

ORDINANCE NUMBER O- 16361 (NEW SERIES)

ADOPTED ON JAN 22 1985

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 103.0400, 103.0402, 103.0403, 103.0406, 103.0407, 103.0408, 103.0409, 103.0410, 103.0412 AND 103.0414; ADDING SECTIONS 103.0415 AND 103.0416; REPEALING SECTIONS 103.0408.1 AND 103.0413, RELATING TO 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, Division 4, of the San Diego Municipal Code be, and the same is hereby amended by amending Sections 103.0400, 103.0402, 103.0403, 103.0406, 103.0407, 103.0408, 103.0409, 103.0410, 103.0412 and 103.0414, to read as follows:

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 requirements and restrictions upon erection of new buildings and structures and the use, maintenance and 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 and ones that do not enhance this environment will be terminated or altered. 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 of the Centre City core area. The revitalization of the Gaslamp Quarter is in keeping with the objectives and proposals of the General Plan, and would complement the adjacent Horton Plaza Redevelopment Project and will assist in the implementation of the Gaslamp Quarter Redevelopment Project.

Pursuant to findings of the San Diego City Council on July 26, 1982, the Gaslamp Quarter Redevelopment Project Area was found to be blighted. Furthermore, the City Council determined that revitalization of the area was necessary to

effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Section 33000 et. seq.). These findings were based upon the following conditions which characterize the project area:

1. the existence of unfit or unsafe buildings and structures due to age, obsolescence, faulty exterior spacing and mixed-character and shifting of uses;

2. the existence of properties which suffer from deterioration and disuse because of: inadequate public improvements, facilities, utilities and open spaces, including inadequate and insufficient traffic circulation, parking, sidewalks, curbs, gutters, street lights, and lots (parcels) of an irregular form, shape and size, which cannot be remedied with private or governmental action without redevelopment;

3. the existence of properties which suffer from economic dislocation, deterioration and disuse resulting from faulty planning;

4. a lack of proper utilization of property, resulting in a stagnant and unproductive condition of land potentially useful and valuable; and,

5. the existence of social blight because of mixed and nonconforming uses, vacant buildings, substandard dwelling units, the lack of adequate open space, a concentration of "adult" entertainment uses and a high crime rate.

Certain businesses attract criminal activity and aggravate existing crime problems and should be eliminated from the Gaslamp Quarter. Other businesses are operated in a manner which allows and encourages the incursion of criminal elements and criminal activity in the Gaslamp Quarter by failing to establish sufficient security measures to prevent crime, by permitting criminal activity to take place on their premises and by failing to cooperate with the police department to deter and discourage crime on their premises and should be prevented from operating in this manner.

SEC. 103.0402 ADMINISTRATION

A. PLANNING DIRECTOR

The Planning Director or a designated representative of the Planning Director 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

and restrictions on use specified in these regulations 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 SPECIAL PERMIT APPLICATION AND  
REVIEW

A. SPECIAL PERMIT REQUIRED

After the effective date of this Section, a special permit shall be required prior to application for any City permit or license within the Gaslamp Quarter Planned District. No person shall commence any work in the erection of any new building or structure, including those moved into the Planned District, the remodeling, alteration, addition or demolition of any existing building, grading or landscaping within the Planned District, or put any building or structure within the Planned District to any use, without first obtaining a special permit in accordance with this Section.

In addition to this special permit, all applicable building code requirements must be met for any alteration, addition or repair of a building.

B. CONTENT

The application shall include the following:

1. A description of the purposes for which

the proposed building, structure or improvement is intended to be used; or the new or different purposes for which the existing building or structure is to be used.

2. In the case of the erection, remodeling, alteration, addition to or demolition of any building or structure, or the moving of a building into the planned district, or any grading or landscaping:

a. Adequate plans and specifications indicating proposed uses, lot area, lot coverage and off-street parking;

b. Adequate plans and specifications for the building and improvements showing the exterior appearance, color and texture of materials and architectural design of the exterior;

c. Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety; and

3. An application for a special permit shall be obtained from the Planning Director. An application for a special permit will be accepted upon payment of a fee as required by Section 101.0204 of the San Diego Municipal Code.

4. Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein and other applicable laws and regulations.

#### C. DETERMINATION

The Planning Director may approve, modify or disapprove any application for a special permit. In approving the special permit, the Planning Director may impose reasonable conditions to insure compliance with these regulations. The Planning Director shall not approve an application for a special permit except upon determining that the building, structure or improvement and use for which the special permit was applied (1) is consistent with the Uniform Building Code and the regulations contained herein, and (2) will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or to the general welfare of the city and is not detrimental to implementation of the Gaslamp Quarter Redevelopment Plan. Action by the Planning Director shall include a statement that the Planning Director finds that the building, structure, or improvement or use for which the

special permit was applied does or does not conform to the regulations contained herein. In the event the Planning Director does not approve an application for a special permit, the specific facts on which the determination is based shall be included in the written decision as provided for in paragraph "D" following.

The Building Official may approve special 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 demolish the structure for the same reasons. All such actions by the Building Official shall be immediately reported to the Planning Director.

#### D. NOTIFICATION

Within sixty (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 and, if work is to be performed, to the Building Official and City Engineer, except when the applicant requests or agrees to an extension of time.

#### E. 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.



Upon approval and issuance of the special permit by the Planning Director, the applicant will be directed to the appropriate department(s) to obtain the additional necessary City permits and licenses. These additional permits and licenses shall conform to all of the other regulations and ordinances of the City.

F. CONDITIONS

Any special permit granted by the City to use the property or for work to be performed as herein provided, shall be conditioned upon the privileges granted being utilized within 18 months after the date of issuance of said special permit. Failure to commence the use or start work within this 18-month period will automatically void the special 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 the use has not commenced or there has been no construction substantial in character since the date of the issuance of said special permit, or that there has been during the course of development a lapse of work for six months, the special permit shall be void.

G. EXTENSION OF TIME TO A VALID SPECIAL PERMIT

The Planning Director may grant an extension of time up to three years on the time limit contained in a currently valid

special 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 special 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 special permit was originally granted. Section 91.02.0303(d) of the Uniform Building shall also apply for extension of building permits issued in conjunction with this special permit.

#### H. REVOCATION

The Planning Director may at any time, revoke a special permit issued under this Section. Prior to such a revocation, the holder of the special permit shall be given a hearing after ten (10) days notice. After such a hearing, the Planning Director may revoke a permit upon determining:

1. That the building or structure for which the permit was issued is being used for purpose other than or in addition to the purposes and manner described in the special permit application;

2. That the holder of the special permit has knowingly permitted criminal activity to take place on the premises or has failed to take reasonable steps to make the premises safe and secure from criminal activity. Successive criminal activity over any continuous period of time shall be deemed evidence of knowing permission of criminal activity;

3. That the use or operation of the building or structure for which the special permit was issued is contrary to these regulations or any other laws or regulations; or

4. That the use or operation of the building or structure for which the special permit was issued is detrimental or injurious to: (a) the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood; (b) property and improvements in the neighborhood; (c) the general welfare of the city; or (d) to the implementation of the Gaslamp Quarter Redevelopment Plan.

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.

A significant number of buildings within the Gaslamp Quarter Historic District typify the desired architecture of the Planned District. For further information, refer to the San Diego Historical Site Board Register, National Register of Historic Places, or the Gaslamp Quarter Planned District Ordinance and Urban Design and Development Manual.

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.

A. MAXIMUM BUILDING HEIGHT

In general, 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 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 areas to the Gaslamp Quarter.
2. Is complementary 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.

4. Exceptions shall be considered for non-contributing structures and/or vacant parcels only.

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All exemptions to the 60-foot height limitation shall be referred to the San Diego Historical Site Board for review and comment prior to action by the Planning Director.

Any new and/or proposed renovation of non-historic structures shall insure sensitivity to the overall scale and proportion of the 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. In particular, certain uses (such as financial institutions and food stores) shall be reviewed to insure that they do not unduly dominate or restrict pedestrian access.

#### 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 floors, 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 the 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

In general, roofs shall not be visible from the street.

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 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:

- 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 "Adult Bookstore" as defined in Paragraph A of SEC. 101.1801.3 of Chapter X, Article 1, Division 18 of the San Diego Municipal Code (hereinafter referred to as the "Adult Entertainment Ordinance").

h. Boutiques.

i. Camera shops.

j. Clothing stores.

k. Confectionaries (candy stores).

l. Decorator and home accessory shops.

m. Delicatessens.

n. Drug Stores.

o. Financial institutions.

p. Florists.

q. Food stores not exceeding 10,000 square feet.

r. Gift and novelty shops. Excluding



any establishment listed and defined in the Adult Entertainment Ordinance.

- s. Hardware stores.
- t. Hobby shops.
- u. Ice cream parlors.
- v. Import and art objects stores.
- w. Jewelry stores.
- x. Locksmith shops.
- y. Leather goods stores.
- z. Luggage shops.

aa. Nightclubs. Excluding an "Adult Cabaret" as defined in Paragraph F of SEC. 101.1801.3 of the Adult Entertainment Ordinance.

bb. Nurseries.

cc. Music stores.

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

ee. Pawn shops.

ff. Pet shops.

gg. Photographic studios. Excluding any establishment listed and defined in the Adult Entertainment Ordinance.

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, in fact, authorized thereunder to issue and confer a diploma.

hh. Post offices.

ii. Wholesale and/or retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry, and groceries.

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

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

ll. Shoe stores.

mm. Shoe repair shops.

nn. Shoe shine parlors.

oo. Sporting goods stores.

pp. Stationers and card shops. Excluding any establishment listed and defined in the Adult Entertainment Ordinance.

qq. Studios for art, dance, music. Excluding any establishment listed and defined in the Adult Entertainment Ordinance.

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.

rr. Supper clubs, excluding those establishments described under aa. "Nightclubs," subject to the provisions of paragraph 6. in this section.

ss. Tobacco shops.

tt. Travel agencies.

uu. Theaters. Excluding any establishment listed and defined in the Adult Entertainment Ordinance.

vv. Variety stores.

ww. Wedding shops.

xx. Business and professional office uses (i.e., accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, insurance brokers, securities brokers, surveyors, and graphic artists).

yy. Computer and copy services stores

(including sales, display, and copy reproduction). Does not include uses involving printing presses or other large commercial equipment.

zz. An entertainment center or establishment, freestanding or operating in conjunction with any other permitted use enumerated herein, which utilizes electronic or mechanical games of skill or amusement not to exceed five (5) devices.

2. The following uses shall be permitted only above or below the first floor:

- a. Drafting and blueprint services.
- b. Medical appliances sales.
- c. Office Furniture and equipment sales.
- d. Furniture stores.
- e. Photographic equipment, supplies and film processing. This restriction shall apply to wholesale uses only.
- f. Funeral parlors.
- g. Newspaper plants.
- h. Lithography shops.
- i. Radio and TV stations.
- j. Wholesaling and warehousing.
- k. Hotels, motels, and apartment - hotels (except for lobby and other ancillary functions).
- l. Addressing, secretarial and telephone answering

services.

m. Electronic data processing, tabulating and record keeping.

n. Labor unions and trade associations.

o. Medical, dental, biological and X-ray laboratories.

p. Private clubs, fraternal organizations and lodges.

q. Dwelling units.

3. Specialized Uses:

a. Charitable organizations (nonprofit or otherwise) and their attendant activities.

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.

The sale or distribution of food and the provision of lodging is prohibited for those specialized uses, except to employees of these organizations.

4. Other uses typically conducted within the street right-of-way during the 1880-1910 era; such as: flower sales, musicians, newsstands, shoeshine stands and sales of

merchandise typically sold by street vendors during the 1880-1910 era, when such uses are in conjunction with the use of adjacent private property and have been authorized by an encroachment permit issued by the City Engineer pursuant to Sections 62.0301 and 62.0302 of the Code and Paragraph 5 of this section.

5. Specialized uses in the street right-of-way which are consistent with the 1880-1910 era may be considered on all streets with the exception of Broadway. Proposed uses must meet safety and design criteria set forth in the Gaslamp Quarter Urban Design and Development Manual as adopted by resolution by the City Council. Prior to the use of street right-of-way for a specialized use, an encroachment permit shall have been obtained from the City Engineer, pursuant to Sections 62.0301 and 62.0302 of this Code. A clear separation of the encroachment area and the remainder of the sidewalk shall be provided. A special use shall be conducted in conjunction with the use of the adjacent private property.

In addition to special uses, an encroachment permit may be granted to provide for:

- a. Stairways to the basement and from upper floors of a building which provide access to underutilized areas of a building and/or improve circulation for life-safety aspects of a building;
- b. Awnings, canopies and marquees no closer than

two (2) feet from the curb line; and

c. Street furniture including street lights, benches, fountains, flags, water troughs and similar items.

Sidewalk cafes, authorized pursuant to this subsection, which propose to serve alcoholic beverages, shall be exempt from the provisions of Municipal Code, Section 56.54, providing the serving and consumption of alcoholic beverages is within the confines of the encroachment area.

6. Uses involving sale of alcoholic beverages. If any proposed use includes the sale of alcoholic beverages, an applicant, in addition to the information required by Section 103.0403.B., shall include the information required by Section 103.0408.6.b. and such uses shall be governed by the additional requirements of this Section 103.0408.6.

a. Restricted Uses

(1) An Alcoholic Beverage Sale Permit for a use which includes the sale of alcoholic beverages for consumption "on the premises of the sale" 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.

(2) An Alcoholic Beverage Sale Permit for a use which includes the sale of alcoholic beverages for consumption "off the premises of the sale" shall be issued to only the following uses:

(a) Delicatessens

(b) Drug stores

(c) Food stores

(d) Restaurants

b. Alcoholic Beverage Sale 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. Alcoholic Beverage Sale Permit Approval

(1) Criteria for consumption of Alcoholic Beverages "on the premises of the sale." In addition to the criteria in Section 103.0403.D., the following criteria shall be 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 and/or reconstruction 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, the Centre City Community Plan, or the Gaslamp Quarter Redevelopment Plan.

(2) Criteria for consumption of alcoholic beverages "off the premises of sale."

In addition to the criteria in Section 103.0403.D., 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 a 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 and/or reconstruction has been completed.

(c) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.

(d) No malt beverage products shall be sold in less than six-pack quantities per sale.

(e) No wine shall be sold with an alcoholic content greater than 15 percent by volume.

(f) No refrigerated or otherwise chilled alcoholic beverages shall be sold or maintained on the licensed premises.

(g) Quarterly gross sales of alcoholic beverages shall not exceed 20 percent of the quarterly gross sales of the establishment.

(h) No alcoholic beverage shall be sold or delivered except between the hours of (8 a.m.) and (8 p.m.) of each day of the week.

(i) No pool tables or amusement devices shall be maintained on the licensed premises.

(j) The proposed use will not adversely affect the General Plan, the Centre City Community Plan, or the Gaslamp Quarter Redevelopment Plan.

(3) Decision. The Planning Director may

grant an Alcoholic Beverage Sale permit for a use which includes 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) and Section 103.0403.D. have been met. In granting this permit, the Planning Director may impose reasonable conditions to ensure compliance with the provisions of this section.

7. Notwithstanding anything in this Section to the contrary, no premises shall be used, in whole or in part, either directly or indirectly, by any person, including a local, state or federal government or any contractor or agent thereof, for the purposes of housing or assisting in any manner inmates or parolees from federal, state or county prisons or jails or for detaining any person(s) pursuant to the authority of any law.

8. 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 surface parking shall be visible from the street frontage. Such parking shall be restricted to the rear 50 percent of any parcel along Fifth Avenue. Such parking shall be in conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Developmental Standards and Operational Standards - Off-Street Parking Lots," on file in the office of the Planning Department. Such 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 SEC. 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 feet. This limitation shall apply to signs only.
5. Projecting signs for each establishment shall be limited to one 18 square foot double face 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 historic commercial graphics painted on the sides of 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 and 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 nonconforming signs shall be removed no later than seven years from the date it became non-conforming. For non-conforming signs in existence on or before the date of this ordinance (i.e., August 13, 1976), the effective date for removal of these signs is August 13, 1983. 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. 103.0412 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. This shall not apply where building code or fire code requirements are involved. 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 SEC. 103.0404.

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 Official it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for said removal.

Section 2. That Chapter X, Article 3, Division 4, of the San Diego Municipal Code be, and the same is hereby amended by adding Sections 103.0415 and 103.0416, to read as follows:

SEC. 103.0415 NONCONFORMING USES

A. TERMINATION

The existence of certain nonconforming uses such as card rooms and arcades has attracted undesirable and criminal behavior. This criminal activity makes it increasingly difficult for other shops and businesses in the Gaslamp District to prosper and threatens the safety of visitors and residents of the Gaslamp Quarter. The following nonconforming uses shall be discontinued:

1. Card rooms. The use of property for a card room shall be terminated within one year from the effective date of this Ordinance whereupon the Planning Director shall immediately notify the property owner and/or Business Operator of such termination.

2. Arcades. The use of property for an arcade shall be terminated within one year from the effective date of this Ordinance whereupon the Planning Director shall immediately notify the property owner and/or Business Operator of such termination.

B. IN GENERAL

Except for card rooms and arcades, nonconforming uses shall be governed by Chapter X, Article 1, Division 3 of the San Diego Municipal Code and the provisions of the Gaslamp Quarter Redevelopment Plan.

SEC. 103.0416 MINIMUM MAINTENANCE OF STRUCTURE AND FACILITIES

PURPOSE AND INTENT

The purpose of this Section is to provide the Gaslamp Quarter District with the assurance that certain conditions in the area which contribute to blight will be corrected so as to preserve and protect the health, safety and welfare of the area as a whole, provide a safe and pleasant environment, and assist in the implementation of the Gaslamp Quarter Redevelopment Plan.

The Gaslamp Quarter has been found and declared to be a "blighted" area as defined by the Community Redevelopment Law (California Health and Safety Code Section 33000 et. seq.), and such "blighted" conditions that exist in the District have been determined by the legislature to be inimical to the public health, safety and welfare. Due to these conditions, certain buildings and uses may be found to be injurious and inimical to the public health, safety and welfare.

It is further found and determined that the adoption and enforcement of this section of the Ordinance is a critical element necessary and appropriate to implement the Redevelopment Plan for the Gaslamp Quarter and achieve the beneficial and remedial objectives of the Plan for the Gaslamp Quarter Redevelopment Project Area.

A. ENFORCEMENT

The Planning Director or his/her designated representative is hereby designated as the officer to exercise the powers assigned by this ordinance in relation to blighted buildings in the Gaslamp Quarter. The Director is authorized and directed to adopt, promulgate, amend, and administrate rules consistent with the ordinance and necessary to carry out of the duties of the Director hereunder.

B. RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Planning Director has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises physically blighted as defined in the adopted Gaslamp Quarter Redevelopment Plan and Section 103.0416C of this ordinance, and upon presentation of proper credentials, the Planning Director may, with the consent of the occupant or with the consent of the owner or person in charge of an unoccupied building or pursuant to a lawfully issued warrant, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Planning Director by this ordinance.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand pursuant to a lawful warrant is made, to

promptly permit entry therein by the Planning Director for the purpose of inspection and examination pursuant to this ordinance.

In order to enforce this ordinance the Planning Director shall investigate all buildings on a regular basis.

C. MINIMUM MAINTENANCE STANDARDS

All buildings or structures shall be maintained in accordance with the following standards in order to provide for the preservation of the buildings or structures and to arrest and correct conditions of deterioration in the absence of which the buildings or structures will become blighted and will contribute significantly to the spread of blight throughout the Gaslamp District:

1. Adequate and effective weather protection shall be provided:

a. To prevent interior walls, ceiling and coverings from crumbling, breaking, falling or becoming loose.

b. To prevent deterioration of exterior walls due to ineffective or non-existent exterior wall cover, lack of paint or other approved protective coating.

c. To prevent exterior walls or roofs from becoming broken, split, decayed or buckled.

d. By maintaining all doors and windows in weathertight condition.

2. Adequate and effective maintenance of building fronts and sides abutting streets, rear and side walls and roofs shall be provided.

a. Decorative elements of building fronts and sides abutting streets shall be structurally sound. Unsound, rotten or weakened cornices, or portions, shall be removed and repaired or replaced to match as closely as possible the original pattern. All exposed wood shall be painted.

Show windows, entrances, signs, lighting, sun protection, security grilles, etc. shall be maintained in good repair.

b. Rear and side walls shall present a neat and fresh appearance. Rear walls shall be painted to cover evenly all miscellaneous patched and filled areas or stuccoed to present an even and uniform surface.

Sidewalls, where visible from the street, shall be finished or painted so as to be harmonious with the front of the building or structure.

c. Chimneys, elevator penthouses or any other auxiliary structures on the roof shall be maintained as required for rear and side walls. Any construction visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls.

D. DETERMINATION OF VIOLATION OF MAINTENANCE REQUIREMENTS

Failure to maintain a building or structure in the manner provided by paragraph C shall constitute a violation of this ordinance and such building or structure is hereby declared to be a blighted building or structure.

1. Commencement of Proceedings. Whenever the Planning Director has inspected or caused to be inspected any building, structure, premises, land or portion thereof, and determines that it is a blighted building used or maintained in violation of this ordinance, he shall commence proceedings to cause the correction of each violation.

2. Notice and Order. The Planning Director shall issue a written notice and order directed to the owner of the building with a copy to the Building Official. The notice and order shall contain:

a. The street address and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;

b. A statement that the Planning Director has found the building to be in violation of this ordinance with a brief and concise description of the condition found to be in violation.

c. A statement of the corrective action required

to be taken. If the Planning Director has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commenced within such time and be completed within such time as the Planning Director shall determine reasonable under the circumstances;

d. A statement informing the recipient that he must comply with required permit procedures for buildings, including requirements of the Planned District Ordinance.

e. Any blighted building or structure not brought into compliance with the order of the Planning Director or decision of the Planning Commission may be abated in accordance with the provisions of the Gaslamp Quarter Redevelopment Plan or other civil or criminal remedies provided by the San Diego Municipal Code may be instituted.

#### E. ABATEMENT

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other ordinance, the Planning Director may abate any of the properties on which any of the foregoing conditions exist under the provisions of the Gaslamp Quarter Redevelopment Plan as presently adopted or herein after amended.



Section 3. That Chapter S, Article 3, Division 4, of the San Diego Municipal Code be, and the same is hereby amended by repealing Sections 103.0408.1 and 103.0413 as follows:

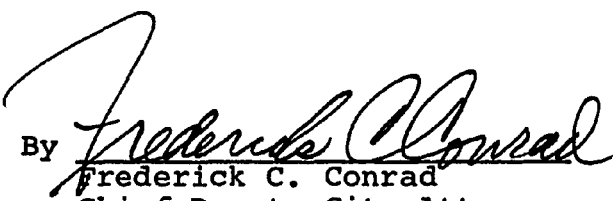
SEC. 103.0408.1 DEFINITIONS

SEC. 103.0413 DEVIATIONS FROM BUILDING CODE ALLOWED

Section 4. 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

FCC: (RS Plan.):ib:613.3.1  
12/20/84  
Or. Dept:Plan.  
0-85-105  
Form=o.none

New Language: Underlined  
Old Language: Struck Out

(O-85-105)

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 requirements and restrictions upon erection of new buildings and structures and the use, maintenance and 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 and ones that do not enhance this environment will be terminated or altered. 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 of the Centre City core 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 and will assist in the implementation of the Gaslamp Quarter Redevelopment Project.

Pursuant to findings of the San Diego City Council on July 26, 1982, the Gaslamp Quarter Redevelopment Project Area was found to be blighted. Furthermore, the City Council determined that revitalization of the area was necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Section 33000 et. seq.). These findings were based upon the following conditions which characterize the project area:

1. the existence of unfit or unsafe buildings and structures due to age, obsolescence, faulty exterior spacing and mixed-character and shifting of uses;
2. the existence of properties which suffer from deterioration and disuse because of: inadequate public improvements, facilities, utilities and open spaces, including inadequate and insufficient traffic

circulation, parking, sidewalks, curbs, gutters, street lights, and lots (parcels) of an irregular form, shape and size, which cannot be remedied with private or governmental action without redevelopment;

3. the existence of properties which suffer from economic dislocation, deterioration and disuse resulting from faulty planning;

4. a lack of proper utilization of property, resulting in a stagnant and unproductive condition of land potentially useful and valuable; and,

5. the existence of social blight because of mixed and nonconforming uses, vacant buildings, substandard dwelling units, the lack of adequate open space, a concentration of "adult" entertainment uses and a high crime rate.

Certain businesses attract criminal activity and aggravate existing crime problems and should be eliminated from the Gaslamp Quarter. Other businesses are operated in a manner which allows and encourages the incursion of criminal elements and criminal activity in the Gaslamp Quarter by failing to establish sufficient security measures to prevent crime, by permitting criminal activity to take place on their premises and by failing to cooperate with the police department to deter and discourage crime on their premises and should be prevented from operating in this manner.

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-446.1, and described in the appended boundary description, filed in the office of the City Clerk under Document No. 756382.

SEC. 103.0402 ADMINISTRATION

A. PLANNING DIRECTOR

The Planning Director or a his designated representative of the Planning Director 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 and restrictions on use specified in these regulations 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 SPECIAL 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.

A. SPECIAL PERMIT REQUIRED

After the effective date of this Section, a special permit shall be required prior to application for any City permit or license within the Gaslamp Quarter Planned District. No person shall commence any work in the erection of any new building or structure, including those moved into the Planned District, the remodeling, alteration, addition or demolition of any existing building, grading or landscaping within the Planned District, or put any building or structure within the Planned

District to any use, without first obtaining a special permit in accordance with this Section.

In addition to this special permit, all applicable building code requirements must be met for any alteration, addition or repair of a building.

B. CONTENT

The application shall include the following:

1. A description of the purposes for which the proposed building, structure or improvement is intended to be used; or the new or different purposes for which the existing building or structure is to be used.

2. Adequate plans and specifications indicating proposed uses, lot area, lot coverage and off-street parking.

2. In the case of the erection, remodeling, alteration, addition to or demolition of any building or structure, or the moving of a building into the planned district, or any grading or landscaping:

a. Adequate plans and specifications indicating proposed uses, lot area, lot coverage and off-street parking;

b. Adequate plans and specifications for the building and improvements showing the exterior appearance, color and texture of materials and architectural design of the exterior;

c. Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety; and

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.

3. An application for a special permit shall be obtained from the Planning Director. An application for a special permit will be accepted upon payment of a fee as required by Section 101.0204 of the San Diego Municipal Code.

4. Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety, and,

4. 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.

C. D. DETERMINATION

The Planning Director may approve, modify or disapprove any application for a special permit. In approving the special



permit, the Planning Director may impose reasonable conditions to insure compliance with these regulations. The Planning Director shall not approve an application for a special permit except upon determining that the building, structure or improvement and use for which the special permit was applied (1) is consistent with the Uniform Building Code and the regulations contained herein, and (2) will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or to the general welfare of the city and is not detrimental to implementation of the Gaslamp Quarter Redevelopment Plan. Action by the Planning Director shall include a statement that the Planning Director finds that the building, structure, or improvement or use for which the special permit was applied does or does not conform to the regulations contained herein. In the event the Planning Director does not approve an application for a special permit, the specific facts on which the determination is based shall be included in the written decision as provided for in paragraph "E" "D" following.

The Building ~~Inspection Director~~ Official may approve special 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 demolish the structure for the same reasons. All such actions by

the Building Inspection Director Official shall be immediately reported to the Planning Director.

D. E- NOTIFICATION

Within sixty (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, and, if work is to be performed, to the Building Inspection Director Official and City Engineer, except when the applicant requests or agrees to an extension of time.

E. 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.

Upon approval and issuance of the special permit by the Planning Director, the applicant will be directed to the appropriate department(s) to obtain the additional necessary City permits and licenses. These additional permits and licenses shall conform to all of the other regulations and ordinances of the City.

F. G- CONDITIONS

Any special permit granted by the City to use the property or for work to be performed as herein provided, shall be conditioned

upon the privileges granted being utilized within 18 months after the date of issuance of said special permit. Failure to commence the use or start work within this 18-month period will automatically void the special 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 the use has not commenced or there has been no construction substantial in character since the date of the issuance of said special permit, or that there has been during the course of development a lapse of work for six months, the special permit shall be void.

G. H. EXTENSION OF TIME TO A VALID SPECIAL PERMIT

The Planning Director may grant an extension of time up to ~~two~~three years on the time limit contained in a currently valid special 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 special 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 special permit was originally granted. Section 91.02.0303(d) of the Uniform Building shall also apply for extension of building permits issued in conjunction with this special permit.

**F. OTHER DETERMINATION**

All other applications made under the Building Code and not under SEC--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.

**H. REVOCATION**

The Planning Director may at any time, revoke a special permit issued under this Section. Prior to such a revocation, the holder of the special permit shall be given a hearing after ten (10) days notice. After such a hearing, the Planning Director may revoke a permit upon determining:

1. That the building or structure for which the permit was issued is being used for purpose other than or in addition to the purposes and manner described in the special permit application;

2. That the holder of the special permit has knowingly permitted criminal activity to take place on the premises or has failed to take reasonable steps to make the premises safe and secure from criminal activity. Successive criminal activity over any continuous period of time shall be deemed evidence of knowing permission of criminal activity;

3. That the use or operation of the building or structure for which the special permit was issued is contrary to these regulations or any other laws or regulations; or

4. That the use or operation of the building or structure for which the special permit was issued is detrimental or injurious to: (a) the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood; (b) property and improvements in the neighborhood; (c) the general welfare of the city; or (d) to the implementation of the Gaslamp Quarter Redevelopment Plan.

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 SEC. 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 (Nonconforming Uses); Chapter X, Article 1, Division 9, (Planned Developments); Chapter X, Article 2, (Subdivisions); and Chapter X, Article 1, Division 11, SEC. 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 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.

A significant number of buildings within the Gaslamp Quarter Historic District typify the desired architecture of the Planned District. For further information, refer to the San Diego Historical Site Board Register, National Register of Historic Places, or the Gaslamp Quarter Planned District Ordinance and Urban Design and Development Manual.

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

Backesto (Block) Buildings: : : 614 Fifth Avenue

Hubbell Building: : : : : 813 Fifth Avenue

McGurek 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 and E Street

Spencer-Ogden Building - - - - SW Corner 5th and F

Hewelyn 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.

A. MAXIMUM BUILDING HEIGHT

In general, buildings 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 areas to the Gaslamp Quarter.
2. Is complementary 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.

4. Exceptions shall be considered for non-contributing structures and/or vacant parcels only.

All exemptions to the 60-foot height limitation shall be referred to the San Diego Historical Site Board for review and comment prior to action by the Planning Director.

Any new and/or proposed renovation of non-historic structures shall insure sensitivity to the overall scale and proportion of the 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. In particular, certain uses (such as financial institutions and food stores) shall be reviewed to insure that they do not unduly dominate or restrict pedestrian access.

#### 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 floors, 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 the 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

In general, roofs ~~Roofs~~ shall not be visible from the street.

#### 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 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:
  - 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: an "Adult Bookstore" as defined in Paragraph A of SEC. 101.1801.3 of Chapter X, Article 1, Division 18 of the San Diego Municipal Code (hereinafter referred to as the "Adult Entertainment Ordinance").

(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 SEC.--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. Gard rooms.~~
- j. ~~k.~~ Clothing stores.
- k. ~~l.~~ Confectionaries (candy stores).
- l. ~~m.~~ Decorator and home accessory shops.
- m. ~~n.~~ Delicatessens.
- n. ~~o.~~ Drug Stores.
- o. ~~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, 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.

- p. ~~q.~~ Florists.
- q. ~~r.~~ Food stores not exceeding 10,000 square feet.

r. s. Gift and novelty shops. Excluding any establishment listed and defined in the Adult Entertainment Ordinance.

s. t- Hardware stores.  
t. u- Hobby shops.  
u. v- Ice cream parlors.  
v. w- Import and art objects stores.  
w. x- Jewelry stores.  
x. y- Locksmith shops.  
y. z- Leather goods stores.  
z. aa- Luggage shops.

aa. 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 in this section: an "Adult Cabaret" as defined in Paragraph F of SEC. 101.1801.3 of the Adult Entertainment Ordinance.

bb. ee- Nurseries.  
cc. dd- Music stores.  
dd. ee- Open air cafes (sidewalk

cafes not located in public right-of-way).

ee. ff- Pawn 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 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."

ff. hh- Pet shops.

gg. 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. listed and defined in the Adult Entertainment Ordinance.

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, in fact, authorized thereunder to issue and confer a diploma.

hh. ~~jj.~~ Post offices.

ii. ~~kk.~~ Wholesale and/or retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry, and groceries.

jj. ~~kk.~~ Saloons, pubs, etc., subject to the provisions of paragraph 6. in this section.

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

ll. ~~nn.~~ Shoe stores.

mm. ~~oo.~~ Shoe repair shops.

nn. ~~pp.~~ Shoe shine parlors.

oo. ~~qq.~~ Sporting goods stores.

pp. ~~rr.~~ Stationers and card shops.

Excluding any establishment listed and defined in the Adult Entertainment Ordinance.

qq. ~~ss.~~ Studios for art, dance,



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. listed and defined in the Adult Entertainment Ordinance.

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.

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

ss. uu. Tobacco shops.

tt. vv. Travel agencies.

uu. ww. Theaters. Excluding any

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," listed and defined in the Adult Entertainment Ordinance.

vv. ~~xx~~ Variety stores.

ww. ~~yy~~ Wedding shops.

xx. ~~zz~~ Business and professional office uses. Such uses may include (i.e., accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, insurance brokers, securities brokers, surveyors, and graphic artists).

yy. Computer and copy services stores (including sales, display, and copy reproduction).  
Does not include uses involving printing presses or other large commercial equipment.

zz. An entertainment center or establishment, freestanding or operating in conjunction with any other permitted use enumerated herein, which

utilizes electronic or mechanical games of skill or amusement not to exceed five (5) devices.

2. The following uses shall be permitted only above or below the first floor:

a- Business machines, sales, display and services-

a. b- Drafting and blueprint services.

b. e- Medical appliances sales.

c. d- Office Furniture and equipment sales.

d. e- Furniture stores.

e. f- Photographic equipment, supplies and film processing. This restriction shall apply to wholesale uses only.

f. g- Funeral parlors.

g. h- Newspaper plants.

h. i- Lithography shops.

i. j- Radio and TV stations.

j. k- Wholesaling and warehousing.

k. l- Hotels, and motels, and apartment - hotels (except for lobby and other ancillary functions).

l. m- Addressing, secretarial and telephone answering services.

m. n- Electronic data processing,

tabulating and record keeping.

n. e- Labor unions and trade associations.

o. p- Medical, dental, biological and X-ray laboratories.

p. q- Private clubs, fraternal organizations and lodges.

g. r- Dwelling units.

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.

The sale or distribution of food and the provision of lodging is prohibited for those specialized uses, except to employees of these organizations.

4. Other uses typically conducted within the street

right-of-way during the 1880-1910 era; such as: flower sales, musicians, newsstands, shoeshine stands and sales of merchandise typically sold by street vendors during the 1880-1910 era, when such uses are in conjunction with the use of adjacent private property and have been authorized by an encroachment permit issued by the City Engineer pursuant to Sections 62.0301 and 62.0302 of the Code and Paragraph 5 of this section.

5. Specialized uses in the street right-of-way which are consistent with the 1880-1910 era may be considered on all streets with the exception of Broadway. Proposed uses must meet safety and design criteria set forth in the Gaslamp Quarter Urban Design and Development Manual as adopted by resolution by the City Council. Prior to the use of street right-of-way for a specialized use, an encroachment permit shall have been obtained from the City Engineer, pursuant to Sections 62.0301 and 62.0302 of this Code. A clear separation of the encroachment area and the remainder of the sidewalk shall be provided. A special use shall be conducted in conjunction with the use of the adjacent private property.

In addition to special uses, an encroachment permit may be granted to provide for:

- a. Stairways to the basement and from upper floors of a building which provide access to underutilized areas of a building and/or improve circulation for life-safety aspects of a building;

b. Awnings, canopies and marquees no closer than two (2) feet from the curb line; and

c. Street furniture including street lights, benches, fountains, flags, water troughs and similar items.

Sidewalk cafes, authorized pursuant to this subsection, which propose to serve alcoholic beverages, shall be exempt from the provisions of Municipal Code, Section 56.54, providing the serving and consumption of alcoholic beverages is within the confines of the encroachment area.

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. If any proposed use includes the sale of alcoholic beverages, an applicant, in addition to the information required by Section 103.0403.B., shall include the information required by Section 103.0408.6.b. and such uses shall be governed by the additional requirements of this Section 103.0408.6.

a. Restricted Uses

(1) An Alcoholic Beverage Sale Permit

shall be issued to only the following uses:

An Alcoholic Beverage Sale Permit for a use which includes the sale of alcoholic beverages for consumption "on the premises of the sale" 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.

(2) An Alcoholic Beverage Sale Permit for a use which includes the sale of alcoholic beverages for consumption "off the premises of the sale" shall be issued to only the following uses:

- (a) Delicatessens
- (b) Drug stores
- (c) Food stores
- (d) Restaurants

b. Alcoholic Beverage Sale 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. Alcoholic Beverage Sale Permit Approval

(1) Criteria for consumption of Alcoholic Beverages "on the premises of the sale."  
In addition to the criteria in Section 103.0403.D.,  
the following criteria are  
shall be 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 and/or reconstruction 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, or the Gaslamp Quarter Redevelopment Plan.

(2) Criteria for consumption of alcoholic beverages "off the premises of sale."

In addition to the criteria in Section 103.0403.D., 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 a 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 and/or reconstruction has been completed.

(c) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.

(d) No malt beverage products shall be sold in less than six-pack quantities per sale.

(e) No wine shall be sold with an alcoholic content greater than 15 percent by volume.

(f) No refrigerated or otherwise chilled alcoholic beverages shall be sold or maintained on the licensed premises.

(g) Quarterly gross sales of alcoholic beverages shall not exceed 20 percent of the quarterly gross sales of the establishment.

(h) No alcoholic beverage shall be sold

or delivered except between the hours of  
(8 a.m.) and (8 p.m.) of each day of the week.

(i) No pool tables or amusement devices  
shall be maintained on the licensed premises.

(j) The proposed use will not adversely  
affect the General Plan, the Centre City  
Community Plan, or the Gaslamp Quarter  
Redevelopment Plan.

(3) 2+ Decision. The Planning  
Director may grant an Alcoholic Beverage Sale  
Permit to allow an Alcoholic  
Beverage Sale permit for a use which includes 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-  
(1) and Section 103.0403.D. have been met. In  
granting thethis permit, the Planning  
Director may impose reasonable conditions to ensure  
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. Notwithstanding anything in this Section to the contrary, no premises shall be used, in whole or in part, either directly or indirectly, by any person, including a local, state or federal government or any contractor or agent thereof, for the purposes of housing or assisting in any manner inmates or paroles from federal, state or county prisons or jails or for detaining any person(s) pursuant to the authority of any law.

8. 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 finding shall be filed in the office of the City Clerk.

SEC. 103-0408-1 DEFINITIONS

It is the intent to provide clear and concise definitions of these words, terms and phrases utilized in the permitted and excepted uses of SEC. 103-0408.

**A- SPECIFIED SEXUAL ACTIVITIES**

As used herein, "specified sexual activities" shall mean and include any of the following:

- 1- The fondling or other touching of human genitals, pubic region, buttocks, anus or female breasts.
- 2- Sexual acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
- 3- Masturbation, actual or simulated, or
- 4- Excretory functions as part of or in connection with any of the activities set forth in 1- through 3- above.

**B- SPECIFIED ANATOMICAL AREAS**

As used herein, "specified anatomical areas" shall mean and include any of the following:

- 1- Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- 2- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

No off-street surface parking shall be visible from the street frontage. Such off-street parking shall be restricted to the rear 50 percent of any parcel along Fifth Avenue. Such off-street parking shall be in conformance with standards adopted by the Planning Commission as set forth in

a document entitled "Locational Criteria, Developmental Standards and Operational Standards - Off-Street Parking Lots," on file in the office of the Planning Department. Such 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 SEC. 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 feet. This limitation shall apply to signs only.

5. Projecting signs for each establishment shall be limited to one 18 square foot double face 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 historic 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 and 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 nonconforming signs shall be removed no later than seven years from the date it became nonconforming. For non-conforming signs in existence on or before the date of this ordinance (i.e., August 13, 1976), the effective date for removal of these signs is August 13, 1983. 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. 104.0411 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 recreate the history of the character of the Gaslamp Quarter in general accord with the period between 1880 and 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. This shall not apply where building code or fire code requirements are involved. 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 SEC. 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 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 SEC.-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 SEC.-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  
Official it cannot reasonably be repaired and restored, the same  
may be removed upon issuance of a permit for said removal.

SEC. 103.0415 NONCONFORMING USES

A. TERMINATION

The existence of certain nonconforming uses such as card  
rooms and arcades has attracted undesirable and criminal  
behavior. This criminal activity makes it increasingly difficult  
for other shops and businesses in the Gaslamp District to prosper  
and threatens the safety of visitors and residents of the Gaslamp  
Quarter. The following nonconforming uses shall be  
discontinued:

1. Card rooms. The use of property for a card room  
shall  
be terminated within one year from the effective date of this  
Ordinance whereupon the Planning Director shall immediately  
notify the property owner and/or Business Operator of such  
termination.

2. Arcades. The use of property for an arcade shall be  
terminated within one year from the effective date of this  
Ordinance whereupon the Planning Director shall immediately  
notify the property owner and/or Business Operator of such  
termination.

B. IN GENERAL

Except for card rooms and arcades, nonconforming uses shall be governed by Chapter X, Article 1, Division 3 of the San Diego Municipal Code and the provisions of the Gaslamp Quarter Redevelopment Plan.

SEC. 103.0416 MINIMUM MAINTENANCE OF STRUCTURE AND FACILITIES

PURPOSE AND INTENT

The purpose of this Section is to provide the Gaslamp Quarter District with the assurance that certain conditions in the area which contribute to blight will be corrected so as to preserve and protect the health, safety and welfare of the area as a whole, provide a safe and pleasant environment, and assist in the implementation of the Gaslamp Quarter Redevelopment Plan.

The Gaslamp Quarter has been found and declared to be a "blighted" area as defined by the Community Redevelopment Law (California Health and Safety Code Section 33000 et. seq.), and such "blighted" conditions that exist in the District have been determined by the legislature to be inimical to the public health, safety and welfare. Due to these conditions, certain buildings and uses may be found to be injurious and inimical to the public health, safety and welfare.

It is further found and determined that the adoption and enforcement of this section of the Ordinance is a critical element necessary and appropriate to implement the Redevelopment Plan for the Gaslamp Quarter and achieve the beneficial and remedial objectives of the Plan for the Gaslamp Quarter Redevelopment Project Area.

A. ENFORCEMENT

The Planning Director or his/her designated representative is hereby designated as the officer to exercise the powers assigned by this ordinance in relation to blighted buildings in the Gaslamp Quarter. The Director is authorized and directed to adopt, promulgate, amend, and administrate rules consistent with the ordinance and necessary to carry out of the duties of the Director hereunder.

B. RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Planning Director has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises physically blighted as defined in the adopted Gaslamp Quarter Redevelopment Plan and Section 103.0416C of this ordinance, and upon presentation of proper credentials, the Planning Director may, with the consent of the occupant or with the consent of the owner or person in charge of an unoccupied building or pursuant to a lawfully issued warrant, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Planning Director by this ordinance.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand pursuant to a lawful warrant is made, to

promptly permit entry therein by the Planning Director for the purpose of inspection and examination pursuant to this ordinance.

In order to enforce this ordinance the Planning Director shall investigate all buildings on a regular basis.

C. MINIMUM MAINTENANCE STANDARDS

All buildings or structures shall be maintained in accordance with the following standards in order to provide for the preservation of the buildings or structures and to arrest and correct conditions of deterioration in the absence of which the buildings or structures will become blighted and will contribute significantly to the spread of blight throughout the Gaslamp District:

1. Adequate and effective weather protection shall be provided:

a. To prevent interior walls, ceiling and coverings from crumbling, breaking, falling or becoming loose.

b. To prevent deterioration of exterior walls due to ineffective or non-existent exterior wall cover, lack of paint or other approved protective coating.

c. To prevent exterior walls or roofs from becoming broken, split, decayed or buckled.

d. By maintaining all doors and windows in weathertight condition.

2. Adequate and effective maintenance of building fronts and sides abutting streets, rear and side walls and roofs shall be provided.

a. Decorative elements of building fronts and sides abutting streets shall be structurally sound. Unsound, rotten or weakened cornices, or portions, shall be removed and repaired or replaced to match as closely as possible the original pattern. All exposed wood shall be painted.

Show windows, entrances, signs, lighting, sun protection, security grilles, etc. shall be maintained in good repair.

b. Rear and side walls shall present a neat and fresh appearance. Rear walls shall be painted to cover evenly all miscellaneous patched and filled areas or stuccoed to present an even and uniform surface.

Sidewalls, where visible from the street, shall be finished or painted so as to be harmonious with the front of the building or structure.

c. Chimneys, elevator penthouses or any other auxiliary structures on the roof shall be maintained as required for rear and side walls. Any construction visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls.



D. DETERMINATION OF VIOLATION OF MAINTENANCE REQUIREMENTS

Failure to maintain a building or structure in the manner provided by paragraph C shall constitute a violation of this ordinance and such building or structure is hereby declared to be a blighted building or structure.

1. Commencement of Proceedings. Whenever the Planning Director has inspected or caused to be inspected any building, structure, premises, land or portion thereof, and determines that it is a blighted building used or maintained in violation of this ordinance, he shall commence proceedings to cause the correction of each violation.

2. Notice and Order. The Planning Director shall issue a written notice and order directed to the owner of the building with a copy to the Building Official. The notice and order shall contain:

a. The street address and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;

b. A statement that the Planning Director has found the building to be in violation of this ordinance with a brief and concise description of the condition found to be in violation.

c. A statement of the corrective action required to be taken. If the Planning Director has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commenced within such time and be completed within such time as the Planning Director shall determine reasonable under the circumstances;

d. A statement informing the recipient that he must comply with required permit procedures for buildings, including requirements of the Planned District Ordinance.

e. Any blighted building or structure not brought into compliance with the order of the Planning Director or decision of the Planning Commission may be abated in accordance with the provisions of the Gaslamp Quarter Redevelopment Plan or other civil or criminal remedies provided by the San Diego Municipal Code may be instituted.

E. ABATEMENT

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other ordinance, the Planning Director may abate any of the properties on which any of the foregoing conditions exist under the provisions of the Gaslamp Quarter Redevelopment Plan as presently adopted or herein after amended.

JAN 22 1985

Passed and adopted by the Council of The City of San Diego on .....  
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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

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

*Barbara Baxter*, 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

JAN 8 1985, and on JAN 22 1985

~~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.

*Barbara Baxter*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Ordinance Number **0-16361** Adopted **JAN 22 1985**

CERTIFICATE OF PUBLICATION

OFFICE OF THE CITY CLERK  
202 C St., 12th Floor  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16361

Michael L. Ungashick

I, \_\_\_\_\_, 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 NUMBER O-16361  
(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:

February 4, 1985

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

Dated at San Diego, California this 4<sup>th</sup> day of Feb., 19 85.

*Michael L. Ungashick*  
(Signature)

00202

**ORDINANCE NUMBER O-16361**  
**(NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 1, DIVISION 72 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 103.0400, 103.0402, 103.0403, 103.0406, 103.0407, 103.0408, 103.0409, 103.0410, 103.0412 AND 103.0414; ADDING SECTIONS 103.0415 AND 103.0416; AND REPEALING SECTIONS 103.0408.1 AND 103.0413, RELATING TO THE GASLAMP QUARTER PLANNED DISTRICT.**

The ordinance amends the provisions of the Municipal Code that relate to the Gaslamp Quarter Planned District by adding provisions which establish a regulatory program to insure that a minimum level of building maintenance and appearance is provided. The amendments also identify certain businesses that contribute to the general deterioration of the planned district area and require that those businesses cease operation within one year of the enactment of the amendments.

The permits for all businesses are required by the amendments to the Planned District Ordinance. Such permits may be revoked under specified circumstances.

The present ordinance limits the maximum height of buildings. The amendments provide for exceptions to the height limitation.

The provisions of the Planned District Ordinance which relate to establishments which serve or sell alcoholic beverages are revised to allow the sale of such beverages for consumption off the premises of such establishments under prescribed circumstances.

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 JAN 8 1985.  
Passed and adopted by the Council of The City of San Diego on JAN 22 1985.

**AUTHENTICATED BY:**  
**ROGER HEDGECOCK,**  
Mayor of The City of San Diego, California.  
**CHARLES G. ABDELNOUR,**  
City Clerk of The City of San Diego, California.  
**BARBARA BAXTER,** Deputy

3 3/4" x 2 x 9.76 = 73.20