

331-A

(O-2014-95)

4/15/14

54a
4-29-14

ORDINANCE NUMBER O- 20366 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 15 2014

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 7, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 157.0103 AND 157.0104; BY AMENDING CHAPTER 15, ARTICLE 7, DIVISION 2 BY AMENDING SECTIONS 157.0201, 157.0202, 157.0203, 157.0204 AND 157.0205; BY AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0305; BY AMENDING CHAPTER 15, ARTICLE 7, DIVISION 4 BY AMENDING SECTIONS 157.0401 AND 157.0402, ALL 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 15, Article 7, Division 1 of the San Diego Municipal Code is amended by amending sections 157.0103 and 157.0104, to read as follows:

§157.0103 Administration

Civic San Diego is responsible for the planning and zoning functions of the City of San Diego within the Gaslamp Quarter Planned District. The Civic San Diego 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 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 through Chapter 15 [No change in text.]

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) [No change in text.]

(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 Civic San Diego President and shall be filed in the office of the City Clerk as errata sheets to Document No. RR-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shall include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new or outdated technology or techniques; or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) [No change in text.]

Section 2. That Chapter 15, Article 7, Division 2 of the San Diego Municipal Code is amended by amending sections 157.0201, 157.0202, 157.0203, 157.0204, and 157.0205, to read as follows:

§157.0201 Gaslamp Quarter Approvals and Permits

(a) Approvals

- (1) The Civic San Diego 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) through (K) [No change in text.]

- (2) The Civic San Diego 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) through (C) [No change in text.]

The Civic San Diego 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) [No change in text.]

§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 Civic San Diego 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 Civic San Diego 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 Civic San Diego 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 Civic San Diego 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 Civic San Diego Board of Directors in lieu of the Planning Commission.

(d) through (e) [No change in text.]

§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 Civic San Diego 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 Civic San Diego 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 Civic San Diego 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 planning group officially

recognized by the City of San Diego, the Civic San Diego Board of Directors, the Historical Resources Board, and the Planning Commission prior to consideration by the City Council.

(b) [No change in text.]

(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 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 applicable to the Gaslamp Quarter Planned District.

(d) through (e) [No change in text.]

§157.0204 Permit and Approval Revocation

If the Civic San Diego President determines there has been a violation of the terms, conditions, requirements or provisions of the Civic San Diego 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 Civic San Diego 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 Civic San Diego 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 Civic San Diego 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 Civic San Diego 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 Chapter 15, Article 7, Division 3 of the San Diego Municipal Code is amended by amending section 157.0305, to read as follows:

§157.0305 Separately Regulated Uses

- (a) [No change in text.]
- (b) Alcoholic Beverage Sales for Off-Site Consumption
 - (1) through (6) [No change in text.]
 - (7) After considering the facts presented in the application, the Civic San Diego 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 Civic San Diego Hearing Officer 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 Civic San Diego 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 Civic San Diego 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) through (E) [No change in text.]

(c) through (d) [No change in text.]

Section 4. That Chapter 15, Article 7, Division 4 of the San Diego Municipal Code is amended by amending sections 157.0401 and 157.0402, to read as follows:

§157.0401 Off-Street Parking

Requirements

(a) through (e) [No change in text.]

(f) The Civic San Diego 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

[No change in text.]

§157.0402 Signs

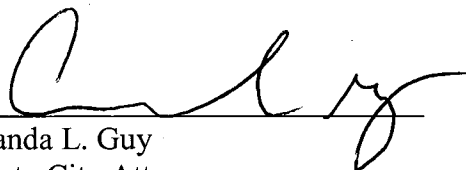
Initial approval for the design of a *sign* shall be made by the Civic San Diego President before an application for a *sign* permit is submitted to the City of San Diego. The Gaslamp Quarter Design Guidelines set forth design standards for structure, content, lettering, location, size, number, illumination,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

and other characteristics for all signs in the Gaslamp Quarter. All signage shall be designed in compliance with the Gaslamp Quarter Design Guidelines.

Section 5. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 6. 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 
Amanda L. Guy
Deputy City Attorney

ALG:als
1/21/14
Or.Dept:Civic San Diego
Doc. No. 659011

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of ~~APR 29 2014~~

ELIZABETH S. MALAND
City Clerk

Note: This ordinance was returned unsigned by the Mayor's Office to the Office of the City Clerk on May 15, 2014. Pursuant to San Diego Charter Section 295 (a) (2), this resolution is deemed approved on May 15, 2014.

By Karin Christ
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

**OLD LANGUAGE: STRIKEOUT
NEW LANGUAGE: UNDERLINE**

ORDINANCE NUMBER O- _____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 7, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 157.0103 AND 157.0104; BY AMENDING CHAPTER 15, ARTICLE 7, DIVISION 2 BY AMENDING SECTIONS 157.0201, 157.0202, 157.0203, 157.0204 AND 157.0205; BY AMENDING CHAPTER 15, ARTICLE 7 DIVISION 3 BY AMENDING SECTION 157.0305; BY AMENDING CHAPTER 15, ARTICLE 7, DIVISION 4 BY AMENDING SECTIONS 157.0401 AND 157.0402, ALL RELATING TO THE GASLAMP QUARTER PLANNED DISTRICT.

§157.0103 Administration

~~The Centre City Development Corporation (CCDC)~~ Civic San Diego is responsible for the planning and zoning functions of the City of San Diego within the Gaslamp Quarter Planned District. ~~The CCDC~~ Civic San Diego 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 through Chapter 15 [No change in text.]

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) [No change in text.]

(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~~ Civic
San Diego President and shall be filed in the office of the
City Clerk as errata sheets to Document No. RR-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) [No change in text.]

§157.0201 Gaslamp Quarter Approvals and Permits

(a) Approvals

(1) The ~~CCDC~~ Civic San Diego 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) through (K) [No change in text.]

(2) The ~~CCDC~~ Civic San Diego 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) through (C) [No change in text.]

The ~~CCDC~~ Civic San Diego 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) [No change in text.]

§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~~ Civic San Diego 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~~ Civic San Diego 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~~ Civic San Diego 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~~ Civic San Diego 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~~ Civic San Diego Board of Directors in lieu of the Planning Commission.

(d) through (e) [No change in text.]

§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~~ Civic San Diego 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~~ Civic San Diego 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~~ Civic San Diego 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 planning group officially recognized by the City of San Diego, the CCDC Civic San Diego Board of Directors, the Historical Resources Board, and the Planning Commission prior to consideration by the City Council.

(b) [No change in text.]

(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) through (e) [No change in text.]

§157.0204 Permit and Approval Revocation

If the ~~CCDC~~ Civic San Diego President determines there has been a violation of the terms, conditions, requirements or provisions of the ~~CCDC~~ Civic San Diego 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~~ Civic San Diego 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~~ Civic San Diego 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~~ Civic San Diego 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~~ Civic San Diego 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.

§157.0305 Separately Regulated Uses

(a) [No change in text.]

(b) Alcoholic Beverage Sales for Off-Site Consumption

(1) through (6) [No change in text.]

(7) After considering the facts presented in the application, the ~~CCDC~~ Civic San Diego 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~~ Civic San Diego Hearing Officer 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~~ Civic San Diego 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~~ Civic San Diego 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) through (E) [No change in text.]

(c) through (d) [No change in text.]

§157.0401 Off-Street Parking

Requirements

(a) through (e) [No change in text.]

(f) The ~~CCDC~~ Civic San Diego 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

[No change in text.]

§157.0402 Signs

Initial approval for the design of a *sign* shall be made by the ~~CCDC~~ Civic San Diego 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 characteristics for all signs in the Gaslamp Quarter. All signage shall be designed in compliance with the Gaslamp Quarter Design Guidelines.

ALG: als
1/21/14
Or.Dept:Civic San Diego
Document No.:643262_2

Passed by the Council of The City of San Diego on APR 29 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 15 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Karen Cook, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 15 2014

, and on

MAY 15 2014

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Karen Cook, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20366