

ORDINANCE NUMBER O- 19984 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 12 2010

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 15, ARTICLE 7, DIVISION 1, BY AMENDING SECTIONS 157.0101, 157.0102, 157.0103 AND 157.0104; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 2, BY REPEALING SECTIONS 157.0201, 157.0202, 157.0203, AND 157.0204; BY CREATING NEW SECTIONS 157.0201, 157.0202, 157.0203, AND 157.0204; BY AMENDING SECTION 157.0205, AND BY REPEALING SECTION 157.0206; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3, BY AMENDING SECTIONS 157.0301, 157.0302, BY ADDING A NEW SECTION 157.0303, AND BY RENUMBERING AND AMENDING THE CURRENT SECTION 157.0303 TO 157.0304, AND BY ADDING A NEW SECTION 157.0305; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 4, BY AMENDING SECTIONS 157.0401, AND 157.0402, BY ADDING A NEW SECTION 157.0403, BY REPEALING CURRENT SECTIONS 157.0404 AND 157.0405, BY ADDING NEW SECTIONS 157.0404 AND 157.0405, BY RENUMBERING AND AMENDING THE CURRENT SECTION 157.0403 TO 157.0406, AND BY ADDING NEW SECTIONS 157.0407 AND 157.0408, ALL RELATING TO THE GASLAMP QUARTER PLANNED DISTRICT ORDINANCE.

WHEREAS, the primary purpose of the Gaslamp Quarter Planned District Ordinance is to implement the San Diego Downtown Community Plan [Downtown Community Plan]; and

WHEREAS, the Gaslamp Quarter Planned District Ordinance was initially adopted by the Council of the City of San Diego on July 14, 1976 by Ordinance Number O-11870 NS and amended by Ordinance Number O-15855 on November 15, 1982, Ordinance Number O-16361 on January 22, 1985, Ordinance No. O-17427 on February 20, 1990, Ordinance Number O-17738 on February 18, 1992, Ordinance Number O-18088 on July 25, 1994, Ordinance

Number O-18486 on April 7, 1998, Ordinance Number O-18656 on July 19, 1999, by Ordinance Number O-19588 on March 27, 2007; and

WHEREAS, the Centre City Development Corporation [CCDC], as the agent for the Redevelopment Agency of the City of San Diego within the downtown area, has proposed amendments to the Gaslamp Quarter Planned District Ordinance to implement the Downtown Community Plan; and

WHEREAS, the proposed amendments to the Gaslamp Quarter Planned District Ordinance have been reviewed, considered, and recommended for approval by the Historical Resources Board, the Centre City Advisory Committee, and the CCDC Board of Directors; and

WHEREAS, the Planning Commission of the City of San Diego held a public hearing on July 10, 2008 for the purpose of considering the proposed amendments to the Gaslamp Quarter Planned District Ordinance; and

WHEREAS, the Planning Commission of the City of San Diego has found the proposed amendments to the Gaslamp Quarter Planned District Ordinance consistent with the Downtown Community Plan and recommended the proposed amendments for approval; NOW, THEREFORE,

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

Section 1: That the San Diego Municipal Code is amended by amending Chapter 15, Article 7, Division 1, by amending Sections 157.0101, 157.0102, 157.0103 and 157.0104, to read as follows:

**Article 7: Gaslamp Quarter Planned District**

**Division 1: General Rules**

**§157.0101 Purpose and Intent**

The downtown area of the City of San Diego began within the area currently known as the Gaslamp Quarter Planned District and contains the highest concentration of historically significant commercial *structures* in the City of San Diego. In 1980, the entire Gaslamp Quarter Planned District was listed as a *historical district* on the National Register of Historic Places. The National Register designation includes, but it not limited to, architecturally significant *structures* built between 1873 and 1930. The purpose of the Gaslamp Quarter Planned District Ordinance is to establish design and *development* criteria to ensure that the *development* and redevelopment of the Gaslamp Quarter Planned District (District) and Gaslamp Quarter Historical District implement the goals of the Downtown Community Plan.

The distinctive historical character of the District will be retained and enhanced by established procedures and regulations that are deemed necessary to:

- (a) protect improvements which represent elements of the District's cultural, social, economic, and architectural history;
- (b) safeguard the District's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements;
- (c) foster civic pride in the beauty and character of the District and in the accomplishments of the District's past;

- (d) enhance the visual character of the District by encouraging new design and construction that complement the existing *historical resources*; and
- (e) protect and enhance the District's aesthetic and historical attractions to residents, tourists, visitors and others, thereby serving as a stimulus and a support to business and industry.

**§157.0102 Boundaries**

- (a) General Boundaries

The regulations of this Article shall apply in the Gaslamp Quarter Planned District which is within the boundaries of the Downtown Community Plan area in the City of San Diego, California, as shown in Figure A.

- (b) Asian Pacific Thematic Historic District Overlay

Several blocks in the Gaslamp Quarter Planned District fall within the boundaries of the Asian Pacific Thematic Historic District, established by the City Council on October 13, 1987, by Resolution No. R-269475, and shown in Figure A. The Asian Pacific Thematic Historic District Master Plan, approved on August 15, 1995, by the Redevelopment Agency by Resolution No. 2544, and on file in the Office of the Secretary of the Agency as Document No. 02238, establishes design guidelines for the Asian Pacific Thematic Historic District. All new construction modifications to contributing resources within the boundaries of the Asian Pacific Thematic Historic District shall be reviewed for consistency with the Secretary of the Interior's Standards and the Asian Pacific Thematic Historic District Master Plan in conjunction with the provisions of this

Article and the Gaslamp Quarter Planned District Design Guidelines. A copy of the Gaslamp Quarter Planned District Design Guidelines is on file in the office of the City Clerk as Document No. <sup>RR-</sup>306002A list of contributing resources to the Asian Pacific Thematic Historic District can be found in Appendix A of the Gaslamp Quarter Planned District Design Guidelines.

**§157.0103 Administration**

The Centre City Development Corporation (CCDC) is responsible for the planning and zoning functions of the City of San Diego within the Gaslamp Quarter Planned District. The CCDC President, or his or her designee, shall administer the Gaslamp Quarter Planned District Ordinance as set forth in this Article and ensure compliance with the regulations and procedures of this Article, the Gaslamp Quarter Planned District Design Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, the Centre City Redevelopment Plan, and any other policies or guidelines adopted by the City of San Diego or the Redevelopment Agency of the City of San Diego to implement the Downtown Community Plan.

**§157.0104 Applicable Regulations**

Where not otherwise specified in this Article, the following regulations of the Land Development Code, including all Articles and Divisions within each Chapter unless otherwise stated, shall apply:

- Chapter 11 Land Development Procedures
- Chapter 12 Land Development Reviews

Chapter 13 Zones

Chapter 14 General Regulations

Chapter 15 Planned Districts, Article 1, Division 1

Where there is a conflict between the applicable regulations of the Land Development Code and this Article, the regulations of this Article shall govern.

(a) Gaslamp Quarter Planned District Design Guidelines

(1) The Gaslamp Quarter Planned District Design Guidelines

supplement the regulations set forth in this Article and include review procedures, standards, and guidelines for *development* within the Gaslamp Quarter Planned District. Where there is a conflict between regulations of the Gaslamp Quarter Planned District Design Guidelines and this Article, the regulations of this Article shall govern.

(2) The Gaslamp Quarter Planned District Design Guidelines may be amended as needed to comply with revisions to local, state or federal law. The document may be amended in either of the following ways:

(A) Minor amendments shall be approved by the CCDC

President and shall be filed in the office of the City Clerk as errata sheets to Document No. <sup>RR-</sup>306002 Minor

amendments shall include changes to clarify language or

concepts, to reformat or reorganize language, or to reflect new or outdated technology or techniques; or

- (B) Major amendments shall be approved by the City Council. Major amendments shall include any changes that do not qualify as a minor amendment. Major amendments shall be reviewed by the Planning Commission and the Historical Resources Board prior to approval by the City Council.

Section 2: That the San Diego Municipal Code is amended by amending Chapter 15, Article 7, Division 2, by repealing current Sections 157.0201, 157.0202, 157.0203, and 157.0204; by creating new Sections 157.0201, 157.0202, 157.0203, 157.0204, by amending Section 157.0205, and by repealing Section 157.0206 to read as follows:

**Division 2: Permits and Procedures**

**§157.0201 Gaslamp Quarter Approvals and Permits**

- (a) Approvals
- (1) The CCDC President's approval is required, in accordance with the processes set forth in this Division, prior to the commencement of any of the following activities:
- (A) new construction of any *structure*;
  - (B) *grading*;
  - (C) demolition of any *structure*;
  - (D) additions to any existing *structures*;
  - (E) alterations or remodeling of the exterior of any existing *structures*;

- (F) installation of any *awning*;
- (G) installation of any *sign*;
- (H) painting the exterior of any *structures*;
- (I) installation of any sidewalk café;
- (J) installation of any exterior utilities visible from or within the *public right of-way*; or
- (K) installation of any exterior mechanical equipment or ductwork.

(2) The CCDC President's approval, in accordance with Process One, is required for minor alterations to a *historical resource* consistent with the Secretary of the Interior's Standards and in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code, this Article, and the Gaslamp Quarter Planned District Design Guidelines. For purposes of this section, "Minor alterations" means activities that:

- (A) enhance, restore, maintain, repair or allow adaptive reuse of a historical resource;
- (B) do not adversely affect the special character or special historical, architectural, archeological, or cultural value of the resource; and
- (C) will conform to the standards embodied in the designation of the *historical district*.



The CCDC President may refer the application to the Historical Resources Board for its recommendation prior to taking action on an application for a minor alteration. The provisions of this Section shall not affect the authority of the Historical Resources Board as set forth in Section 111.0206 of the Land Development Code in connection with development permits.

(b) Permits

(1) Gaslamp Quarter Development Permit

A Gaslamp Quarter Development Permit, in accordance with Section 157.0203, is required for new construction involving 1,000 square feet or more of *gross floor area* (GFA) not within an existing *building envelope*.

(2) Neighborhood Use Permit

(A) A Neighborhood Use Permit, in accordance with Process Two, is required for the following uses:

(i) Sidewalk cafés in the *public right-of-way* or any other outdoor area for eating or drinking on private property used in connection with a commercial establishment; or

(ii) Deviations to parking requirements pursuant to Section 157.0401(f).

(B) Neighborhood Use Permits shall be reviewed and considered pursuant to this Article and consistent with

applicable provisions of Chapter 12, Article 6, Division 2 of the Land Development Code.

(3) Conditional Use Permit

(A) A Conditional Use Permit, in accordance with Process Three, is required for the following uses:

(i) Establishments providing live music, entertainment or dancing, whether or not in conjunction with the sale of alcohol;

(ii) Establishments engaged in the sale of alcoholic beverages for consumption off the *premises*;

(iii) Restaurants and other permitted uses specified in Section 157.0305(a)(2) which include the sale of alcoholic beverages for consumption on the *premises*; or

(iv) Ground floor uses over 10,000 square feet.

(B) Conditional Use Permits shall be reviewed and considered pursuant to this Article and consistent with applicable provisions of Chapter 12, Article 6, Division 3 of the Land Development Code and Chapter 14, Article 1 of the Land Development Code.

(4) Site Development Permit

(A) A Site Development Permit, in accordance with Process Four, is required for substantial alterations, as defined in

Section 143.0250 of the Land Development Code, to a *historical resource*.

- (B) Site Development Permits for substantial alterations shall be reviewed and considered pursuant to this Article and Chapter 14, Article 3, Divisions 2 and 3 of the Land Development Code and consistent with applicable provisions of Chapter 12, Article 6, Division 5 of the Land Development Code.

**§157.0202 Overview of Decision Process**

Applications for permits and approvals pursuant to subsections (a) and (b) of Section 157.0201 shall be processed in accordance with one of the Process levels established as follows:

- (a) Process One

An application for a permit or approval processed in accordance with Process One may be approved or denied by the CCDC President, or his or her designee, based upon criteria outlined in this Article and the Gaslamp Quarter Planned District Design Guidelines.

- (b) Process Two

An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the CCDC President, or his or her designee, consistent with Section 112.0503 of the Land Development Code. Applicants may appeal Process Two decisions in accordance with Section 112.0504 of the Land Development

Code, but Process Two appeals shall be considered by the CCDC Board of Directors in lieu of the Planning Commission.

(c) Process Three

An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by the CCDC Hearing Officer consistent with Section 112.0505 of the Land Development Code. Applicants may appeal Process Three decisions in accordance with Section 112.0506 of the Land Development Code, but Process Three appeals shall be considered by the CCDC Board of Directors in lieu of the Planning Commission.

(d) Process Four

An application for permit or approval processed in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission consistent with Section 112.0507 of the Land Development Code. Applicants may appeal Process Four decisions to the City Council in accordance with Section 112.0508 of the Land Development Code.

(e) Process Five

An application for permit or approval processed in accordance with Process Five may be approved, conditionally approved, or denied by the City Council consistent with the procedures set forth in Section 112.0509 of the Land Development Code.

**§157.0203 Gaslamp Quarter Development Permit Procedures**

(a) Permit Review Process

All projects requiring a Gaslamp Quarter Development Permit pursuant to Section 157.0201(b)(1) shall be processed as follows:

- (1) The CCDC President may approve, conditionally approve, or deny new construction of buildings proposed under Section 157.0302(a)(2) in accordance with Process Two.
- (2) The CCDC President may approve, conditionally approve, or deny new construction proposed under Section 157.0302(a)(3) in accordance with Process Two. The Historical Resources Board shall review and make recommendations on the *development* to the CCDC President prior to making a decision on the project.
- (3) The City Council may approve, conditionally approve or deny new construction of buildings up to 125 feet in height with an *FAR* of up to 6.0 on sites of 30,000 square feet or more located south of Island Avenue, subject to Section 157.0302(a)(4), in accordance with Process Five. The *development* shall be reviewed, and a recommendation provided, by the Centre City Advisory Committee, the CCDC Board of Directors, the Historical Resources Board, and the Planning Commission prior to consideration by the City Council.

(b) Permit Notice Procedures

For all projects requiring a Gaslamp Quarter Development Permit, public notice of the application for a Gaslamp Quarter Development Permit shall be provided in accordance with Chapter 11, Article 2, Division 3 of the Land Development Code:

(c) Permit Determination

- (1) A Gaslamp Quarter Development Permit may be approved or conditionally approved based upon written findings that the project, as submitted or modified, is consistent with this Article, the Centre City Redevelopment Plan, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the San Diego Municipal Code and any other adopted plans or policies of the City of San Diego or the Redevelopment Agency of the City of San Diego applicable to the Gaslamp Quarter Planned District.
- (2) A Gaslamp Quarter Development Permit may be denied based upon written findings that the project is not consistent with this Article, the Centre City Redevelopment Plan, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the San Diego Municipal Code and any other adopted plans or policies of the City of San Diego or the Redevelopment Agency of the City of San Diego applicable to the Gaslamp Quarter Planned District.

(d) Permit Time Limits

A Gaslamp Quarter Development Permit approved under this Division will be valid for a period of 3 years from the date of issuance. If a Gaslamp Quarter Development Permit has not been utilized in accordance with Section 126.0108 of the Land Development Code, the Gaslamp Quarter Development Permit may be extended for a period of 3 years pursuant to Section 126.0111 of the Land Development Code.

(e) Permit Issuance

Upon approval and issuance of a Gaslamp Quarter Development Permit, the applicant shall be responsible for obtaining all additional permits or licenses necessary for the applicant to complete the project. These additional permits and licenses shall conform to all other applicable regulations and ordinances.

**§157.0204 Permit and Approval Revocation**

If the CCDC President determines there has been a violation of the terms, conditions, requirements or provisions of the CCDC President's approval pursuant to Section 157.0201(a) or a Gaslamp Quarter Development Permit, Neighborhood Use Permit, Conditional Use Permit, or Site Development Permit pursuant to Section 157.0201(b), the CCDC President may issue a notice of intent to revoke. The notice of intent to revoke shall inform the permit or approval holder of the violation(s) and provide a reasonable time for compliance. If the holder of the permit or approval fails to correct the violation(s) outlined in the notice of intent to revoke within the specified period of time, the CCDC President

may schedule a hearing to revoke or modify the permit or approval. Permit and approval revocation proceedings shall be conducted in accordance with the procedures set forth in Chapter 12, Article 1 of the Land Development Code.

Revocation or modification of a Gaslamp Quarter Development Permit, Neighborhood Use Permit, Conditional Use Permit, Site Development Permit, or approval of the CCDC President shall be in addition to any other remedies set forth in Chapter 12, Article 1 of the Land Development Code.

**§157.0205 Removal of Damaged Historical Resources**

If any designated or contributing *historical resource* is damaged by earthquake, fire, or act of God and is determined unsafe by the Building Official, the property owner may apply for a *development* permit to demolish the resource. The permit shall be referred to the Historical Resources Board pursuant to Chapters 11, 12, and 14 of the Land Development Code. Alternatively, the property owner may apply for a permit to restore or reconstruct the *historical resource* in accordance with the Secretary of the Interior's Standards and the Land Development Code. In the case of an emergency, the CCDC President, in consultation with the Building Official and the staff of the Historical Resources Board, may authorize without a public hearing, the minimum amount of work necessary to protect the public health, safety, and welfare, pursuant to Section 143.0214 of the Land Development Code.

Section 3: That the San Diego Municipal Code is amended by amending Chapter 15, Article 7, Division 3, by amending Sections 157.0301, 157.0302, by adding a new



Section 157.0303, by renumbering and amending the current Section 157.0303 to 157.0304, and by adding Section 157.0305 to read as follows:

**Division 3: Zoning and Subdistricts**

**§157.0301 Character of the Area**

The Gaslamp Quarter Planned District is unique in that it marks the beginning area of development for downtown San Diego. The area retains much of the original architecture of its early history as a collection of late 19th and early 20th century *structures*. The District is valued for its historical significance not only at the local level by the City of San Diego and also on a national level by the United States Department of the Interior.

The architecture of the area is characterized by *structures* erected during a 57 year period from 1873 to 1930. The *structures* are typically 2 to 4 *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 front sides of the *structures* are often designed with closely set bays framed with segmental, stilted, or flat arches that are 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 of the *structures*.

For further information, refer to the San Diego Register of Historical Resources, the National Register of Historic Places, and the Gaslamp Quarter Planned District Design Guidelines.

**§157.0302 General Design Regulations for New Buildings**

The City Council has adopted the Gaslamp Quarter Planned District Design Guidelines which contain architectural and design guidelines to be used in evaluating the appropriateness of any *development* for which a permit is applied under this Article.

(a) Building Height Regulations

Building heights in the Gaslamp Quarter Planned District are measured from the average grade of the adjoining public sidewalk grades, to the top of the parapet of the highest habitable floor.

Uninhabited roof *structures* that conceal mechanical equipment or elevator or stair overruns are exempt from this requirement when they are set back from the front *property line* by at least 15 feet, are not visible from the *right-of-way*, and do not project above a 45-degree plane inclined inward from the top of the parapet(s) of any street wall adjoining a public *right-of-way*; up to a maximum height of 30 feet.

(1) All *structures* must maintain a minimum height of 30 feet at the *property line*.

(2) Building heights may be increased from 1 foot to 60 feet subject to the provisions of Section 157.0203(a)(1).

(3) Building height may be increased from 61 feet to 75 feet. subject to the provisions of Section 157.0203(a)(2).

- (4) Building height may be increased to a maximum of 125 feet on parcels 30,000 square feet or more located south of Island Avenue, pursuant to Section 157.0203(a)(3), provided that:
- (A) the maximum *FAR* shall not exceed 6.0; building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue *public right-of-way*; and
  - (B) the City Council finds that the proposed project offers significant architectural, aesthetic, and community benefits to the District.
- (5) Building height may be increased on sites that are north of Island Avenue no more than two additional stories that do not exceed 26 feet above the 75 foot maximum allowable building height subject to the provisions of Section 157.0203(a)(2) and as follows:
- (A) on sites 20,000 square feet or greater containing no contributing *historical structures*;
  - (B) the development does not exceed an *FAR* of 6.0;
  - (C) the additional stories must be set back a minimum of 50 feet from Fifth Avenue; and
  - (D) the additional stories comply with all applicable height, massing, architectural style, material use, articulation, setbacks, and fencing standards set forth in the Gaslamp Quarter Planned District Design Guidelines.

(b) *Street Wall Requirements*

Buildings shall provide a continuous *street wall* plane and strong *street edge* definition at the *property line*.

- (1) The *street wall* of all buildings shall be continuous at the *property line* except for storefront entry. Doors shall not project into the *public right-of-way* by more than 12 inches.
- (2) *Street wall* glazing shall be deeply recessed with detailed window frames permitted to protrude beyond the front face of the building. Cornices, bay windows, and ornamentation may project into the *public right-of-way* at upper levels to a distance no greater than 4 feet.
- (3) Ground floor treatment shall have a traditional storefront character and pedestrian scale in the details.
- (4) Facades located along Fourth, Fifth and Sixth avenues shall incorporate at least one primary entrance from the *public right-of-way* within that façade. A minimum of 60 percent of the street facing building façades along Fourth, Fifth and Sixth avenues shall contain storefronts allowing views of indoor space and direct access from the street.

(c) *Floor-to-Floor Heights*

- (1) The ground floor height shall be no less than 12 feet and no greater than 20 feet, measured from finish floor to finish floor.

- (2) The exterior facades of new construction and infill buildings must respect the floor-to-floor heights typical of adjoining *structures*.  
For projects requiring a Gaslamp Quarter Development Permit, a lesser floor height may be permitted to allow for mezzanines and design expression for other contemporary uses.
- (d) Façade Design Criteria
  - (1) All buildings in the Gaslamp Quarter Planned District shall observe the dominant *historical building* pattern which is characterized by a delineation of a building base, middle, and top.
  - (2) The building base shall be defined by a projecting band and/or articulated recess in a continuous horizontal direction across the *building façade*.
  - (3) A kickplate or bulkhead shall be included, which shall be a minimum of 12 inches and a maximum of 30 inches.
  - (4) Storefronts shall consist of large glass panels with bulkheads below.
  - (5) Storefront frames shall be set back from the building surface by 3 inches. Glass panels shall be set back from the storefront frame a minimum of 1 inch.
  - (6) Above the ground floor, the building shall contain the window openings which coincide with the horizontal floor bands and may be capped with a cornice.

- (7) All windows above the ground floor shall have a longer vertical dimension than horizontal dimension and shall be punched into the wall plane, with the window glass set back a minimum of 4 inches from the outside plane.
- (e) Architectural Fabric and Materials
- (1) The use of plaster shall be limited to 20 percent of the base and 60 percent of the overall *building façade*.
  - (2) Reflective silver aluminum storefront window systems are not permitted.
  - (3) Frameless storefront systems are not permitted.
  - (4) Permanent, temporary or retractable grates, grills or bars are not permitted on windows, doors or alcoves.
- (f) Additional *Stories* Requirements
- Additional *stories* are not permitted for development on sites that contain contributing *historical structures*. Additional *stories* shall comply with the following criteria:
- (1) The additional *stories* are limited to a flat roofed volume containing a maximum height of 26 feet. The height of the additional *stories* will be measured from the top of the adjacent building roof to the top of the highest additional *stories* parapet.
  - (2) The minimum setback for additional *stories* is 15 feet from any building *façade* adjoining a *public right-of-way*.

- (3) At the maximum additional *stories* height of 26 feet, the volume shall be set back 30 feet from any building façade adjoining a *public right-of-way*.
- (4) The volume shall be set back a minimum of 50 feet from any façade adjoining Fifth Avenue.
- (5) The parapet of all street facing building façades shall be solid and a minimum of 24 inches tall.
- (6) Open grill fences and/or solid screen walls are allowed in the setback zone provided the following conditions are met:
  - (A) Open grill fences (minimum 60 percent open) shall not exceed a height of 5 feet.
  - (B) Solid screen walls shall not exceed a height of 4 feet.
  - (C) No fences or screen walls are permitted within 8 feet of any building façade adjoining a *public right-of-way*.
- (7) Any stair enclosures, mechanical equipment, or other equipment located on the roof of the additional *stories* volume shall be set back a minimum of 25 feet from any street-facing additional *stories* parapet, which is parallel to a *public right-of-way* rather than an interior property line.
- (8) Mechanical equipment and enclosures must not occupy more than 30 percent of the additional *stories* roof area.

The maximum height for any mechanical equipment or enclosures atop the additional *stories* is 15 feet.

- (9) All mechanical equipment shall be fully screened from all views including from above, with solid walls or screens with a maximum of 50 percent transparency.

Refer to the Gaslamp Quarter Design Guidelines for specific guidelines and figures.

**§ 157.0303 General Guidelines for Designated Historical Structures**

- (a) General Considerations

Contributing buildings in the Gaslamp Quarter Planned District are those that have been individually designated or designated by the Historical Resources Board as part of the Gaslamp Quarter Planned District nomination to the National Park Service. Typical alterations of contributing buildings range from the repainting of facades or building elements to the construction of additions to the buildings. The appendix of the Gaslamp Quarter Planned District Design Guidelines provides a comprehensive list of the contributing buildings in the Gaslamp Quarter Planned District. Refer to the San Diego Register of Historical Resources and the National Register of Historic Places for newly listed *historical buildings* and resources in the Gaslamp Quarter Planned District. Any proposed alterations to contributing resources shall follow the appropriate Secretary of the Interior's Standards for the Treatment of Historic



Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historical Buildings.

(b) Code and Zoning Considerations

The California Historical Building Code (Chapter 8, Title 24, California Code of Regulations) applies to reviews of qualified *historical structures*.

**§157.0304 Permitted Uses**

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

(a) Permitted Uses on Any Floor of a Building

Retail of consumer convenience goods and dispensing of consumer services from the following establishments located on any floor of a building:

- (1) antique shops;
- (2) art galleries;
- (3) bakeries including combination retail/wholesale establishments;
- (4) barber shops;
- (5) beauty shops;
- (6) bicycle shops;

- (7) bookstores;
- (8) boutiques;
- (9) camera shops/photographic equipment, supplies and film processing;
- (10) clothing stores;
- (11) computer and copy services stores (including sales, display and copy reproduction) for uses involving printing presses or other large commercial equipment;
- (12) confectionaries (candy stores);
- (13) condominium sales offices and apartment leasing offices which are utilized primarily for those residential units on the same *premises*;
- (14) decorator and home accessory shops;
- (15) delicatessens;
- (16) drafting and blueprint services;
- (17) drug stores;
- (18) entertainment centers, either freestanding or operating in conjunction with any other permitted use, which utilize electronic or mechanical games of skill or amusement not to exceed five (5) devices;
- (19) entertainment establishments, as defined in Section 33.1502 of the San Diego Municipal Code, subject to the provisions of Section 157.0305;
- (20) financial institutions;

- (21) florists;
- (22) food stores;
- (23) furniture stores;
- (24) hardware stores;
- (25) hobby shops;
- (26) hotel lobbies;
- (27) ice cream parlors;
- (28) import and art objects stores;
- (29) jewelry stores;
- (30) locksmith shops;
- (31) leather goods stores;
- (32) luggage shops;
- (33) medical appliance sales;
- (34) music stores;
- (35) office furniture and equipment sales;
- (36) pawn shops;
- (37) personal services;
- (38) pet shops
- (39) photographic studios;
- (40) post offices;
- (41) radio and television studios;
- (42) restaurants (excluding drive-in and drive-thru restaurants), subject to the provisions of Section 157.0305;

- (43) retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries;
  - (44) shoe stores;
  - (45) shoe repair shops;
  - (46) shoe shine parlors;
  - (47) sporting goods stores;
  - (48) stationers and card shops;
  - (49) theaters;
  - (50) tobacco shops;
  - (51) travel agencies;
  - (52) variety stores; and
  - (53) wedding shops.
- (b) Permitted Uses Only Above or Below the First Floor of a Building
- (1) addressing, secretarial and telephone answering services;
  - (2) business and professional office uses (such as accountants, advertising agencies, architects, attorneys, contractors, doctors, real estate agencies, engineers, insurance brokers, securities brokers, surveyors, and graphic artists);
  - (3) *dwelling units*;
  - (4) electronic data processing, tabulating, and record keeping;
  - (5) funeral parlors;
  - (6) hotel guest rooms;
  - (7) labor unions and trade associations;

- (8) lithography shops;
  - (9) medical, dental, biological, and x-ray laboratories;
  - (10) newspaper plants;
  - (11) photographic equipment, supplies, and film processing in connection with wholesale uses only;
  - (12) private clubs, fraternal organizations, and lodges; and
  - (13) wholesaling and warehousing.
- (c) Permitted Specialized Uses on Any Floor
- (1) charitable organizations (nonprofit or otherwise) and *accessory uses*;
  - (2) *churches* as an *accessory use* only;
  - (3) museums; and
  - (4) tourists and historical information centers which are facilities where visitors or residents are given assistance and information about the historical nature of the Gaslamp Quarter Planned District and downtown area of the City of San Diego.
- (d) Prohibited Uses
- The following uses shall be prohibited in the entire District as both *primary* and *accessory uses*:
- (1) card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for any consideration;
  - (2) correctional placement facilities pursuant to Section 141.0406;

- (3) drive-through businesses; and
- (4) pushcarts in the *public right-of-way*.

(e) Special Regulations for Ground Floor Uses

Uses may not occupy more than 10,000 square feet on the ground floor of any building unless a Conditional Use Permit has been approved for such a use pursuant to Section 157.0305(d).

*Previously conforming* ground floor uses occupying more than 10,000 square feet may continue to exist on the ground floor as a *previously conforming* use subject to Chapter 12, Article 7, Division 1 of the Land Development Code. The ground floor use may expand into a basement or upper floor only if permitted in accordance with this Division.

(f) Specialized Uses in the *Public Right-of-Way*

Specialized uses in the *public right -of-way* which are consistent with the 1873-1930 era may be considered on all *streets* with the exception of Broadway. Specialized uses to be considered include sidewalk cafes and moveable encroachments such as flower stalls, newsstands, and shoe shine stands. Prior to the use of the *public right-of-way* for a specialized use, an encroachment permit shall have first been obtained in accordance with Chapter 12, Article 9, Division 7 of the San Diego Municipal Code. A clear separation of the encroachment area and the remainder of the sidewalk shall be provided. Encroachments shall not be allowed to extend out into the *public right-of-way* for more than half the width of the sidewalk from *property line* to curb.

**§ 157.0305 Separately Regulated Uses**

- (a) Alcoholic Beverage Sales for On-Site Consumption
  - (1) Restaurants which offer made-to-order food products during all business hours shall not be required to obtain a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption.
  - (2) A Conditional Use Permit shall be required for the following restaurants or other permitted uses which include the sale of alcoholic beverages for on-site consumption:
    - (A) Restaurants, including brew pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours when made-to-order food products are not available.
    - (B) Entertainment establishments, as defined in Section 33.1502.
  - (3) Uses involving the sale of alcoholic beverages in the Gaslamp Quarter Planned District shall be governed by the following additional requirements:
    - (A) All entertainment establishments, as defined by Section 33.1502 must obtain and comply with all applicable permits, including a City of San Diego Police permit;
    - (B) Sound and amplification equipment shall be monitored during business hours to ensure that audible noise remains at acceptable levels in accordance with Chapter 5,

Article 9.5 of the San Diego Municipal Code. Noise levels shall be in conformance with the noise abatement and control regulations set forth in Chapter 5, Article 9.5 of the San Diego Municipal Code; and

- (C) If the establishment where live music entertainment or dancing is proposed to occur is within the same building as, or is immediately adjacent to, residential uses, an acoustical study shall be prepared by a qualified acoustical engineer, hired by the applicant, which shall evaluate potential impacts to the residential occupants. Based on the results of the acoustical study, appropriate mitigation measures may be required.
- (4) Hotels, motels, or any other lodging establishment where the sale of alcoholic beverages is *accessory* or incidental to the *primary* operation of the establishment shall not be required to obtain a Conditional Use Permit if any of the uses described in Section 157.0305(a)(2) are completely enclosed within the building and accessed solely through a lobby area.
- (b) Alcoholic Beverage Sales for Off-Site Consumption
  - (1) Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed 10 percent of the total shelving within the store, shall not be required to obtain a Conditional Use Permit.



- (2) Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit and shall be an *accessory use* to the following *primary uses*:
  - (A) delicatessens;
  - (B) drug stores/convenience stores;
  - (C) food and retail stores;
  - (D) restaurants; or
  - (E) micro breweries or brew pub.
- (3) No wine or distilled spirits shall be sold in containers of less than seven-hundred-fifty (750) milliliters.
- (4) No malt beverage products shall be sold in less than six-pack quantities per sale.
- (5) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the *primary use*.
- (6) No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.
- (7) After considering the facts presented in the application, the CCDC Hearing Officer may grant a Conditional Use Permit at the hearing if it is concluded that all of the applicable criteria set forth in this Division have been met. The CCDC Hearing Office may grant exceptions to sections 157.0305(b)(5) and (6) above if notice of the proposed exception is included in the public notice of the hearing

and, if the CCDC Hearing Officer finds that the proposed use and operations are compatible with existing and planned surrounding land uses. In granting the Conditional Use Permit, the CCDC Hearing Officer may impose additional conditions as deemed necessary and desirable to protect the public health, safety, and welfare which address the following issues to ensure compliance with the provisions of this Division:

- (A) entertainment uses or activities or amusement devices on the *premises*;
- (B) hours of operation for sales of alcoholic beverages;
- (C) security measures;
- (D) potential noise impacts to residential occupants; and
- (E) lighting, litter and nuisance abatement or any other special requirements for the *premises*.

(c) Uses Containing Outdoor Areas for Eating or Drinking

Establishments with outdoor areas for eating or drinking located either on private property or in the *public right-of-way* in connection with a commercial establishment shall be required to obtain a Neighborhood Use Permit in accordance with Process Two.

(d) Ground Floor Uses Over 10,000 Square Feet

The following findings must be made for approval of a Conditional Use Permit for uses occupying more than 10,000 square feet on the ground floor:

- (1) uses shall not occupy more than 150 feet of continual lineal *street frontage* including around block corners;
- (2) additional pedestrian entrances shall be provided for *street* frontages greater than 100 feet; and
- (3) the proposed use and the design will create a lively pedestrian experience consistent with the goals and policies adopted for the Gaslamp Quarter Planned District.

Section 4 That the San Diego Municipal Code is amended by amending Chapter 15, Article 7, Divisions 4, by amending Sections 157.0401, 157.0402, by adding a new Section 157.0403, by repealing current Sections 157.0404 and 157.0405, by renumbering and amending the current Section 157.0403 to Section 157.0406, and by adding Sections 157.0407 and 157.0408 to read as follows:

**Division 4: General and Supplemental Regulations**

**§157.0401 Off-Street Parking**

**Requirements**

- (a) New *developments* located on sites that are greater than 10,000 square feet shall comply with the minimum parking requirements established in Table 157-0401-A.
- (b) New developments on sites that are 10,000 square feet or less shall not be required to provide off-street parking.

- (c) All required parking shall meet the parking regulations set forth in Section 142.0560, including Table 142-05J and Table 142-05K, of the Land Development Code.
- (d) Existing buildings converted from one permitted use to another permitted use shall not be required to provide additional parking other than what was required under the original use.
- (e) Driveway curb cuts shall not be permitted on Fifth Avenue.
- (f) The CCDC President may grant a deviation from the parking requirements for projects which have their only public *street* access along Broadway in accordance with Process Two.

TABLE 157-0401-A: OFF-STREET PARKING REQUIREMENTS		
Use Category	Minimum	Notes
Office	1.5 spaces per 1,000 sf	Projects containing less than 50,000 square feet of office space are exempt.
Commercial/Retail	1.0 spaces per 1,000 sf	Projects containing less than 30,000 square feet of commercial/retail space are exempt.
Hotel	0.3 spaces per room	Projects containing less than 25 guest rooms are exempt.
<i>Dwelling Units</i>	1.0 space per unit	

**§157.0402 Signs**

Initial approval for the design of a *sign* shall be made by the CCDC President before an application for a *sign* permit is submitted to the City of San Diego. The structure, content, lettering, location, size, number, illumination, color, projection, and other characteristics of all *signs* in the Gaslamp Quarter. The Gaslamp Quarter Design Guidelines set forth design standards for structure, content,

lettering, location, size, number, illumination, color, projection and other characteristic for signs in the Gaslamp Quarter. All signage shall be designed in compliance with the Gaslamp Quarter Design.

**157.0403 Awnings and Canopies**

*Awnings* and canopies were used historically in the Gaslamp Quarter Planned District. All new *awnings* and canopies shall be designed in compliance with the Gaslamp Quarter Design Planned District Guidelines which set forth standards for configuration, placement, and materials.

**§157.0404 Sidewalk Cafés**

Sidewalk cafes shall comply with Sections 141.0621 and 157.0305(c) of the Land Development Code and the Gaslamp Quarter Planned District Design Guidelines.

**§157.0405 Automatic Teller Machines (ATM's)**

In general, ATM's (or other similar electronic ticketing or video displays) are not considered to be compatible with the *historical district*. However, as a desirable convenience in today's society, such devices shall be located to minimize their visual impact. Such devices shall ATMS may be installed only on the exterior of a non-contributing building provided they meet the criteria set forth in the Gaslamp Quarter Planned District Design Guidelines.

**§157.0406 Public Facilities, Structures and Area**

All open spaces, *streets*, sidewalks, street furniture, street *signs*, lighting installations, and any incidental *structures* or monuments, shall conform with the intent of this Article, which is to complement the history and character of the Gaslamp Quarter Planned District in general accord with the period between 1873

to 1930 and shall be subject to the same regulations, conditions and standards established herein.

**§157.0407 Rooftop *Antennae* and Satellite Dishes**

Cellular telephone *antennas* or satellite dishes are permitted on *historical buildings* or contributing *structures*, to the extent required by federal or state law.

Cellular telephone *antenna*, satellite dishes, and associated screening enclosures on newly constructed buildings shall not be visible from the *public right-of-way*, unless required by federal or state law.

**§157.0408 *Previously Conforming Structures***

All *signs, awnings, canopies, sidewalk cafés, ATM's, rooftop antennae* and satellite dishes, or similar elements which are *previously conforming structures* which do not conform to the provisions of this Article or the Gaslamp Quarter Planned District Design Guidelines shall be required to be revised, altered, or removed in order to comply with this Article or the Gaslamp Quarter Planned District Design Guidelines no later than five years from SEP 11 2010.

Section 5. That the City Clerk is instructed to insert the official document number of the companion Design Guidelines, once known, in the blank spaces provided in Municipal Code sections 157.0102 and 157.0104.

Section 6. That the City Clerk is instructed to insert the effective date of this ordinance, once known, in the blank space provided in Municipal Code section 157.0408 and the companion Design Guidelines, at page 41.

Section 7. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 8. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas  
Shannon Thomas  
Deputy City Attorney

KDB:ST:nda:pev:cw:mm  
06/03/2010  
Or.Dept:CCDC  
O-2010-8  
MMS #6619

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 27 2010.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

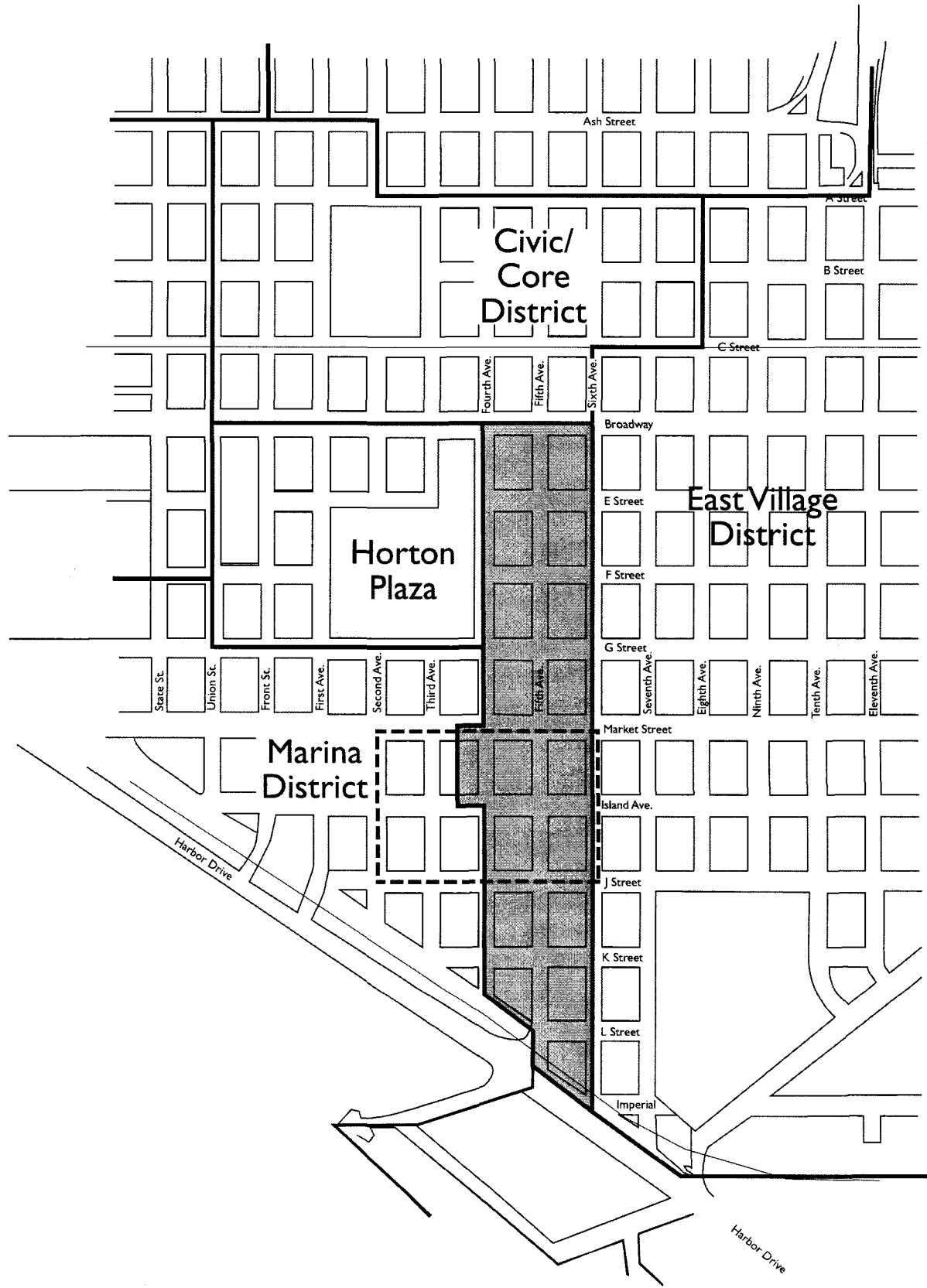
Approved: 8-27-10  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Please note the Mayor did not sign this ordinance within the specified time limit. See San Diego City Charter Section 280(c)(4).



- Gaslamp Quarter Planned District
- Asian Pacific Thematic Historic District

0-19984

Figure A