

Article 7: Gaslamp Planned District

(“Gaslamp Planned District” added 3-27-2007 by O-19588 N.S.)

Division 2: Permits and Procedures

(“Permits and Procedures” added 3-27-2007 by O-19588 N.S.)

§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) 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 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) 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 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) 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.

(“Procedures for Special Permit Application and Review” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

(“Gaslamp Quarter Approvals and Permits” added 8-12-2010 by O-19984 N.S.; effective 9-11-2010. Former Section 157.0201 repealed.)

(Amended 5-15-2014 by O-20366 N.S.; effective 6-14-2014.)

(Amended 6-21-2019 by O-21085 N.S.; effective 7-21-2019.)

§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.

(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) 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.

(“Appeals to the Planning Commission” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

(“Overview of Decision Process” added 8-12-2010 by O-19984 N.S.; effective 9-11-2010. Former Section 157.0202 repealed.)

(Amended 5-15-2014 by O-20366 N.S.; effective 6-14-2014.)

(Amended 6-21-2019 by O-21085 N.S.; effective 7-21-2019.)

(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)

[Editors Note: Amendments as adopted by O-21164 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21164-SO.pdf]

§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) 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 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) 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.

(“Conditional Use Permits” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)
(“Gaslamp Quarter Development Permit Procedures” added 8-12-2010 by O-19984 N.S.; effective 9-11-2010. Former Section 157.0203 repealed.)
(Amended 5-15-2014 by O-20366 N.S.; effective 6-14-2014.)
(Amended 6-21-2019 by O-21085 N.S.; effective 7-21-2019.)

§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.

(“Removal of Damaged Historic Structures” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

(Amended 8-12-2010 by O-19984 N.S.; effective 9-11-2010.)

(Amended 5-15-2014 by O-20366 N.S.; effective 6-14-2014.)

(Amended 6-21-2019 by O-21085 N.S.; effective 7-21-2019.)