

ORDINANCE NUMBER O- 21085 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 21 2019

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

ITEM # 52d
6/18/19

WHEREAS, since 1992, Civic San Diego, formerly, The Centre City Development Corporation (CCDC), has administered the City's zoning ordinances for the Centre City Planned District (Centre City PDO), Gaslamp Quarter Planned District (Gaslamp PDO), and Marina Planned District (Marina PDO), which are the planned district ordinances for the Downtown Community Plan area; and

WHEREAS, on April 15, 2015, a lawsuit entitled *Murtaza Baxamusa, San Diego County Building & Construction Trades Council, AFL-CIO v. Civic San Diego, City of San Diego*, San Diego Superior Court Case No. 37-2015-00012092-CU-PT-CTL was filed against Civic San Diego and the City of San Diego (Lawsuit); and

WHEREAS, as part of the Settlement Agreement in the Lawsuit in which the City admitted no liability, the City agreed to return all planning and permitting authority from Civic San Diego to the City, including special administrative permits specific to the Downtown area; and

WHEREAS, the City agreed to preserve the separate planned district ordinances for Downtown due to its unique dense urban environment and designation as a National Historic District; and

WHEREAS, as part of the amendments, the Marina PDO will be merged into the Centre City PDO, and the Gaslamp PDO will remain separate due to its historical designation; and

WHEREAS, the matter was set for a public hearing on June 4, 2019, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter; NOW, THEREFORE,

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

The City Manager is responsible for the planning and zoning functions of the City of San Diego within the Gaslamp Quarter Planned District. The City Manager, 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 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) [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 City Manager 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, 157.0205, and by deleting section 157.0204, to read as follows:

§157.0201 Gaslamp Quarter Approvals and Permits

(a) Approvals

(1) The City Manager's or his or her designee'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 City Manager's or his or her designee'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 City Manager or his or her designee, 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 City Manager, or his or her designee, based upon criteria outlined in this Article, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the Centre City Streetscape Manual, and any requirements of the City of San Diego to implement the Downtown Community Plan. A public hearing will not be held.

(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 City Manager, 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 City Manager 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 a

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.

(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 City Manager may approve, conditionally approve, or deny new construction of buildings proposed under Section 157.0302(a)(2) in accordance with Process Two.
- (2) The City Manager 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 City Manager 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 Historical Resources

Board, and the Planning Commission prior to consideration by the City Council.

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

§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 City Manager, 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, a 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 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 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 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 City Manager may grant a deviation from the parking requirements for projects which have their only public *street* access along Broadway in accordance with Process Two.

§157.0402 Signs

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, notwithstanding San Diego Municipal Code sections 111.0107 and 112.0509, which provides for a Planning Commission hearing or recommendation prior to certain City Council actions, no Planning Commission hearing or recommendation is required related to the actions being authorized pursuant to this Ordinance.

Section 6. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 8. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
05/17/2019
Or.Dept:Planning Dept.
Doc. No.: 1793743_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 18 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/21/19
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~
NEW LANGUAGE: Double Underline

ITEM # 52d
6/18/19

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; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 2 BY AMENDING SECTIONS 157.0201, 157.0202, 157.0203, 157.0205, AND BY DELETING SECTION 157.0204; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0305; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 4 BY AMENDING SECTIONS 157.0401 AND 157.0402, RELATING TO THE GASLAMP QUARTER PLANNED DISTRICT.

§157.0103 Administration

~~Civic San Diego~~ The City Manager 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~~ City Manager, 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 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) [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~~ City Manager 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 Civic San Diego President's~~ City Manager's or his or her designee'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~~ City Manager's or his or her designee'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~~ City Manager or his or her designee, 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~~ City Manager, or his or her designee, based upon criteria outlined in this Article, the Downtown Community Plan, and the Gaslamp Quarter Planned District Design Guidelines, the Centre City Streetscape Manual, and any requirements of the City of San Diego to implement the Downtown Community Plan. A public hearing will not be held.

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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~~ City Manager, 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~~ City Manager 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 a ~~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:

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- (2) ~~The Civic San Diego President~~ City Manager 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~~ City Manager 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) 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~~ City Manager, 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 Civic San Diego~~ a 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.]

§157.0401 Off-Street Parking

Requirements

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

(f) The ~~Civic San Diego President~~ City Manager may grant a deviation from the parking requirements for projects which have their only public *street* access along Broadway in accordance with Process Two.

§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 signs in the Gaslamp Quarter. All signage shall be designed in compliance with the Gaslamp Quarter Design Guidelines.

CLN:als
05/17/2019
Or.Dept:Planning Dept.
Doc. No.: 1793735_2

Passed by the Council of The City of San Diego on JUN 18 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 21 2019.

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 Atty Bready for Connie Patterson, Deputy

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

JUN 04 2019, and on JUN 21 2019.

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 Atty Bready for Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21085