diego on July 7, 1976, by the following vote:

YEAS: Johnson, O'Connor, Hubbard, Morrow, Gade, Ellis, Haro, Wilson.

NAYS: None.

ABSENT: Williams.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy.

(SEAL)

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 June 23, 1976, and on July 7, 1976.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy.

(SEAL)

Pub. July 22, 1976

LS 7405

*Ordinance No. 11864*

01800

ATTORNEY(S)

San Diego, City of  
202 C St., 12th Floor  
San Diego, CA 92101  
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

\_\_\_\_\_  
IN THE MATTER OF

UNIVERSITY CITY AREA  
\_\_\_\_\_

I, PATRICIA M. DUTRA hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

7406

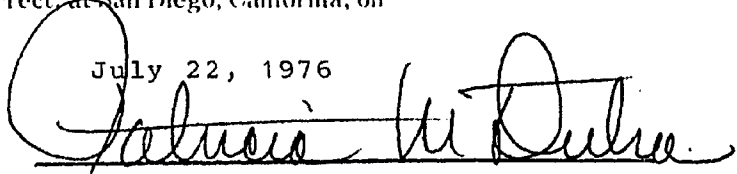
ORDINANCE NO. 11865 (New Series)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

July 22, 1976

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

July 22, 1976

  
\_\_\_\_\_  
(Signature)

10" @ 4.84 = 48.40

01801 ✓

**ORDINANCE NO. 11865**

(New Series)

AN ORDINANCE OF THE CITY OF SAN DIEGO CONSENTING TO THE TRANSFER OF THE NONEXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO LAY AND USE LINES, WIRES, COAXIAL CABLE AND APPURTENANCES FOR TRANSMITTING, DISTRIBUTING AND SUPPLYING RADIO AND TELEVISION ANTENNA SERVICE ALONG, ACROSS AND UPON THE PUBLIC STREETS, WAYS, ALLEYS AND PLACES WITHIN THE CITY OF SAN DIEGO KNOWN AS THE UNIVERSITY CITY AREA FROM UNIVERSITY CITY ANTENNA SYSTEM, INC. TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION.

WHEREAS, The City of San Diego has by Ordinance No. 10110 (N.S.) granted the nonexclusive right, privilege and franchise to lay and use lines, wires, coaxial cable and appurtenances for transmitting, distributing and supplying radio and television antenna service along, across and upon the public streets, ways, alleys and places within the City of San Diego known as the University City area to University City Antenna System, Inc., as more particularly set forth in said ordinance; and

WHEREAS, University City Antenna System, Inc. has by a letter dated April 5, 1976, a copy of which is on file in the office of the City Clerk as Document No. 755707, requested The City of San Diego to consent to the transfer of said franchise to American Television and Communications Corporation pursuant to the provisions of Section 8 of Ordinance No. 10110 (N.S.); NOW, THEREFORE,

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

Section 1. That The City of San Diego does by this ordinance consent to the transfer to American Television and Communications Corporation of the franchise heretofore granted by Ordinance No. 10110 (N.S.) to University City Antenna System, Inc. subject to all the terms and conditions contained in said Ordinance No. 10110 (N.S.)

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Passed and adopted by the Council of The City of San Diego on July 7, 1976, by the following vote:

YEAS: Johnson, O'Connor, Hubbard, Morrow, Gade, Ellis, Haro, Wilson.

NAYS: None.

ABSENT: Williams.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy.

(SEAL)

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 June 23, 1976, and on July 7, 1976.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy.

(SEAL)

Pub. July 22, 1976

LS 7406

*Ordinance No. 11865*

01802

ATTORNEY(S)

San Diego, City of  
City Administration Bldg.  
202 C St., 12th Floor  
San Diego, CA 92101

**CERTIFICATE OF PUBLICATION**

No. \_\_\_\_\_

IN THE MATTER OF

AMENDMENT OF CHAPTER X, ARTICLE 3 OF THE  
SAN DIEGO MUNICIPAL CODE

**ORDINANCE NO. 11870**

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 4 AND SECTIONS 103.0400 THROUGH 103.0414 ESTABLISHING THE GASLAMP QUARTER PLANNED DISTRICT.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:  
Section 1. That Chapter X, Article 3, of the San Diego Municipal Code, be and it is hereby amended by adding Division 4 and Sections 103.0400 through 103.0414, to read as follows:

**GASLAMP QUARTER PLANNED DISTRICT**  
Division 4

**SEC. 103.0400 PURPOSE AND INTENT**

The public health, safety, and general welfare require that property in the Gaslamp Quarter be revitalized and protected from further impairment in value. It is necessary to impose reasonable restriction upon erection of new buildings and structures and the alteration of existing and relocated buildings and structures. To assist in this endeavor the distinctive architectural character that existed from 1880 to 1910 shall be retained and enhanced. Businesses that can enhance this historic environment will be encouraged to locate in the Gaslamp Quarter. The major segment of the modern City of San Diego began here and was the central business district of those early times. Many officially designated historical landmarks provide a basic architectural unity and visual distinction in the area, and historically significant architecture is found throughout the district. Six architectural elements in varying patterns and emphasis govern the overall structural form and design continuity. These are: scale and proportion, fenestration, materials, color, texture, detail and decorative features. The Gaslamp Quarter's historic quality is further enhanced by its central location, contrasting impressively with the contemporary buildings proposed for the Horton Plaza area. The revitalization of the Gaslamp Quarter is in keeping with the objectives and proposals of the General Plan for the City of San Diego and the Centre City Plan, and would complement the adjacent Horton Plaza Redevelopment Project.

**SEC. 103.0401 BOUNDARIES**

The regulations as defined herein shall apply in the Gaslamp Quarter which is within the boundaries of the Centre City area in the City of San Diego, California, designated on that certain Map Drawing No. C-486, and described in the appended boundary description, filed in the office of the City Clerk under Document No. 765608.

**SEC. 103.0402 ADMINISTRATION**

I, **PATRICIA M. DUTRA** hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

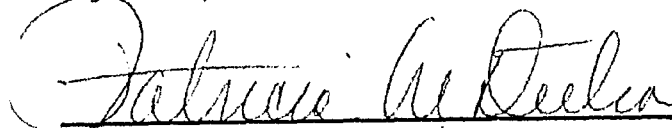
ORDINANCE NO. 11870 (NEW SERIES)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

July 28, 1976

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

August 2, 1976

  
(Signature)

81 3/4 4.54 = 395.67 ✓  
01803

**A. PLANNING DIRECTOR**

The Planning Director or his designated representative shall administer the Gaslamp Quarter Planned District.

**B. POWERS AND DUTIES**

It is the duty of the Planning Director to administer and ensure compliance with the regulations and procedures contained within this Division in the manner prescribed herein for both public and private developments; to recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this Division. The Planning Director shall utilize architectural criteria and design standards adopted by the City Council in evaluating the appropriateness of any development for which a permit is applied under this Division. The Planning Director may approve, modify, or disapprove any applications for a permit, based upon the conditions of compliance or non-compliance with the adopted regulations and approved criteria and standards.

**SEC. 103.0403 PROCEDURES FOR PERMITS APPLICATION AND REVIEW**

**A. APPLICATION**

Applications for permits shall be made in accordance with the Municipal Code, Chapter IX and Chapter VI, Article 2, before the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing building or structure within the Planned District or any building which is moved into the Planned District or any grading or landscaping. Approval of the Planning Director is not required for interior modifications, repairs or remodeling, nor any exterior repairs or alterations for which a permit is not now required.

**B. CONTENT**

The application shall include the following:

1. The purpose for which the proposed building, structure or improvement is intended to be used;
2. Adequate plans and specifications indicating proposed uses, lot area, lot coverage and off-street parking;
3. Adequate plans and specifications for the building and improvements showing the exterior appearance, color and texture of materials, and architectural design of the exterior;
4. Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety; and
5. Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein and other applicable laws and regulations.

**C. REFERRAL**

The Building Inspection Director and the City Engineer shall refer all applications made under "A" above to the Planning Director.

**D. DETERMINATION**

The Planning Director may approve, modify or disapprove any application for a permit. Action by the Planning Director shall include a statement that the Planning Director finds that the building, structure, or improvement for which the permit was applied does or does not conform to the regulations contained herein. In the event the Planning Director determines that the proposed development does not conform to the regulations contained herein, the specific facts on which that determination is based shall be included in the written decision as provided for in paragraph "E" following.

The Building Inspection Director may approve permit applications of an emergency nature without prior approval of the Planning Director, if such actions are to rehabilitate any condition which renders a building unsafe or to demolish the structure for the same reasons. All such actions by the Building Inspection Director shall be immediately reported to the Planning Director.

**E. NOTIFICATION**

Within 60 days after the submission of a complete application to the Planning Director, the Planning Director shall as required above, send his decision in writing to the applicant, Building Inspection Director and City Engineer, except when the applicant requests or agrees to an extension of time.

**F. ISSUANCES**

If the Planning Director approves the application and the application conforms to all other regulations and ordinances of the City of San Diego, the Building Inspection Director or City Engineer shall then issue the permit for the work.

**G. CONDITIONS**

Any permit granted by the City as herein provided, shall be conditioned upon the privileges granted being utilized within 18 months after the date of issuance of said permit. Failure to start work within this 18-month period will automatically void the permit unless an extension of time has been granted by the Planning Director as set forth in paragraph "H" below. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been no construction substantial in character since the date of the issuance of said permit, or that there has been during the course of development a lapse of work for six months, the permit shall be void.

**H. EXTENSION OF TIME TO A VALID PERMIT**

The Planning Director may grant an extension of time up to two years on the time limit contained in a currently valid permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning Director in the office of the Planning Department prior to the expiration of the permit. The Planning Director may grant the extension of time if he finds from the evidence submitted that there has been no material change of circumstances since the permit was originally granted.

**I. OTHER DETERMINATION**

All other applications made under the Building Code and not under Section 103.0403 or involving interior work and not subject to any regulation contained within this Division shall be processed in the normal manner without referral to or approval by the Planning Director.

**SEC. 103.0404 APPEALS TO THE PLANNING COMMISSION**

**A. FILING**

In the event of a denial or conditional approval of an application, the applicant may appeal from the decision of the Planning Director to the City Planning Commission within ten days after the decision is filed with the Planning Department. The appeal shall be in writing and filed in duplicate with the Planning Department upon forms provided by the Department. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the Planning Commission.

**B. PUBLIC HEARING**

Upon the filing of the appeal, the Planning Department shall set the matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0206 of the Municipal Code. The Planning Director shall transmit to the Planning Commission a copy of his decision and findings, and all other evidence, maps, papers and exhibits upon which the Planning Director made his decision.

**C. DECISION OF THE PLANNING COMMISSION**

Upon the hearing of such appeal, the Planning Commission may, by resolution, affirm, reverse, or modify, in whole or in part, any determination of the Planning Director. The Planning Commission decision shall be final.

**SEC. 103.0405 PLANNING AND ZONING REGULATIONS WHICH SHALL APPLY**

Chapter X, Article 1, Division 1 (Definitions and Interpretations), Chapter X, Article 1, Division 3 (Non-conforming Uses), Chapter X, Article 1, Division 9 (Planned Developments), Chapter X, Article 2 (Subdivisions), and Chapter X, Article 1, Division 11, Section 101.1401 (On-Premise Sign Definitions) of the Municipal Code shall apply in the Gaslamp Quarter Planned District as they exist now or as they may be amended in the future. All other Divisions of Chapter X, Article 1, are superseded in the Planned District by the regulations contained within Chapter X, Article 3, Division 4.

**SEC. 103.0406 CHARACTER OF THE AREA**

The architecture of the area is characterized by structures erected during a 30 year period from 1880 to 1910. The buildings are typically two or three stories high and are constructed of common brick with continuous facades at the property line. Ground floors are frequently 20 feet high with cornices separating them from the upper floors. Corbeling is very often found at the terminal cornice, particularly in the case of brick buildings. The fronts of buildings are often designed with closely set bays framed with segmental, stilted or flat arches, 10 to 12 feet apart. The openings are deep set and the entrances are typically inset. Heavy ornate cornices and spandrels, carefully detailed parapets and bay windows are also typical design elements.

The following buildings, located throughout the Gaslamp Quarter, typify the desired architecture:

Baeketo (Block) Buildings	614 Fifth Avenue
Hubbell Building	813 Fifth Avenue
McGurk Block	611 Fifth Avenue
I. O. O. F. Building	526 Market Street
Masonic Building (Independent Order of Odd Fellows)	
Keating Building	432 F Street
Nesmith-Greoley Building	825 Fifth Avenue
Louis Bank of Commerce	835 Fifth Avenue
Yuma Building	631 Fifth Avenue
First National Bank	Fifth & E Street
Spencer-Ogden Building	SW Corner 5th & F
Llewellyn Building	722-728 Fifth Avenue

**SEC. 103.0407 GENERAL DESIGN REGULATIONS**

Concurrent with the adoption of this Division, the City Council shall by resolution also adopt architectural and design standards to be used in evaluating the appropriateness of any development for which a permit is applied under this Division. Such architectural and design standards shall be filed in the office of the City Clerk as a numbered document.

01804

Ordinance No. 11870

#### A. MAXIMUM BUILDING HEIGHT

Buildings or structures in the Gaslamp Quarter shall be limited to four stories or 60 feet in overall height including parapets and appurtenances. Height exceptions for buildings or structures with frontage on Broadway may be granted by the Planning Director provided that the proposed building or structure:

- 1) Provides a stepping down or visual transition of height from the adjacent area to the Gaslamp Quarter.
- 2) Is complimentary to the historical and architectural character and special scale of the Gaslamp Quarter by conformance with all other standards and criteria of the Planned District.
- 3) Does not visually intrude into the Gaslamp Quarter because of excessive bulk or height, does not adversely affect view, pedestrian movement or in any other way compromise the purpose and intent of the Gaslamp Quarter Planned District.

#### B. SCALE AND PROPORTION

Ground floors shall be a minimum of 15 feet in height and separated from the upper floors by a continuous cornice. There shall be a regularity of overall form and proportion. Ground floor treatment shall be pedestrian in scale with large show windows separated by pillars or columns.

#### C. FENESTRATION

Glazing shall be deeply recessed. Window frames shall be detailed and protrude beyond the front face of the buildings. Except on the ground floor, all windows shall be longer in their vertical dimension than they are wide. They shall be rhythmically spaced, matching the bay spacing below and the general proportions of windows in nearby buildings. At the upper floors, the area of the window openings shall be less than one-half of the total wall area. At the ground floor, the area of window openings shall be more than two-thirds the total wall area.

#### D. MATERIALS

Primary materials shall be brick, stone and concrete (substitute materials that are equal in appearance and achieve the desired effect may be used). Appurtenances including bays, cornices, dentils, pilasters, etc., may be constructed of wood. Canvas may be used for awnings, marquees and canopies. Cast iron may also be used in details and decorative features, notably in pilasters, rails, grills, lamps, and other trim.

#### E. COLOR

Earth tones shall predominate. The natural red of common brick should be typical; however, whites, blacks, reds, browns, yellows, greens, grays and blues should also be used.

#### F. TEXTURE

Typical facing materials shall be textured in appearance. However, the overall street facade shall be unified in scale and appearance.

#### G. DETAIL

Arches are most frequently found on the ground floor, and shall be either segmental, stilted or flat. Upper terminal cornices, as well as cornices separating the ground floor from the upper floors shall be provided. These are often heavy and projecting. Other classical features shall predominate including pediments, columns or pilasters and parapets.

#### H. ROOFS

Roofs shall not be visible from the street.

#### I. REMODELING

To preserve the historical integrity of the Gaslamp Quarter, all exterior remodeling must be in character with the original style of the building in question, regardless of its era.

#### SEC. 103.0408 PERMITTED USES

In the Gaslamp Quarter no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:
  - a. Antique shops
  - b. Art galleries
  - c. Bakeries
  - d. Barber shops
  - e. Beauty shops
  - f. Bicycle shops
  - g. Book stores
  - h. Boutiques
  - i. Camera shops
  - j. Card rooms
  - k. Clothing stores
  - l. Confectionaries (candy stores)
  - m. Decorator and home accessory shops
  - n. Delicatessans
  - o. Drug stores
  - p. Financial institutions, subject to the following provision:

That they be limited to occupying a maximum of 25% of the parcel width not to exceed 25 feet in the front 50% of each parcel. The full width of the parcel may be occupied in the rear 50% of the parcel.
  - q. Florists
  - r. Food stores not exceeding 10,000 sq. ft.
  - s. Gift and novelty shops
  - t. Hardware stores
  - u. Hobby shops
  - v. Ice cream parlors
  - w. Import and art objects stores
  - x. Jewelry stores
  - y. Locksmith shops
  - z. Leather goods stores
  - aa. Luggage stores
  - bb. Luggage shops
  - cc. Nightclubs
  - dd. Nurseries
  - ee. Music stores
  - ff. Open air cafes (sidewalk cafes not located in public right-of-way)
  - gg. Pawn shops
  - hh. Arcades
  - ii. Pet shops
  - jj. Photographic studios
  - kk. Post offices
2. Wholesale produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry, and groceries.

- mm. Subways, pubs, etc.
- nn. Restaurants, excluding drive-in and drive-through
- oo. Shoe stores
- pp. Shoe repair shops
- qq. Shoe shine parlors
- rr. Sporting goods stores
- ss. Stationers and card shops
- tt. Studios for art, dance, music
- uu. Supper clubs
- vv. Tobacco shops
- ww. Travel bureaus
- xx. Theaters
- yy. Variety shops
- zz. Wedding shops

2. The following uses shall be permitted only above or below the first floor.
  - a. Business machines sales display and service
  - b. Drafting and blueprint services
  - c. Medical appliance sales
  - d. Office furniture and equipment sales
  - e. Furniture stores
  - f. Photographic equipment, supplies and film processing
  - g. Funeral parlors
  - h. Newspaper plants
  - i. Lithography shops
  - j. Radio and TV stations
  - k. Wholesaling and warehousing
  - l. Hotels and motels
  - m. Business and professional office uses. Such uses may include accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, financial institutions, insurance brokers, securities brokers, surveyors, and graphic artists.
  - n. Addressing, secretarial and telephone answering services
  - o. Electronic data processing, tabulating and record keeping
  - p. Labor unions and trade associations
  - q. Medical, dental, biological and x-ray laboratories
  - r. Private clubs, fraternal organizations and lodges
  - s. Dwelling units
3. Specialized Uses

- a. Charitable organizations (non-profit or otherwise) and their attendant activities. These may include the collection, manufacture, sale and/or distribution of food, lodging or other forms of contact; and related activities.
  - b. Churches, temples or buildings of a permanent nature used primarily for religious purposes.
4. Street uses in the Fifth Avenue right-of-way where such uses are consistent with the 1890-1910 era:
    - a. Flower sales, musicians, newstands, shoe shine parlors and street vendors (popcorn, ice cream, hot dogs, balloons, etc.)
    - b. Awnings, canopies and marquees no closer than two feet from the curb line
    - c. Street furniture including street lights, benches, fountains, flags, water troughs, etc.

5. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

#### SEC. 103.0409 OFF-STREET PARKING, CONSTRUCTION, MAINTENANCE AND OPERATION REGULATIONS

No off-street parking shall be visible from the street frontage. Off-street parking shall be restricted to the rear 50% of any parcel along Fifth Avenue. Off-street parking shall be in conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Development Standards and Operations Standards - Off-Street Parking Lots," on file in the office of the Planning Department. Off-street parking shall also be in substantial conformance with the Architectural Controls as specified within Division 4 of this Article. Substantial conformance shall be determined by the Planning Director; said determination shall be subject to appeal in the manner set forth in Section 103.0404.

#### SEC. 103.0410 SIGNS

A. Regulations  
The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs in the Gaslamp Quarter Planned District shall be subject to the following regulations:

1. Signs shall be pedestrian oriented in size and shape. Lettering and symbols shall be simple and bold.
2. The area of all signs on a building shall not exceed an area of two square feet for each foot of street frontage occupied by the building, and shall in no event exceed a total of 100 square feet on each street frontage.
3. No roof sign shall be permitted.
4. A sign may not project perpendicularly beyond the property line more than six (6) feet. This limitation shall apply to signs only.
5. Projecting signs for each establishment shall be limited to one 18 square foot double space sign on each street frontage occupied by the establishment. Faces of double sided signs shall be parallel.
6. The tops of all signs shall be placed entirely below the level of the lowest cornice or strong horizontal element located above the ground story of the building, but in no event higher than three feet above the top of the ceiling level of the ground story, with the exception of simple black or gold letters which may be applied to windows above the first floor. Lettering should be contemporary to the period in which the building or structure was built.
7. All illumination shall be by means of gas and/or incandescent bulbs to be in keeping with the lighting of the period.
8. Nothing herein shall prohibit flashing, moving, or animated signs providing that all provisions and conditions stated above are met.
9. Preservation of commercial graphics painted on the sides of certain buildings shall be encouraged.
10. Historical Signs: All requests for signs not conforming to that permitted in the above paragraphs shall be accompanied by documentary evidence that signs of such size and advertising such a business were in use in the area prior to 1910. Signs must conform in size, shape, design, material, coloring, lighting and location to the Pre-1910 period. Documentary evidence must be approved by the City of San Diego Historical Site Board.

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Enclosure 10 1870

## B. COMPLIANCE

Signs in existence on the effective date of the ordinance which do not conform to the provisions of the Gaslamp Quarter Planned District but which were constructed, erected, affixed, or maintained in compliance with all previous regulations shall be regarded as nonconforming signs. Such nonconforming signs shall be removed no later than seven (7) years from the date it became nonconforming. In the event signs become nonconforming by amendments to the sign regulations of the District they shall be removed no later than seven years from the date they became nonconforming.

Nonconforming signs and/or parts thereof, including sign supports, may be declared "Public Nuisances" and then shall be abated as prescribed by law. Applications for extensions of time may be made in accordance with Sec. 95.0123 and Sec. 95.0124 of the Municipal Code.

## SEC. 103.0411 PUBLIC FACILITIES, STRUCTURES AND AREA

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of Division 4 of this Article which is to re-create the history of the character of the Gaslamp Quarter in general accord with the period between 1880 to 1910 and shall be subject to the same regulations, conditions and standards established herein.

## SEC. 103.0412 REGULATIONS FOR HISTORIC AND ARCHITECTURALLY SIGNIFICANT STRUCTURES

A. ALTERATIONS  
Chapter X, Article 1, Division 3 of the Municipal Code, concerning alterations of nonconforming uses, shall not apply to historic or architecturally significant buildings, structures, or sites as designated by the Historical Site Board.

## B. EXCEPTIONS

The Planning Director shall have the power to grant an exception to any regulation within Division 4 of this Article including permitted uses, when such exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site. Such exception shall be subject to the following conditions:

1. The subject building, structure or site must be identified by the Historical Site Board as being historic or architecturally significant;
2. The proposed exception shall be referred to the Planning Department and the Historical Site Board for a report and recommendation;
3. The Planning Director in granting an exception shall make a finding that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site; that strict application of the provisions contained within Division 4 of this Article would result in economic or other practical difficulties in securing the preservation or restoration of a historic or architecturally significant building, structure or site; and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and
4. In making a decision, the Planning Director shall make a written finding which shall specify facts relied upon in rendering his decision. A copy of this written finding, together with all evidence presented to the Planning Director, including plans required elsewhere in Division 4 of this Article shall be filed with the Planning Director's decision in the office of the City Clerk, the Department of Building Inspection and the Planning Department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal as provided in Section 103.0404.

## SEC. 103.0413 DEVIATIONS FROM BUILDING CODE ALLOWED

Notwithstanding the provisions of this ordinance or any other ordinance, it shall be lawful in the Gaslamp Quarter District to repair, remodel or restore all historic or architecturally significant buildings or structures designated by the Historical Site Board in the same manner and with the same kind or similar materials with which they were originally constructed, providing that such building or structure shall be approved by the Planning Director and the Building Inspection Director and such building or structure shall be safe and not hazardous to its occupants or the public. The Planning Director and the Building Inspection Director shall require such repairs, modifications, and/or improvements to the building or structure as conditions permit, as are deemed necessary to preserve the architectural and historic character and meet adequate life and safety standards. Requirements of the Planning Director may be appealed to the Planning Commission as provided by Section 103.0404. Requirements of the Building Inspection Director concerning methods and materials or minor deviations to alleviate practical difficulties of construction may be

appealed to the Board of Appeals and Advisors as provided for in Section 20A of the Building Code.

## SEC. 103.0414 REMOVAL OF DAMAGED HISTORIC STRUCTURES

In the event any building or structure of architectural or historic value or interest shall be damaged by earthquake, fire, or act of God to such an extent that in the opinion of the Planning Director and the Building Inspection Director it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for said removal.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on June 30, 1976.

Passed and adopted by the Council of The City of San Diego on July 14, 1976.

AUTHENTICATED BY:  
PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NEILSON,  
City Clerk of the City of San Diego, California.  
By L.A. VERNE E. MILLER, Deputy

(SEAL)  
Pub. July 28, 1976

LS 7594

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Ordinance No. 11870