

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REPEALING CHAPTER 10, ARTICLE 3, DIVISION 4, AND AMENDING CHAPTER 15, BY ADDING ARTICLE 7, DIVISION 1 TITLED "GENERAL RULES," SECTIONS 157.0101, 157.0102, 157.0103 AND 157.0104; DIVISION 2 TITLED "PERMITS AND PROCEDURES," SECTIONS 157.0201, 157.0202, 157.0203, 157.0204, 157.0205 AND 157.0206; DIVISION 3 TITLED "ZONING AND SUBDISTRICTS," SECTIONS 157.0301, 157.0302 AND 157.0303; DIVISION 4 TITLED "GENERAL AND SUPPLEMENTAL REGULATIONS," SECTIONS 157.0401, 157.0402, 157.0403, 157.0404 AND 157.0405, ALL RELATING TO THE GASLAMP PLANNED DISTRICT.

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

Section 1. That Chapter 10, Article 3, Division 4 is repealed, and Chapter 15 of the San Diego Municipal Code is amended by adding Article 7, Division 1, Sections 157.0101, 157.0102, 157.0103 and 157.0104, to read as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**

- (a) The public health, safety, and general welfare require that property in the Gaslamp Quarter be revitalized and protected from further impairment in value. It is necessary to impose reasonable requirements and restrictions upon erection of new buildings and structures and the use, maintenance and alteration of existing and relocated buildings and structures. To assist in this endeavor, the distinctive architectural character that existed from 1880 to 1910 shall be retained and enhanced. Businesses that can enhance

this historic environment will be encouraged to locate in the Gaslamp Quarter and ones that do not enhance this environment will be terminated or altered. The major segment of the modern City of San Diego began here and was the central business district of those early times. Many officially designated historical landmarks provide a basic architectural unity and visual distinction in the area, and historically significant architecture is found throughout the district. Six architectural elements in varying pattern and emphasis govern the overall structural form and design continuity. These are: scale and proportion, fenestration, materials, color, texture, detail and decorative features. The Gaslamp Quarter's historic quality is further enhanced by its central location, contrasting impressively with the contemporary buildings of the Centre City core area. The revitalization of the Gaslamp Quarter is in keeping with the objectives and proposals of the General Plan, and would complement the adjacent Horton Plaza Redevelopment Project and will assist in the implementation of the Gaslamp Quarter Redevelopment Project.

- (b) Pursuant to findings of the San Diego City Council on July 26, 1982, the Gaslamp Quarter Redevelopment Project Area was found to be blighted. Furthermore, the City Council determined that revitalization of the area was necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code section 33000 et. seq.). These findings were based upon the following conditions which characterize the project area:

- (1) The existence of unfit or unsafe buildings and structures due to age, obsolescence, faulty exterior spacing and mixed-character and shifting of uses;
  - (2) The existence of properties which suffer from deterioration and disuse because of: inadequate public improvements, facilities, utilities and open spaces, including inadequate and insufficient traffic circulation, parking, sidewalks, curbs, gutters, street lights, and lots (parcels) of an irregular form, shape and size, which cannot be remedied with private or governmental action without redevelopment;
  - (3) The existence of properties which suffer from economic dislocation, deterioration and disuse resulting from faulty planning;
  - (4) A lack of proper utilization of property, resulting in a stagnant and unproductive condition of land potentially useful and valuable; and,
  - (5) The existence of social blight because of mixed and nonconforming uses, vacant buildings, substandard dwelling units, the lack of adequate open space, a concentration of "adult" entertainment uses and a high crime rate.
- (c) Certain businesses attract criminal activity and aggravate existing crime problems and should be eliminated from the Gaslamp Quarter. Other businesses are operated in a manner which allows and encourages the incursion of criminal elements and criminal activity in the Gaslamp

Quarter by failing to establish sufficient security measures to prevent crime, by permitting criminal activity to take place on their premises and by failing to establish sufficient security measures to prevent crime, by permitting criminal activity to take place on their premises and by failing to cooperate with the police department to deter and discourage crime on their premises and should be prevented from operating in this manner.

**§157.0102 Boundaries**

The regulations as defined herein shall apply in the Gaslamp Quarter which is within the boundaries of the Centre City area in the City of San Diego, California, designated on that certain Map Drawing No. C-446.1, and described in the boundary description, filed in the office of the City Clerk under Document No. 756382.

**§157.0103 Administration**

(a) President

The President of Centre City Development Corporation (the "President"), or a designated representative of the President, as the designee of the City Council, shall administer the Gaslamp Quarter Planned District Ordinance in accordance with the provisions of this Article.

(b) Powers and Duties

It is the duty of the President to administer the regulations and procedures contained within the Gaslamp Quarter Planned District Ordinance in the manner prescribed herein for both public and private developments; to recommend to the Planning Commission and the Centre City

Development Corporation Board of Directors (the "Board of Directors") any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this **Planned District Ordinance**.

The President shall utilize architectural criteria and design standards adopted by the City Council and restrictions on use specified in these regulations in evaluating the appropriateness of any development for which a permit is applied under the **Gaslamp Quarter Planned District Ordinance**. The President may approve, modify, or disapprove any applications for a permit, based upon the conditions of compliance or noncompliance with the adopted regulations and approved criteria and standards.

**§157.0104 Applicable Regulations**

Where not otherwise specified in **the Gaslamp Quarter Planned District Ordinance**, the following chapters of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);

Chapter 13 (Zones);

Chapter 14, Article 1 (Separately Regulated Use Regulations);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials)

Storage Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations); and

Chapter 14, Article 7 (Plumbing and Mechanical Regulations).

Where there is a conflict between the Land Development Code and **the Gaslamp District Planned District Ordinance, the Planned District Ordinance** applies.

Section 2. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 7, Division 2, Sections 157.0201, 157.0202, 157.0203, 157.0204, 157.0205, and 157.0206 to read as follows:

**Article 7: Gaslamp Quarter Planned District**

**Division 2: Permits and Procedures**

**§157.0201 Procedures for Special Permit Application and Review**

(a) Special Permit Required

- (1) After August 14, 1976, a special permit shall be required prior to application for any City permit or license within the Gaslamp Quarter Planned District. No person shall commence any work in the erection of any new building or structure, including those moved into the **Gaslamp Quarter** Planned District, the remodeling, alteration, addition or demolition of any existing building, grading or landscaping within the **Gaslamp Quarter** Planned District, or put

any building or structure within the **Gaslamp Quarter** Planned District to any use, without first obtaining a special permit in accordance with this section.

- (2) In addition to this special permit, all applicable building code requirements must be met for any alteration, addition or repair of a building.

(b) Content

The application shall include the following:

- (1) A description of the purposes for which the proposed building, structure or improvement is intended to be used; or the new or different purposes for which the existing building or structure is to be used.
- (2) In the case of the erection, remodeling, alteration, addition to or demolition of any building or structure, or the moving of a building into the **Gaslamp Quarter** Planned District, or any grading or landscaping:
  - (A) Adequate plans and specifications indicating proposed uses, lot area, lot coverage and off-street parking;
  - (B) Adequate plans and specifications for the building and improvements showing the exterior appearance, color and texture of materials and architectural design of the exterior;

- (C) Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety; and
- (3) An application for a special permit shall be obtained from the President. An application for a special permit will be accepted upon payment of a fee as required by Land Development Code Chapter 11, Article 2, Division 2 (Fees and Deposits).
- (4) Any other information deemed necessary by the President to judge compliance with the regulations contained in this **Planned District Ordinance** and other applicable laws and regulations.

(c) Determination

Upon submittal by the applicant of basic concept drawings and review of those basic concept drawings, the President may approve, modify or disapprove any application for a special permit. In approving the special permit, the President may impose reasonable conditions to ensure compliance with these regulations. The President shall not approve an application for a special permit except upon determining that the building, structure or improvement and use for which the special permit was applied (1) is consistent with the California Building Code and Fire Code and the regulations in this **Planned District Ordinance**, and (2) will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or to the general welfare



of the city and is not detrimental to implementation of the Gaslamp Quarter Redevelopment Plan. Action by the President shall include a statement that the President finds that the building, structure, or improvement or use for which the special permit was applied does or does not conform to the regulations in this **Planned District Ordinance**. In the event the President does not approve an application for a special permit, the specific facts on which the determination is based shall be included in the written decision as provided for in Section **157.0201(d) (Notification)**. The Building Official of the City of San Diego may approve special permit applications of an emergency nature without prior approval of the President, if such actions are to rehabilitate any condition which renders a building unsafe or to demolish the structure for the same reasons. All such actions by the Building Official shall be immediately reported to the President.

(d) Notification

Within **60** days after the submission of a complete application to the President, the President shall as required in Section **157.0201(c)**, send his or her decision in writing to the applicant and, if legally required, to the Building Official and City Engineer, except when the applicant requests or agrees to an extension of time regarding this notification.

(e) Issuances

Upon approval and issuance of the special permit by the President, the applicant will be directed to appropriate City of San Diego department(s)

to obtain any additional City permits and licenses necessary for the applicant to complete his or her project. These additional permits and licenses shall conform to all of the other regulations and ordinances of the City.

(f) Conditions

Any special permit granted by the President to use the property or for work to be performed as provided for in Section 157.0201, shall be conditioned upon the privileges granted being utilized within 18 months after the date of issuance of the special permit. Failure to commence the use or start work within this 18-month period will automatically void the special permit unless an extension of time has been granted by the President as set forth in Section 157.0201(g). Construction must actually be commenced within the stated period and must be diligently pursued to completion. If the President finds that the use has not commenced or there has been no construction substantial in character since the date of the issuance of the special permit, or that there has been during the course of development, a lapse of work for 6 months, the special permit shall become void.

(g) Extension of Time to a Valid Special Permit

The President may grant an extension of time up to 3 years on the time limit contained in a currently valid special permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the President in the office of the Centre City

Development Corporation ("CCDC") prior to the expiration of the special permit. The President may grant the extension of time if he or she finds from the evidence submitted that there has been no material change of circumstances since the special permit was originally granted. Land Development Code Section 129.0219 shall also apply for extension of building permits issued in conjunction with this special permit.

(h) Revocation

The President may at any time revoke a special permit issued under this Section. Prior to revocation, the holder of the special permit shall be given a hearing after 10 calendar days' notice. After such a hearing, the President may revoke a permit upon determining:

- (1) That the building or structure for which the permit was issued is being used for purpose other than or in addition to the purposes and manner described in the special permit application;
- (2) That the holder of the special permit has knowingly permitted criminal activity to take place on the premises or has failed to take reasonable steps to make the premises safe and secure from criminal activity. Successive criminal activity over any continuous period of time shall be deemed evidence of knowing permission of criminal activity;
- (3) That the use or operation of the building or structure for which the special permit was issued is contrary to these regulations or any other laws or regulations; or

- (4) That the use or operation of the building or structure for which the special permit was issued is detrimental or injurious to: (a) the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood; (b) property and improvements in the neighborhood; (c) the general welfare of the city; or (d) to the implementation of the Gaslamp Quarter Redevelopment Plan.

**§157.0202 Appeals to the Planning Commission**

(a) Filing

If the President denies or conditionally approves an application, the applicant may appeal from that decision to the City Planning Commission within **10** working days after the decision is filed with CCDC. Appeals shall be noticed and heard in accordance with Land Development Code Chapter 11, Article 2, Division 5 (Decision Process). The appeal shall be in writing and filed in duplicate with CCDC upon forms provided by the CCDC. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the Planning Commission.

(b) Public Hearing

Upon the filing of the appeal, CCDC shall set the matter for public hearing before the Planning Commission giving the same notice as provided in Land Development Code Chapter 11, Article 2, Division 3 (Notice). The President shall transmit to the Planning Commission a copy of his or her

decision and findings, and all other evidence, maps, papers and exhibits upon which the President made the decision.

(c) Decision of the Planning Commission

Upon the hearing of an appeal, the Planning Commission may by resolution, affirm, reverse, or modify, in whole or in part, any determination of the President. The Planning Commission decision is final.

**§157.0203 Conditional Use Permits**

- (a) Notwithstanding the provisions of Section 151.0401, the President is the decision maker for the purpose of granting Conditional Use Permits within the boundaries of the Gaslamp Quarter Planned District delineated in Section 157.0102.
- (b) The President shall grant Conditional Use Permits according to the provisions of Section 151.0401, Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), and Chapter 14, Article 1 (Separately Regulated Use Regulations).

**§157.0204 Alcoholic Beverage Sale Permit Application**

Application for an Alcoholic Beverage Sale Permit must be made by the tenant of the property affected and prior to any application to the Alcoholic Beverage Control Board. Application shall be filed with the City Manager and shall state fully the circumstances and conditions relied upon as grounds for the application, and shall be accompanied by adequate plans, a legal description of the property involved and a detailed

description of the proposed use. Prior to the filing of an application, the applicant shall file a fee equal to the cost of processing said application. Fees and deposits will be adjusted periodically by resolution of the City Council to ensure full cost recovery for services. A list of current fees and deposits is on file in the office of the City Clerk.

(a) Alcoholic Beverage Sale Permit Approval

(1) Criteria for consumption of Alcoholic Beverages "on the premises of the sale": In addition to the criteria in Section 157.0201(d), the following criteria shall be used by the President in making his or her determination regarding the issuance of an Alcoholic Beverage Sale Permit for the sale of alcoholic beverages within the Gaslamp Quarter:

- (A) The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property and the intended use must be in conformance with permitted uses as outlined in the Gaslamp Quarter Planned District Ordinance and all other relevant regulations in the Municipal Code.
- (B) Application shall be for a location currently under significant rehabilitation and or new construction or where significant rehabilitation and/or new construction has been completed.

- (C) Liquor, beer and wine sales shall not exceed 50 percent of the total gross sales of the business conducted at that location. Food may be served throughout the premises at anytime. Entertainment with amplification is permitted throughout the premises.
  - (D) The proposed use will not adversely affect the General Plan, the Centre City Community Plan, or the Gaslamp Quarter Redevelopment Plan.
- (2) Criteria for consumption of alcoholic beverages "off the premises of sale": In addition to the criteria in Section 157.0201(c), the following criteria are used by the President in making his or her determination regarding the issuance of an Alcoholic Beverage Sale Permit for the sale of alcoholic beverages within the Gaslamp Quarter:
- (A) The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property and the intended use must be in conformance with permitted uses as outlined in the Gaslamp Quarter Planned District Ordinance and all other relevant regulations in the Municipal Code.
  - (B) Application shall be for a location currently under significant rehabilitation and or new construction, or where

significant rehabilitation and/or new construction has been completed.

- (C) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
  - (D) No malt beverage products shall be sold in less than six-pack quantities per sale.
  - (E) No wine shall be sold with an alcoholic content greater than 15 percent by volume.
  - (F) No refrigerated or otherwise chilled alcoholic beverages shall be sold or maintained on the licensed premises.
  - (G) Quarterly gross sales of alcoholic beverages shall not exceed 20 percent of the quarterly gross sales of the establishment.
  - (H) No alcoholic beverage shall be sold or delivered except between the hours of (10 a.m.) and (10 p.m.) of each day of the week.
  - (I) No pool tables or amusement devices shall be maintained on the licensed premises.
  - (J) The proposed use will not adversely affect the General Plan, the Centre City Community Plan, or the Gaslamp Quarter Redevelopment Plan.
- (3) Decision. The President may grant an Alcoholic Beverage Sale Permit containing each of the above conditions for a use which



includes the sale of alcoholic beverages within the Gaslamp Quarter. The President may also grant, with Police Department comment, an Alcoholic Beverage Sale Permit with additional conditions as follows:

- (A) Allowing the sale of refrigerated or otherwise chilled alcoholic beverages and/or
- (B) Allowing the off premises quarterly sales of alcoholic beverages not to exceed 50 percent of the quarterly gross sales of the establishment and/ or
- (C) Allowing uses as identified in Section 157.0204(b)(1) relief from Section 157.0204(a)(1)(C).

The President may grant such Permit, if, after considering the facts presented in the application and at the hearing, concludes that the criteria set forth above and in Section 157.0201(c) have been met. In granting this Permit, the President may impose reasonable conditions to ensure compliance with the provisions of 157.0204.

- (D) Revocation of the Alcoholic Beverage Sale Permit. The City Manager may revoke an Alcoholic Beverage Sale Permit if conditions as set forth in the Permit are not being met.
- (b) Uses involving sale of alcoholic beverages in the entertainment district. If any proposed use includes the sale of alcoholic beverages, an applicant, in

addition to the information required by Section 157.0201(b), shall include the information required by Section 157.0204 and such uses shall be governed by the additional requirements of Sections 157.0204 and 157.0303.

#### Restricted Uses

- (1) An Alcoholic Beverage Sale Permit for a use which includes the sale of alcoholic beverages for consumption "on the premises of the sale" shall be issued to only the following uses:
  - (A) Nightclubs and supper clubs
  - (B) Restaurants (defined as businesses that regularly serve food, excluding drive-in and drive-through).
  - (C) Dinner Theaters
  - (D) Entertainment Clubs, Comedy Clubs, etc.
- (2) An Alcoholic Beverage Sale Permit for a use which includes the sale of alcoholic beverages for consumption "off the premises of the sale" shall be issued to only the following uses:
  - (A) Delicatessens
  - (B) Drug stores
  - (C) Food stores
  - (D) Restaurants

**§157.0205 Removal of Damaged Historic Structures**

If any building or structure of architectural or historic value or interest is damaged by earthquake, fire, or act of God to such an extent that in the opinion of the President and the Building Official it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for its removal.

**§157.0206 Previously Conforming Uses**

(a) Termination

The existence of certain previously conforming uses such as card rooms and arcades has attracted undesirable and criminal behavior. This criminal activity makes it increasingly difficult for other shops and businesses in the Gaslamp District to prosper and threatens the safety of visitors and residents of the Gaslamp Quarter. The following previously conforming uses shall be discontinued:

- (1) Card rooms. The use of property for a card room shall be terminated within one year from the effective date of the ordinance adopting the Gaslamp Quarter Planned District Ordinance whereupon the City Manager shall immediately notify the property owner and/or Business Operator of such termination.
- (2) Arcades. The use of property for an arcade shall be terminated within one year from the effective date of Ordinance No. O-11870 adopting the Gaslamp Quarter Planned District Ordinance whereupon the City Manager shall immediately notify the property owner and/or Business Operator of such termination.

(b) In General

Except for card rooms and arcades, previously conforming uses shall be governed by Land Development Code Chapter 12, Article 7, Division 1 (Previously Conforming Premises and Uses) and the provisions of the Gaslamp Quarter Redevelopment Plan.

Section 3. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 7, Division 3, Sections 157.0301, 157.0302, and 157.0303 to read as follows:

**Article 7: Gaslamp Quarter Planned District**

**Division 3: Zoning and Subdistricts**

**§157.0301 Character of the Area**

- (a) The architecture of the area is characterized by structures erected during a 30 year period from 1880 to 1910. The buildings are typically two or three 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 fronts of buildings are often designed with closely set bays framed with segmental, stilted or flat arches, 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.

- (b) A significant number of buildings within the Gaslamp Quarter Historic District typify the desired architecture of the Gaslamp Quarter. For further information, refer to the San Diego Historical Resources Board Register, National Register of Historic Places, or the Gaslamp Quarter Planned District Ordinance and Urban Design and Development Manual.

**§157.0302 General Design Regulations**

Concurrent with the adoption of this **Planned District Ordinance**, the City Council shall by resolution also adopt architectural and design standards to be used in evaluating the appropriateness of any development for which a permit is applied under this **Planned District Ordinance**. Such architectural and design standards shall be filed in the office of the City Clerk as a numbered document.

(a) Building Height Regulations

(1) Basic Building Height Limit (60 Foot Height Limit).

- (A) Basic building height in the Gaslamp Quarter shall be limited to 60 feet including parapets and appurtenances.
- (B) Any new structure must maintain a minimum of 30 feet at the property line.
- (C) Ground floors shall be a minimum of 12 feet in height (except where adjacent buildings have less than a 12 foot ground floor) and separated from the upper floors by a continuous projecting band, articulated recess or cornice.
- (D) Ground floor treatment shall be pedestrian in scale, storefront character and design detail.

(E) The maximum horizontal roof dimension for building elements 60 feet or more in height shall be no more than 75 feet along street frontages of Fourth, Fifth and Sixth Avenues.

(F) Projects on parcels 30,000 square feet or more shall modulate building heights for variation and articulation of building bulk with respect to the historic Gaslamp quarter lot pattern and relate building mass to adjacent structures.

(2) Maximum Building Height (75 Foot Height Limit)

At the discretion of the President, buildings in the Gaslamp Quarter may achieve a maximum height of up to 75 feet with review and comment by the Historical Resources Board prior to action by the President. Buildings exceeding 60 feet in height shall be in general accord with the architectural and historic character reflected in the Gaslamp Quarter for streetwall definition, site relationships, horizontal and vertical building form as well as architectural detail and fabric.

(A) Buildings that exceed the basic 60 foot height limit shall maintain a continuous vertical streetwall.

(B) Excess bulk or building elements above 60 feet shall not visually intrude into the district nor adversely affect view, nor in any other way significantly compromise the scale and character of adjacent block faces.

- (C) Additional building floors shall be permitted above the cornice provided that the facades of these floors continue the rhythm, proportion and detail of the main building.
- (D) Building facades and elements exceeding 60 feet in height shall continue the traditional lot rhythm and vertical design proportion of symmetrically stacked window openings, building bays and details that respect the existing tall, narrow profile of the historic buildings in the district.
- (E) The maximum horizontal roof dimensions for buildings greater than 60 feet in height shall be no more than 75 feet along street frontages of Fourth, Fifth and Sixth Avenues.
- (F) On parcels 30,000 square feet or more, projects shall modulate building heights for variation and articulation of building bulk with respect to the historic Gaslamp Quarter lot pattern and relate building mass to adjacent structures.
- (G) On parcels 30,000 square feet or more south of Island, the City Council may grant an additional height exception up to 125 feet provided that the maximum floor-area-ratio shall not exceed 6.0, and building elements greater than 75 feet in height shall observe a setback of 50 feet along Fifth Avenue.

(b) Street Wall Criteria and Site Relationships

- (1) Site Relationships.

Historically, buildings in the Gaslamp were built to the property line facing each street. Modern setbacks for plazas and landscaped buffers were not part of Victorian architecture or considered appropriate for retail development at the turn of the century. The streets and sidewalks provided open space for pedestrian activity, social and commercial vitality to the area. The Gaslamp Quarter is characterized by the traditional street wall and building geometry.

- (A) Building mass, placement and entry relationship shall be functionally and aesthetically compatible with their surroundings.
- (B) Infill construction along the existing street frontage shall maintain matching setbacks which are consistent with adjacent development to provide a continuous facade appearance along the street.
- (C) Development of whole and half block sites (parcels 30,000 square feet or larger) shall respect the traditional Gaslamp Quarter character, building configuration as well as lot patterns assembled from 25 and 50-foot wide lots.
- (D) Site design and building entry elements shall contribute to the continuity of pedestrian scale, storefront character and street activity.
- (E) Buildings containing an east- west facade shall incorporate at least one primary entrance on that facade. A minimum



of 60 percent street level on the east- west facade shall be storefront with direct access from the subject street.

(2) Street Wall Requirements

New infill buildings shall provide a continuous street wall plane and strong street edge definition at the property line. Street wall glazing should be deeply recessed, with detailed window frames permitted to protrude beyond the front face of the building. All windows except for the ground floor shall have a longer vertical dimension than horizontal dimension. Windows should be rhythmically spaced, matching the bay spacing below and sensitive to the general proportions of windows in nearby buildings.

- (A) The street wall of all buildings shall be continuous at the property line except for storefront entry.
- (B) Cornices, bay windows, and ornamentation may project beyond the property line at upper levels to a distance no greater than 3'-0". All other local codes and ordinances must be met in addition to this criteria.
- (C) Penthouses, building appurtenances and other roof top elements shall respect the historic character and structural forms of adjacent buildings.
- (D) Awnings and canopies may project over the sidewalk as follows:

- (i) A maximum of 5'-0" projection beyond the property line is permitted for standard awnings at street level.
  - (ii) A maximum of 3'-0" projection beyond the property line is permitted for awnings above street level.
  - (iii) One entry way canopy per building may be permitted to project a maximum of 8'-0" beyond the property line to establish the main entry, subject to approval by the President and consistent with all other codes and ordinances.
- (E) The window area above street level shall be no greater than 60 percent of the total facade.
  - (F) Street level building setbacks to create plazas, parks, or other public open space will not be permitted.

(c) Horizontal Building Form Criteria

A strong, horizontal division of major building elements can be seen in the Gaslamp Quarter. Most of the historic buildings are characterized by a delineation of a building base, middle, and top. Street level storefronts, restaurants and other pedestrian oriented shops establish the building base. The middle portion of the building is defined by floor-to-floor building heights and punctuated with narrowly spaced window openings. Typically, the top of historic Gaslamp Quarter buildings is generally highly articulated and ornamental and often provides the most expressive design features. However, any roof forms or articulation at the top of new

construction shall be contemporary, understated in design and always subordinate to the elements, features and forms of actual historic roof lines.

(1) Architectural Form

(A) The building base includes those elements relating to the sidewalk pedestrian environment such as entries, show windows, and business signage. It is differentiated from the upper part of the buildings by the storefront band.

(i) The building base shall be defined by a projecting band and/or articulated recess in a continuous horizontal direction across the building facade. This line shall be established no lower than 12 feet and no higher than 20 feet.

(ii) A further definition of the base is highly encouraged such as with triangular awnings, or a change in material.

(iii) The building base and entry shall be designed to integrate storefronts, signage and window display space into the overall fabric of the building form.

(B) The middle of the building contains the window openings which coincide with the horizontal floor bands above the street level and may be capped with a cornice.

- (i) Belt courses and moldings below the cornice are encouraged but not required.
  - (ii) The traditional ornamental cornice is not required. The effect can be achieved with contemporary materials and design.
- (C) The top of the building refers to roofing elements that terminate above the horizontal floor bands and cornice. The following must be appropriately addressed in the design of building tops.
- (i) Additional building floors are permitted above the cornice provided the facades of these floors continue the proportion and detail of the main building.
  - (ii) Elevator penthouses and attic elements shall set back from the street facade and cover no more than 30 percent of rooftop area. Such elements shall be subordinate in architectural importance to the main building facade below and shall not be visible from any of the surrounding streets.
  - (iii) Building elements exceeding 60 feet in height shall be in accordance with criteria for maximum building height.
- (2) Floor-to-Floor Heights

- (A) The exterior facades of new construction and infill buildings must respect the floor-to-floor heights typical of adjoining structures. A lesser floor height may be permitted subject to approval of the President to allow for mezzanines and design expression for other contemporary uses.
- (B) Where above grade parking is proposed, all floors must be level, with ramping systems internal to the project. This is to insure proper horizontal proportions and detail on the exterior facades.

(d) Vertical Building Proportion Criteria

- (1) The historic development of the Gaslamp Quarter occurred on blocks subdivided into 25' x 100' lots. Individual buildings generally developed on small parcels assembled from these lots. Thus, a majority of the existing historic buildings in the district are either 25 or 50 feet wide. The result is a predominance of buildings incorporating narrow windows and vertical building proportions.
- (2) Accordingly, historic buildings in the district reflect reinforcement of vertical elements in window openings, building bays and details such as pilasters and columns. Their vertical emphasis creates a rhythm across the facade that breaks down the horizontal bulk of buildings.
  - (A) Infill Buildings.

The facades of infill buildings shall be organized into regular bays of symmetrically stacked fenestration.

- (i) All windows above the street level shall have a dominant vertical proportion.
- (ii) Show windows at the street level may vary from the vertical proportion provided they are coordinated with the upper level fenestration.
- (iii) Columns, pilasters, reveals, and other details may be used in a contemporary manner to enhance verticality and continuity.

(B) Corner Buildings

In addition to the criteria for infill buildings, corner buildings shall develop fully articulated facades on both street frontages. These facades must include strong vertical demarcation of the corner building form. The portion of corner buildings 50 feet in from the corner at the intersection may be distinguished by changes in height, materials, fenestration, offsets, and reveals. No diagonal corner entries shall be permitted.

(e) Architectural Fabric and Materials

- (1) Historic structures in the district are generally constructed of substantial, highly finished, natural materials. The natural color of materials and earth tones predominate. New buildings should

maintain the quality of materials expressed in existing buildings. Color and lighting should be used to compliment natural materials and highlight architectural forms and details. Buildings will be encouraged to use storefront spotlights to help project the buildings appearance and contribute to a secure well-lit streetscape environment.

- (2) Brick masonry, stone, granite, or highly finished and detailed plaster are required facing materials. Ceramic tile may be used for limited areas. The use of plaster shall be limited to 20 percent of the base or 60 percent of the overall building facade.
- (3) Detailing may be wood, ornamental sheet metal, carved or cast stone, tile, brick, or terra cotta.
- (4) Storefront framing elements such as bulkheads may be painted wood, cast iron, fiberglass, or other highly finished, substantial materials.
- (5) Window frames should be painted wood, painted steel sash, or high quality natural metal finishes. Reflective silver aluminum storefront and window systems are not permitted.
- (6) Natural masonry colors and earth tones should dominate. Accent color schemes are encouraged subject to review by the President. Color samples should be provided by the applicant.

(f) Architectural Detail

(1) A dominate design characteristic found in the contributing buildings of the district is the rich architectural detail and ornamentation. Building elements, features and forms shall be contemporary in design integrity as well as respect the authenticity of historical Gaslamp Quarter styles and details.

(A) Window/Glazing Treatment

(i) Window openings should be punched into the wall plane and windows set back a minimum of 4 inches from the outside wall plane.

(ii) No reflective or tinted glass is permitted.

(iii) When existing buildings are renovated, "blocked" or altered window openings are encouraged to be replaced with new or restored window frames to match the original opening.

(iv) Operable sash windows and multi- pane glass are encouraged.

(v) Articulated window head and sill details are strongly encouraged.

(B) Building Facades

(i) Storefront and building cornices and parapets may be articulated in profile.

(ii) Building cornices may be embellished with decorative flag and banner poles.



- (iii) Columns, pilasters, and belt courses may be used for relief of flat wall-plane areas.
  - (iv) The use of masonry is encouraged for embellishment with color, pattern, profile, texture, and shape. This may include varying coursing patterns, custom shapes, colors and details such as quoins and belt courses in a contemporary manner.
  - (v) Additional detail materials such as ornamental metal, cast masonry, concrete, and tile are permitted provided that a contemporary design integrity is maintained.
- (g) Criteria for Courtyards, Arcades and Alley Spaces
  - (1) A unique characteristic of the Gaslamp Quarter is the interior block open spaces that frequently occur where buildings are set back from the mid-block property line. Where totally surrounded by existing historic buildings, internal alley spaces should be encouraged to serve adjacent buildings. New courtyards and arcades could be developed through buildings linking them to the street.
  - (2) Internal spaces with open alley connections may be improved to invite public circulation. Back courtyards could support specialty retail, restaurant and entertainment activities with street level entry. Rooftop terraces and balconies facing these internal courts and

streets should be encouraged. Building sides facing courts and streets internal to the block may be oriented to these spaces with consideration for available light, air and view.

- (A) Subject to building and fire codes, party walls may include recessed windows or alcoves for fenestration if located above the height of possible adjacent development.
- (B) Rear and side walls adjoining interior block open space should incorporate fenestration to take advantage of light and air and provide access to useable open space.
- (C) Roof decks and step back terraces should be incorporated in order to increase rear entrance exterior open space.
- (D) Mid-block connections will not be permitted where it is determined that it would be detrimental to the vitality of street front uses.

(h) Roofs

In general, roofs shall not be visible from the street.

(i) Remodeling

To preserve the historical integrity of the Gaslamp Quarter, all exterior remodelings must be in character with the original style of the building in question, regardless of its era.

**§157.0303 Permitted Uses**

In the Gaslamp Quarter Redevelopment Project Area, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or

enlarged, nor shall any premises **be** used except for one or more of the following purposes:

- (a) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:
  - (1) Antique shops
  - (2) Art galleries
  - (3) Bakeries including combination retail/wholesale establishments
  - (4) Barber shops
  - (5) Beauty shops
  - (6) Bicycle shops
  - (7) General bookstore. A general bookstore is an establishment engaged in the buying, selling or trading of new and/or used books and periodicals of general interest. A general bookstore does not include an "Adult Bookstore" as described in Land Development Code Section 141.0601(a).
  - (8) Boutiques
  - (9) Camera shops
  - (10) Clothing stores
  - (11) Confectionaries (candy stores)
  - (12) Decorator and home accessory shops
  - (13) Delicatessens
  - (14) Drug stores
  - (15) Financial institutions

- (16) Florists
- (17) Food stores not exceeding 10,000 sq. ft.
- (18) Gift and novelty shops. Excluding any establishment listed and described in Land Development Code Section 141.0601(a).
- (19) Hardware stores
- (20) Hobby shops
- (21) Ice cream parlors
- (22) Import and art objects stores
- (23) Jewelry stores
- (24) Locksmith shops
- (25) Leather goods stores
- (26) Luggage shops
- (27) Nightclubs, excluding an "Adult Cabaret" as described in Land Development Code Section 141.0601(a)
- (28) Nurseries
- (29) Music stores
- (30) Open air cafes (sidewalk cafes not located in public right-of-way)
- (31) Pawn shops
- (32) Pet shops
- (33) Photographic studios. Excluding any establishment listed and described as an Adult Entertainment Establishment in Land Development Code Section 141.0601(a).

This provision does not apply to any school of art which is operated by any person or entity which meets the requirements established in the Education Code of the State of California for the issuance of diplomas, and is authorized under the Education Code to issue diplomas.

- (34) Post offices
- (35) Wholesale and/or retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries
- (36) Entertainment Clubs, Comedy Clubs, etc.
- (37) Restaurants (excluding drive-in and drive-thru restaurants), subject to the provisions of subsection F of this section
- (38) Shoe stores
- (39) Shoe repair shops
- (40) Shoe shine parlors
- (41) Sporting goods stores
- (42) Stationers and card shops. Excluding any establishment listed and described as an Adult Entertainment Establishment in Land Development Code Section 141.0601(a).
- (43) Studios for art, dance and music. Excluding any establishment listed and described as an Adult Entertainment Establishment in Land Development Code Section 141.0601(a).

This provision does not apply to any school of art which is operated by any person or entity which meets the requirements

established in the Education Code of the State of California for the issuance of diplomas and is authorized under the Education Code to issue diplomas.

- (44) Supper clubs, excluding those establishments described under 27. "Nightclubs," subject to the provisions of **Section 157.0204**.
- (45) Tobacco shops
- (46) Travel agencies
- (47) Theaters. Excluding an establishment listed and described as an Adult Entertainment Ordinance as an Adult Entertainment Establishment in Land Development Code Section 141.0601(a).
- (48) Variety stores
- (49) Wedding shops
- (50) Business and professional office uses (i.e., accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, insurance brokers, securities brokers, surveyors and graphic artists).
- (51) Computer and copy services stores (including sales, display, and copy reproduction). Does not include uses involving printing presses or other large commercial equipment.
- (52) An entertainment center or establishment, freestanding or operating in conjunction with any other permitted use enumerated herein, which utilizes electronic or mechanical games of skill or amusement not to exceed **5** devices.

- (b) The following uses shall be permitted only above or below the first floor:
- (1) Drafting and blueprint services
  - (2) Medical appliances sales
  - (3) Office furniture and equipment sales
  - (4) Furniture stores
  - (5) Photographic equipment, supplies and film processing. This restriction shall apply to wholesale uses only.
  - (6) Funeral parlors
  - (7) Newspaper plants
  - (8) Lithography shops
  - (9) Radio and TV stations
  - (10) Wholesaling and warehousing
  - (11) Hotels, motels and apartment - hotels (except for lobby and other ancillary functions).
  - (12) Addressing, secretarial and telephone answering services
  - (13) Electronic data processing, tabulating, and record keeping
  - (14) Labor unions and trade associations
  - (15) Medical, dental, biological, and X-ray laboratories
  - (16) Private clubs, fraternal organizations, and lodges
  - (17) Dwelling units
- (c) Specialized uses:
- (1) Charitable organizations (nonprofit or otherwise) and their attendant activities.

- (2) Churches, temples or buildings of a permanent nature used primarily for religious purpose
- (3) Museums
- (4) Tourists and historical information centers. A public facility wherein visitors and/or residents are given assistance and information about the historical nature of the Gaslamp Quarter and downtown area.

The sale or distribution of food and the provision of lodging is prohibited for those specialized uses, except to employees of these organizations.

- (d) Other uses typically conducted within the street right-of-way during the 1880-1910 era; such as: flower sales, musicians, newsstands, shoeshine stands and sales of merchandise typically sold by street vendors during the 1880-1910 era, when such uses are in conjunction with the use of adjacent private property and have been authorized by an encroachment permit issued by the City Engineer pursuant to Sections 62.0620, 62.0630 and 157.0303(e).
- (e) Specialized uses in the street right-of- way which are consistent with the 1880-1910 era may be considered on all streets with the exception of Broadway. Proposed uses must meet safety and design criteria set forth in the Gaslamp Quarter Urban Design and Development Manual as adopted by resolution by the City Council. Prior to the use of street right-of-way for a specialized use, an encroachment permit shall have been obtained



from the City Engineer, pursuant to Sections 62.0620, 62.0630 and 157.0303(e). A clear separation of the encroachment area and the remainder of the sidewalk shall be provided. A special use shall be conducted in conjunction with the use of the adjacent private property. In addition to special uses, an encroachment permit may be granted to provide for:

- (1) Stairways to the basement and from upper floors of a building which provide access to under-utilized areas of a building and/or improve circulation for life-safety aspects of a building;
- (2) Awnings, canopies and marquees no closer than 2 feet from the curb line; and
- (3) Street furniture including street lights, benches, fountains, flags, water troughs and similar items.

Sidewalk cafes, authorized pursuant to this subsection, which propose to serve alcoholic beverages, shall be exempt from the provisions of Municipal Code, Section 56.54, providing the serving and consumption of alcoholic beverages is within the confines of the encroachment area.

- (f) Notwithstanding anything in this Section to the contrary, no premises shall be used, in whole or in part, either directly or indirectly, by any person, including a local, state or federal government or any contractor or agent thereof, for the purposes of housing or assisting in any manner inmates or

paroles from federal, state or county prisons or jails or for detaining any person(s) pursuant to the authority of any law.

- (g) Any other use which the Board of Directors may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of **the Gaslamp Quarter Planned District Ordinance**. The adopted resolution embodying such findings shall be filed in the office of the City Clerk of **the City of San Diego**.

Section 4. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 7, Division 4, Sections 157.0401, 157.0402, 157.0403, 157.0404, and 157.0405, to read as follows:

**Article 7: Gaslamp Quarter Planned District**

**Division 4: General and Supplemental Regulations**

**§157.0401 Off-Street Parking, Construction, Maintenance and Operation Regulations**

No off-street surface parking shall be visible from the street frontage. Such parking shall be restricted to the rear 50 **percent** of any parcel along Fifth Avenue. Such parking shall be in conformance with Land Development Code Section 142.0560 (Development and Design Regulations for Parking Facilities). Such parking shall also be in substantial conformance with the Architectural Controls as specified in this **Planned District Ordinance**. Substantial conformance shall be determined by the President; said determination shall be subject to appeal in the manner set forth in Section **157.0202**.

**§157.0402 Signs**

Initial application for a sign permit shall be made to CCDC in accordance with the requirements of the Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures). The President shall review the application and provide a recommendation to the City Manager within 10 calendar days from of the date of receipt of the application.

(a) Regulations

The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs in the Gaslamp Quarter District shall be subject to the following regulations:

- (1) Signs shall be pedestrian oriented in size and shape. Lettering and symbols shall be simple and bold.
- (2) The area of all signs on a building shall not exceed an area of two square feet for each foot of street frontage occupied by the building, and shall in no event exceed a total of 100 square feet on each street frontage.
- (3) No roof sign shall be permitted.
- (4) A sign may not project perpendicularly beyond the property line more than 6 feet. This limitation shall apply to signs only.
- (5) Projecting signs for each establishment shall be limited to one 18 square foot double space sign on each street frontage occupied by the establishment. Faces of double sided signs shall be parallel.

- (6) The tops of all signs shall be placed entirely below the level of the lowest cornice or strong horizontal element located above the ground story of the building, but in no event higher than 3 feet above the top of the ceiling level of the ground story, with the exception of simply black or gold letters which may be applied to windows above the first floor. Lettering should be contemporary to the period in which the building or structure was built.
- (7) All illumination shall be by means of gas and/or incandescent bulbs to be in keeping with the lighting of the period.
- (8) Nothing herein shall prohibit flashing, moving, or animated signs providing that all provisions and conditions stated above are met.
- (9) Preservation of historic commercial graphics painted on the sides of buildings shall be encouraged.
- (10) Historical Signs: All requests for signs not conforming to that permitted in the above paragraphs shall be accompanied by documentary evidence that signs of such size and advertising such a business were in use in the area prior to 1910. Signs must conform in size, shape, design, material, coloring, lighting and location to the Pre-1910 period. Documentary evidence must be approved by the Historical Resources Board.

(b) Compliance

Signs in existence on the effective date of Ordinance No. O-11870 which do not conform to the provisions of the Gaslamp Quarter Planned District

Ordinance but which were constructed, erected, affixed, or maintained in compliance with all previous regulations shall be regarded as previously conforming signs. Previously conforming signs shall be removed no later than 7 years from the date they became previously conforming. For previously conforming signs in existence on or before August 13, 1976, the effective date for removal of these signs is August 13, 1983. If the event signs become previously conforming by amendments to the sign regulations of the District they shall be removed no later than 7 years from the date they became previously conforming.

Previously conforming signs or parts thereof, including sign supports, may be declared "Public Nuisances" and then shall be abated as prescribed by law.

**§157.0403 Public Facilities, Structures and Area**

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of this **Planned District Ordinance**, which is to re-create the history of the character of the Gaslamp Quarter in general accord with the period between 1880 to 1910 and shall be subject to the same regulations, conditions and standards established herein.

**§157.0404 Regulations for Historic and Architecturally Significant Structures**

(a) Alterations

Land Development Code Chapter 12, Article 7, Division 1 (Previously Conforming Premises and Uses) does not apply to historic or

architecturally significant buildings, structures, or sites as designated by the Historical Resources Board.

(b) Exceptions

The President may grant an exception to any regulation within this Planned District Ordinance including permitted uses, when the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site. The President may not grant exceptions to building code or fire code requirements. An exception shall be subject to the following conditions:

- (1) The subject building, structure or site must be identified by the Historical Resources Board as being historic or architecturally significant;
- (2) The proposed exception shall be referred to CCDC and the Historical Resources Board for a report and recommendation;
- (3) The President in granting an exception shall make a finding that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site; that strict application of the provisions contained in this **Planned District Ordinance** would result in economic or other practical difficulties in securing the preservation or restoration of a historic or architecturally significant building, structure or site, and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and

- (4) In making a decision, the President shall make a written finding which shall specify facts relied upon in rendering his or her decision. A copy of this written finding, together with all evidence presented to the President, including plans required elsewhere in this Planned District Ordinance shall be filed along with the President's decision in the office of the City Clerk and the CCDC. The written finding and decision shall be mailed to the applicant and is subject to appeal as provided in Section 157.0202.

**§157.0405 Minimum Maintenance of Structure and Facilities**

- (a) Purpose and Intent

The purpose of this Section is to provide the Gaslamp Quarter District with the assurance that certain conditions in the area which contribute to blight will be corrected so as to preserve and protect the health, safety and welfare of the area as a whole, provide a safe and pleasant environment, and assist in the implementation of the Gaslamp Quarter Redevelopment Plan.

- (1) The Gaslamp Quarter has been found and declared to be a "blighted" area as defined by the Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.), and such "blighted" conditions that exist in the District have been determined by the legislature to be inimical to the public health, safety and welfare. Due to these conditions, certain buildings and

uses may be found to be injurious and inimical to the public health, safety and welfare.

(2) It is further found and determined that the adoption and enforcement of this section of the ordinance is a critical element necessary and appropriate to implement the Redevelopment Plan for the Gaslamp Quarter and achieve the beneficial and remedial objectives of the Plan for the Gaslamp Quarter Redevelopment Project Area.

(b) Enforcement

The City Manager is hereby designated as the officer to exercise the powers assigned by this **Planned District Ordinance** in relation to blighted buildings in the Gaslamp Quarter. The City Manager is authorized and directed to adopt, promulgate, amend, and administrate rules consistent with the **Planned District Ordinance** and necessary to carry out of the duties of the City Manager hereunder.

(c) Right of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this **Planned District Ordinance** or whenever the City Manager has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises physically blighted as defined in the adopted Gaslamp Quarter Redevelopment Plan and Section **157.0405(c)** and upon presentation of proper credentials, the City Manager may, with the consent of the



occupant or with the consent of the owner or person in charge of an unoccupied building or pursuant to a lawfully issued warrant, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the City Manager by this **Planned District Ordinance**.

(1) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand pursuant to a lawful warrant is made, to promptly permit entry therein by the City Manager for the purpose of inspection and examination pursuant to this **Planned District Ordinance**.

(2) In order to enforce this Planned District Ordinance, the City Manager shall investigate all buildings on a regular basis.

(d) Minimum Maintenance Standards

All buildings or structures shall be maintained in accordance with the following standards in order to provide for the preservation of the buildings or structures and to arrest and correct conditions of deterioration in the absence of which the buildings or structures will become blighted and will contribute significantly to the spread of blight throughout the Gaslamp District:

(1) Adequate and effective weather protection shall be provided:

(A) To prevent interior walls, ceiling and coverings from crumbling, breaking, falling or becoming loose.

- (B) To prevent deterioration of exterior walls due to ineffective or non-existent exterior wall cover, lack of paint or other approved protective coating.
  - (C) To prevent exterior walls or roofs from becoming broken, split, decayed or buckled.
  - (D) By maintaining all doors and windows in weathertight condition.
- (2) Adequate and effective maintenance of building fronts and sides abutting streets, rear and side walls and roofs shall be provided.
- (A) Decorative elements of building fronts and sides abutting streets shall be structurally sound. Unsound, rotten or weakened cornices, or portions, shall be removed and repaired or replaced to match as closely as possible the original pattern. All exposed wood shall be painted. Show windows, entrances, signs, lighting, sun protection, security grilles, etc. shall be maintained in good repair.
  - (B) Rear and side walls shall present a neat and fresh appearance. Rear walls shall be painted to cover evenly all miscellaneous patched and filled areas or stuccoed to present an even and uniform surface.  
  
Sidewalls, where visible from the street, shall be finished or painted so as to be harmonious with the front of the building or structure.

(C) Chimneys, elevator penthouses or any other auxiliary structures on the roof shall be maintained as required for rear and side walls. Any construction visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls.

(e) Determination of Violation of Maintenance Requirements

Failure to maintain a building or structure in the manner provided by Section 157.0405(d) shall constitute a violation of this Planned District Ordinance and such building or structure is hereby declared to be a blighted building or structure.

(1) Commencement of Proceedings. Whenever the City Manager has inspected or caused to be inspected any building, structure, premises, land or portion thereof, and determines that it is a blighted building used or maintained in violation of this Planned District Ordinance, he or she shall commence proceedings to cause the correction of each violation.

(2) Notice and Order. The City Manager shall issue a written notice and order directed to the owner of the building with a copy to the Building Official. The notice and order shall contain:

(A) The street address and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located.

- (B) A statement that the City Manager has found the building to be in violation of this **Planned District Ordinance** with a brief and concise description of the condition found to be in violation.
  - (C) A statement of the corrective action required to be taken. If the City Manager has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commenced within such time and be completed within such time as the City Manager shall determine reasonable under the circumstances.
  - (D) A statement informing the recipient that he must comply with required permit procedures for buildings, including requirements of **the Gaslamp Quarter Planned District Ordinance**.
  - (E) Any blighted building or structure not brought into compliance with the order of the City Manager or decision of the Planning Commission may be abated in accordance with the provisions of the Gaslamp Quarter Redevelopment Plan or other civil or criminal remedies provided by the San Diego Municipal Code may be instituted.
- (f) Abatement

In addition to or as an alternative to any other judicial or administrative remedy provided in **the Gaslamp Quarter Planned District Ordinance** or by law or other ordinance, the City Manager may abate any of the properties on which any of the foregoing conditions exist under the provisions of the Gaslamp Quarter Redevelopment Plan as presently adopted or herein after amended

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

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 7. That this activity is not a project and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
12/26/06  
Or.Dept:DSD  
O-2007-64  
MMS#3757

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

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

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

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

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