

Article 7: Gaslamp Planned District

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

Division 3: Zoning and Subdistricts

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§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.

*(“Character of the Area” 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.)*

§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) Facade 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 facade*.
- (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 facade adjoining Fifth Avenue.
- (5) The parapet of all street facing building facades 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.

(“General Design Regulations” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

(Retitled to “General Design Regulations for New Buildings” and amended 8-12-2010 by O-19984 N.S.; effective 9-11-2010.)

§ 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*.

(“Permitted Uses” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)
(“General Guidelines for Designated Historical Structures” added 8-12-2010 by O-19984 N.S.; effective 9-11-2010. Former Section 157.0303 renumbered to Section 157.0304.)

§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.
 - (5) transitional housing facilities, which are permitted as a Limited Use in accordance with Section 141.0313.
 - (6) *permanent supportive housing*, which is permitted as a Limited Use in accordance with Section 141.0315.

(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;
- (4) mobile food trucks as described in Section 141.0612; and
- (5) 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.

(Renumbered from former Section 156.0303 and amended 8-12-2010 by O-19984 N.S.; effective 9-11-2010.)

(Amended 4-3-2014 by O-20357 N.S.; effective 10-15-2014.)

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

§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, 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) 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.

(“Separately Regulated Uses” added 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.)