

(O-83-90)

ORDINANCE NUMBER O- 15855 (New Series)

Adopted on NOV 15 1982

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 103.0408 REGARDING PERMITTED USES IN THE GASLAMP QUARTER

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

Section 1. That Chapter X, Article 3, Division 4 of the San Diego Municipal Code be, and it is hereby amended by amending Section 103.0408 to read as follows:

SEC. 103.0408 PERMITTED USES

In the Gaslamp Quarter Redevelopment Project Area, 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 except that no establishment shall be used for the sale of alcoholic beverages for off-premises use:

- a. Antique shops.
- b. Art galleries.
- c. Bakeries (including combination retail/wholesale establishments).

- d. Barber shops
- e. Beauty shops.
- f. Bicycle shops.

g. General Bookstore. A general bookstore is an establishment engaged in the buying, selling or trading of new and/or used books and periodicals of general interest. A general bookstore does not include an establishment that devotes more than 15 percent of the total floor area utilized for the display of books and periodicals to the display and sale of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined in Section 103.0408.1; or

(2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

- h. Boutiques.
- i. Camera shops.
- j. Card rooms.

- k. Clothing stores.
- l. Confectionaries (candy stores).
- m. Decorator and home accessory shops.
- n. Delicatessens.
- o. Drug stores.
- p. Financial institutions; provided, however, that the portion of the institution located on the front 50 percent of the parcel shall not exceed 25 feet in width. The full width of the parcel may be occupied in the rear 50 percent 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 shops.
- bb. Nightclubs. Excluding a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual

activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas," subject to the provisions of paragraph 6 of this section.

cc. Nurseries.

dd. Music stores.

ee. Open air cafes (sidewalk cafes not located in public right-of-way).

ff. Public shops.

gg. Arcades. Excluding any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

hh. Pet shops

ii. Photographic studios. Excluding any establishment open to the public where, for any form of consideration or gratuity, figure models

who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity.

This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Education Code of the State of California for the issuance of, and is, in fact, authorized thereunder to issue and confer, a diploma.

jj. Post offices.

kk. Wholesale produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries.

ll. Saloons, pubs, etc., subject to the provisions of paragraph 6 in this section.

mm. Restaurants (excluding drive-in and drive-thru restaurants), subject to the provisions of paragraph 6 in this section.

nn. Shoe stores.

oo. Shoe repair shops.

pp. Shoe shine parlors.

qq. Sporting goods stores.

rr. Stationers and card shops.

ss. Studios for art, dance and music. Excluding any establishment open to the public where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity.

This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Education Code of the State of California for the issuance or conferring of, and is, in fact, authorized thereunder to issue and confer, a diploma.

tt. Supper clubs. Excluding those establishments described under bb. "Nightclubs," subject to the provisions of paragraph 6 of this section.

uu. Tobacco shops.

vv. Travel bureaus.

ww. Theaters. Excluding an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and

in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

xx. Variety shops.

yy. Wedding shops.

aaa. Business and professional office uses.

Such uses may include accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, insurance brokers, securities brokers, surveyors and graphic artists.

2. (No amendment to this subsection.)

3. Specialized uses:

a. Charitable organizations (nonprofit or otherwise) and their attendant activities. However, the sale or distribution of food and the provision of lodging is prohibited, except to employees of such charitable organizations.

b. Churches, temples or buildings of a permanent nature used primarily for religious purposes.

c. Museums.

d. Tourists and historical information centers. A public facility wherein visitors and/or residents are given assistance and

information about the historical nature of the Gaslamp Quarter and downtown area.

4. (No amendment to this subsection.)

5. (No amendment to this subsection).

6. Uses involving sale of alcoholic beverages for consumption on the premises of sale. Alcoholic beverages may be sold for consumption on the premises where sold, providing an Alcoholic Beverage Sale Permit is first obtained from the Planning Director. Alcoholic beverages may not be sold for consumption off the premises of sale.

a. Restricted Uses

(1) An Alcoholic Beverage Sale Permit shall be issued to only the following uses:

(a) Nightclubs and supper clubs.

(b) Restaurants, excluding drive-in and drive-thru.

(c) Dinner theatres.

(d) Saloons, pubs, etc.

b. Permit Application. Application for an Alcoholic Beverage Sale Permit must be made by the tenant of the property affected and prior to any application to the Alcoholic Beverage Control Board. Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as grounds for the



application, and shall be accompanied by adequate plans, a legal description of the property involved and a detailed description of the proposed use. Prior to the filing of an application, the applicant shall file a fee equal to the cost of processing said application. Fees and deposits will be adjusted periodically by resolution of the City Council to ensure full cost recovery for services. A list of current fees and deposits is on file in the office of the City Clerk.

c. Permit Approval.

(1) Criteria. The following criteria are used by the Planning Director in making his determination regarding the issuance of an Alcoholic Beverage Sale Permit for the sale of alcoholic beverages within the Gaslamp Quarter:

(a) The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property and the intended use must be in conformance with permitted uses as outlined in the Gaslamp Quarter Planned District Ordinance and all other relevant regulations in the Municipal Code.

(b) Application shall be for a location currently under significant rehabilitation or where significant rehabilitation has been completed.

(c) Liquor, beer and wine sales shall not exceed 50 percent of the total gross sales of the business conducted at that location.

(d) Entertainment with amplification equipment shall not be permitted in the same room where meals are served.

(e) The proposed use will not adversely affect the General Plan or the Centre City Community Plan.

(2) Decision. The Planning Director may grant an Alcoholic Beverage Sale Permit to allow the sale of alcoholic beverages within the Gaslamp Quarter if, after considering the facts presented in the application and at the hearing, he concludes that the criteria set forth in paragraph 1, have been met. In granting the Permit, the Planning Director may impose reasonable conditions to insure compliance with the provisions of this section.

The determination, notification and appeal of the Planning Director's decision regarding the issuance of an Alcoholic Beverage Sale Permit shall be consistent with Sections 103.0403 and 103.0404 of this Division.

(3) Revocation of the Alcoholic Beverage Sale Permit. The Planning Director may revoke an Alcoholic Beverage Sale permit if conditions as set forth in the Permit are not being met.

(4) Existing liquor licenses may operate without an Alcoholic Beverage Sale Permit provided that the state liquor license was approved prior to December 15, 1982.

7. 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 findings shall be filed in the office of the City Clerk.

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*  
Frederick C. Conrad

Chief Deputy City Attorney

FCC:clh:630  
10/21/82  
Or.Dept:Plan.  
Form=none  
O-83-90

Passed and adopted by the Council of The City of San Diego on NOV 15 1982,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, 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

NOV 2 1982, and on NOV 15 1982

~~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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California		
Ordinance Number	<u>0-15855</u>	Adopted <u>NOV 15 1982</u>

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1982 DEC -2 AM 11:30  
SAN DIEGO, CALIF.

SAN DIEGO, CITY OF  
202 C St, 12th floor  
San Diego, CA 92101  
  
ATTN: ELLEN BOVARD

IN THE MATTER OF

NO.

ORDINANCE NO. O-15855

**ORDINANCE NO. O-15855  
(New Series)**

**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 168.045 REGARDING PERMITTED USES IN THE GASLAMP QUARTER**  
The present ordinance allows sale of alcoholic beverages for consumption off the premises of sale. The amendment prohibits such sale within any retail establishment.  
The present ordinance permits the use of premises for bakeries. The amendment expands the use to allow combination retail/wholesale bakeries.  
The present ordinance permits financial institutions. The amendment limits the width of such institutions in the front 50% of the premises.  
The present ordinance permits the sale of alcoholic beverages for consumption on the premises. The amendment prohibits such sale unless a permit is obtained. The amendment provides a procedure for obtaining such permit if certain conditions are met.  
The present ordinance permits charitable organizations and their attendant activities. The amendment prohibits such organizations from providing food and lodging except to employees of the organizations.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced on November 2, 1982.  
Passed and adopted by the Council of The City of San Diego on November 15, 1982.  
**AUTHENTICATED BY:**  
**PETE WILSON,**  
Mayor of The City of San Diego, California.  
**CHARLES G. ABDELNOUR,**  
City Clerk of The City of San Diego, California.  
(SEAL)  
By **ELLEN BOVARD, Deputy,**  
Published November 25, 1982

I, Charlene Casselman, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-15855  
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

November 29, 1982

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 29th day of Nov, 1982

Charlene Casselman

(Signature)

01330

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