



DATE ISSUED: April 19, 2007

ATTENTION: Planning Commission, Agenda of April 26, 2007

SUBJECT: AMENDMENTS TO THE GASLAMP QUARTER PLANNED DISTRICT ORDINANCE AND GASLAMP QUARTER DESIGN GUIDELINES – PROCESS 5

APPLICANT: Centre City Development Corporation

SUMMARY

Issues - Should the Planning Commission recommend to the City Council adoption of the proposed amendments to the Gaslamp Quarter Planned District Ordinance (GQPDO) and the Gaslamp Quarter Planned District Design Guidelines (Design Guidelines)?

Staff Recommendation:

1. Recommend that the City Council **ACCEPT** the Environmental Secondary Study for the proposed GQPDO and Design Guidelines revisions; and
2. Recommend to the City Council **APPROVAL** of the amendments to the GQPDO and Design Guidelines.

Community Planning Group Recommendation: On November 15, 2006, the Centre City Advisory Committee (CCAC) voted 21-0 and the Project Area Committee (PAC) voted 12-0 to approve the amendments to the GQPDO and Design Guidelines.

Centre City Development Corporation Board: On December 20, 2006, the Centre City Development Corporation (CCDC) Board voted unanimously to recommend that the Planning Commission and City Council approve the amendments to the GQPDO and Design Guidelines.

Other Recommendations: On November 30, 2006, the Historical Resources Board (HRB) approved the amendments to the GQPDO and Design Guidelines by a unanimous vote.

Gaslamp Quarter Association: On November 14, 2006, the Gaslamp Quarter Association approved the amendments to the GQPDO and Design Guidelines by a unanimous vote.

Environmental Review: An Environmental Secondary Study has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact: None with this action.

Code Enforcement Impact: None with this action.

Housing Impact: None with this action.

BACKGROUND

The proposed amendments to the GQPDO and Design Guidelines advances the Visions and Goals of the Downtown Community Plan and the Objectives of the Centre City Redevelopment Project by:

- protecting historic resources to communicate downtown's heritage;
- encouraging the rehabilitation and reuse of designated historic properties;
- allowing development adjacent to designated National Register sites respectful of the context and heritage, while permitting contemporary design solutions; and
- maintaining review procedures for projects affecting National, State and Local Registers and districts.

The 16.5 block Gaslamp Quarter Historic District (District) is located within the Centre City Redevelopment Project area, bounded by Broadway to the north; Fourth Avenue to the west, except for the one-half block on the west side of Fourth Avenue between Market Street and Island Avenue; Sixth Avenue to the east; and Harbor Drive to the south (Attachment 1). In 1976 the GQPDO and Design Guidelines (formerly called Urban Design and Development Manual) were adopted to guide development within the District. The Design Guidelines provide an illustrative and descriptive explanation of the ordinance language. The District was designated as a Historic District on the National Register in 1980 and includes many historic landmarks related to San Diego's earliest commercial area. In 1982 the Redevelopment Agency of the City of San Diego adopted the Gaslamp Quarter as a Redevelopment Project which was then administered by the Planning Director of the City of San Diego.

In February 1990, the City Council amended the GQPDO to provide for new height regulations and associated design criteria for projects proposed of up to 75 feet for new construction throughout the District. In addition, on sites 30,000 square feet or greater located south of Island Avenue, an applicant may request an exception to allow an increase in height from 75 feet to 125 feet with City Council approval. The last time the GQPDO was amended was in 1992 when the District merged into the existing Centre City Redevelopment Project areas of Columbia and Marina with the Expansion Sub Areas of Little Italy, Cortez and East Village. At that time, the City Council designated the President of CCDC as the reviewing and permitting authority for the administration of the GQPDO and Design Guidelines. Since 1992 when CCDC began administering the Gaslamp Quarter regulations, CCDC staff, the GQA, Gaslamp Quarter Land

Use and Planning (GQLUP) Committee, and CCDC's historic preservation architect consultant who are involved with reviewing new construction and changes to the exterior of all buildings in the District, found that the existing regulations and guidelines was not clear-cut. For example, as new technology (i.e. ATMs, cellular phone antennas, etc.) was being put in the District, there were no regulations on how to incorporate (or how not to incorporate) these new modern devices.

For almost six years, the GQLUP Committee has been working with CCDC staff and our historic preservation architect consultant, Heritage Architecture and Planning, to revise language to the GQPDO and Design Guidelines to better clarify the design criteria and regulations. The last time the Design Guidelines were updated and printed was in 1985.

CCDC and the GQLUP have held half a dozen community meetings and workshops to explain the proposed changes and obtain community input and support.

SUMMARY OF REVISIONS TO DOCUMENTS

The GQPDO and Design Guidelines have been revised to reflect contemporary issues in the Gaslamp Quarter. The two documents work together to regulate development in the Gaslamp Quarter. In some cases, regulatory changes made to the GQPDO have not been added to the Design Guidelines. Those items are described on page 9 of this memorandum. Changes to the Design Guidelines include the following:

1. Period of Significance

(Design Guidelines Page 6 / GQPDO Section 103.0406)

The Gaslamp Quarter was placed on The National Register of Historic Places (NRHP) in 1980, 25 years ago. The period of significance established in the NRHP nomination was "1880-1910," even though nearly one third of the buildings included as contributing structures to the District in the NRHP nomination were built outside of the stated period of significance. Four buildings of significance were built before 1880 and twenty-three were built after 1910. In order to reflect the scope of buildings contributing to the character of the historic district, the period of significance has been updated to "1873-1930." Future action will also be taken to update the period of significance as listed in the National Register of Historic Places, so those additional buildings can be eligible for tax credit programs.

In addition, the San Diego Land Development Code requires the review of buildings 45 years old that might be considered potentially historic. As part of the revised Design Guidelines, it has been noted that any changes proposed to buildings, within the District boundaries, built prior to 1961 will be carefully evaluated to prevent damage to potentially historic resources. Existing buildings that staff finds may be potentially historic will be brought to the HRB staff for their review, and if appropriate, to the HRB for consideration of designation.

2. Building Height - Additional Stories on Sites 20,000 square feet or more north of Island Avenue
(*Design Guidelines* Pages 22-24 / *GQPDO* Section 103.0407a.4)

In order to address requests from the GQLUP to provide an incentive to develop on the larger sites at the north end of the District and by being able to build occupiable penthouses beyond the 75-foot height maximum, a new section titled "Additional Stories" has been added to the Design Guidelines and the GQPDO. "Additional Stories" pertains to sites of 20,000 square feet or more north of Island Avenue containing no historic buildings. The basic allowable height in the District will remain at 60 feet. After review and comment by the HRB, the CCDC President can approve buildings to have a height of 75 feet; this is allowed anywhere in the District. The Additional Stories section states that an additional volume not exceeding 26 feet (maximum of two stories) will be permitted above the 75-foot maximum allowable height limit, provided the additional stories follow all of the regulations described in the GQPDO and Design Guidelines Additional Stories section. Those regulations include:

- The volume must be set back a minimum of 15 feet (a ratio of 1:1.15) from all street-facing facades. A mandatory setback at Fifth Avenue is 50 feet.
- Building parapets of street facing building facades must be solid and a minimum 24 inches tall.
- Fences and screen walls will be limited to a 5-foot height. No fences or screen walls are permitted within the first 8 feet from any street-facing building facade.
- Stair enclosures, mechanical equipment, or other equipment located on the roof of the additional stories must be set back a minimum of 25 feet from any street-facing additional story's parapet with a maximum height of 15 feet.
- Additional stories will be reviewed by the GQA and the HRB before approval is granted by the President of CCDC.

3. General Guidelines for Rehabilitation of Designated Historic Structures
(*Design Guidelines* Pages 26-30 / *GQPDO* Section 103.0407.1)

While previous editions of the Design Guidelines included reference to and excerpts from the *Secretary of the Interior's Standards for the Treatment of Historic Properties (The Standards)*, this information was only presented in the appendix, and not emphasized within the document. The revised Design Guidelines now place greater emphasis on the regulation of changes to the contributing buildings in the District by including information from *The Standards* in the main body of the Design

Guidelines and adding the language as a new section in the GQPDO. The new GQPDO section states "All modifications to contributing buildings shall follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties*." The Design Guidelines state, "Prior to commencing any work on an historic structure, *The Standards* should be reviewed and any proposed modifications should be evaluated for compliance." The revised section lists *The Standards* which explicitly describe the dictums to be followed during any work on an historic building. In addition, the section provides excerpts from *the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Secretary's Guidelines)* for storefronts, which are so integral to the character of the historic district. A list of suggested references including *The Standards*, the *Secretary's Guidelines*, and the National Park Services *Preservation Briefs* has also been provided.

4. **Signage** (*Design Guidelines Pages 31-36 / GQPDO Section 103.0410*)

The signage section has been revised to address several new issues that have arisen during recent sign application reviews. New descriptions and images have been added to the Design Guidelines and the GQPDO to help the applicant have signage be more pedestrian in nature and to limit the use of plastic. New sign guidelines addressed include:

a) Administration of Sign Applications (*Page 31*)

Certain sign proposals may require photomontages showing the proposed sign on the building in the proposed location(s) and full-size paper or cardboard mock-ups of proposed signs (including proposed colors and fonts) for final permitting approval.

b) Sample Photos (*Pages 31-32*)

Contemporary examples of both conforming and non-conforming signs are featured in this section. In addition, a photographic example of historic signage has been included.

c) Permanent Signs Banners (*Page 36*)

Permanent sign banners will be permitted to project from the facade provided the banner does not block the windows of the facade. Banner size and proportion would follow the same guidelines as regular signs. The banner's structure should be sufficient to minimize the wind's effect on the banner. Faded or torn banners must be removed or replaced.

d) Neon Signs [Pages 34-35, items (q) and (r)]

Neon signs are generally not allowed on the exterior of buildings in the Gaslamp Quarter. However, with the broadening of the period of significance, it is acceptable for the significant Art Deco buildings in the Gaslamp Quarter to feature non-product neon signage. The Guidelines list the specific Art Deco style buildings for which this exception is applicable.

e) Permanent Menu Boards (Page 36)

Menu boards shall not exceed 200 square inches (2 - 8-1/2x11) and will be permitted, provided it does not encroach into the public right-of-way. Menu boards may also be mounted directly to the face of the building, provided damage to the historic facade is minimized.

f) Multi-Media Signage (Page 37)

Multi-media installations such as video monitors or overhead projectors that feature animated or static displays shall not be permitted.

g) Audible Devices (Page 37)

Speakers or other such amplification devices intended to project sounds into the public right-of-way shall not be permitted.

5. Automatic Teller Machines (ATMs)

(Design Guidelines Page 39 / GQPDO Section 103.0415)

In general, ATMs and cash machines are not compatible with the historic district. However, as a desirable convenience in today's society, ATMs shall be permitted inside any building and on non-contributing buildings along Fourth and Sixth avenues and all east-west streets. ATMs are not permitted on the exterior of contributing structures, nor are they permitted on any building facade along Fifth Avenue. Building owners will have a grace period of five years to remove existing, non-conforming machines that have been permitted by the City.

6. Sidewalk Cafés

(Design Guidelines Pages 40-45 / GQPDO Section 103.0414)

a) Exemplary Images (Pages 41-45)

Photographs, showing examples of both conforming and non-conforming café features, have been added to the Guidelines along with photos showing contemporary examples of conforming railing designs.

b) Windscreens [Page 44, item (i)]

Windscreens will be allowed to extend above the maximum railing height. The maximum height of the windscreen is 5'-0". Additional screening between the top of the windscreen and bottom of the awning or canopy will not be permitted.

c) Prohibited Uses [Page 43, item (b)]

Food prep stations, espresso carts, and decorative displays are now explicitly prohibited from occupying space within an outdoor café area.

d) Planters as Dividers [Page 44, item (j)]

Planters can be used in lieu of railings perpendicular to the building facade provided the barriers maintain the 8-foot minimum clearance in the public right-of-way. In addition, the planters and contained foliage are not allowed to rise above the 3'-6" height restriction for railings.

e) Public Right-of-Way (Page 45-46)

The revised Design Guidelines provide definitions for "public right-of-way" and "pushcarts." In addition, the Guidelines briefly describe permitted and non-permitted uses in the public right-of-way.

f) Table Umbrellas [Page 45, item (o)]

Table umbrellas are permitted in the café area, provided umbrellas do not encroach into the 8'-0" pedestrian zone and have a minimum 7'-0" height clearance. Umbrellas are not permitted in cafes covered by awning or canopies. Product or business advertisement is prohibited.

7. Cellular Phone Antennas and Satellite Dishes
(Design Guidelines Page 22 / GQPDO Section 103.0417)

By City ordinance, cellular phone antennas are not permitted on historic buildings. Cellular phone antennas, on newly constructed buildings, shall not be visible from the public right-of-way. Satellite dishes, on both historic and new construction, shall not be visible from the public right-of-way. In addition, screened enclosures for satellite dishes must not be visible from the public right-of-way.

8. Painting and Repainting Exterior Surfaces (*Design Guidelines* Page 25)

A section regarding painting of existing and new buildings has been added. Repainting of building facades in the District will require review and approval by CCDC of the paint colors to be used. The Sherwin Williams Preservation Palette is listed as a reference; however, the owner or tenant is not obligated to use Sherwin Williams products.

9. Building Modulation (*Design Guidelines* Pages 13-14)

The Design Guidelines now allow new buildings to deviate from the previously prescribed 25' or 50' vertical modulation. Variations from the 25' or 50' standard for modulation are acceptable if the building's massing and facade are well articulated.

10. Map of Gaslamp Quarter w/List of Buildings
(*Design Guidelines* Pages 48-51)

A list of all historic buildings within the Gaslamp Quarter designated in either the National Register, the HRB register, or both has been gathered and collated into a comprehensive list. Accompanying this list of information is the map of the Gaslamp Quarter locating the contributing structures.

11. Publication Format

Several other elements of the Gaslamp Quarter Design Guidelines have been modified to provide clarifications to complicated recommendations. The revised publication features guidelines that are more comprehensive and easier to follow because of these changes. These changes include:

a) Publication Images

Drawn graphics and photographs throughout the document have been revised or added to provide a stronger relationship between text and the images. In addition to historic photographs, the revised document provides numerous contemporary examples of buildings and features throughout the district.

b) Brief Summary of Gaslamp Quarter History (*Page 5*)

A historical overview of the Gaslamp Quarter's history has been included. In addition, several historic photos are included that show the Gaslamp Quarter throughout the revised period of significance.

c) Building Codes & Suggested References (Pages 27-28)

The section regarding treatment of designated historic structures now features subsections with information regarding applicable building codes and a list of resources recommended for reference.

d) Gaslamp Quarter Boundary Map (Page 8)

A boundary map outlining the historic district has been included to feature just the area designated in the National Register of Historic Places nomination.

e) Building Height Definition (Page 11)

The text regarding calculation of a building's height has been rewritten to provide a clearer definition that is consistent with the City of San Diego Municipal Code.

f) Glossary of Terms (Pages 53-57)

The glossary has been edited and revised to reflect only those terms featured in the text of the Design Guidelines. In addition, contemporary photos have been added to illustrate several of the glossary terms.

g) Guidelines Cover

The cover of the Design Guidelines features an image of the historic streetscape that captures the character of the Gaslamp Quarter during the period of significance. The image demonstrates many aspects of the guidelines; from typical building massing to signage.

h) Credits Page (Page 1-2)

A "Credits" section has been added to the front of the publication.

Changes made to the GQPDO that are not included in the Design Guidelines include:

1. Permitted Uses –

Some of the permitted uses (Section 103.0409) were reorganized to permit certain uses only above or below the first floor. Business and professional office uses, including real estate offices, would now be prohibited from being located on the ground floor. All existing ground-floor businesses and professional office uses are grandfathered in place as of the date of approval by the City Council of the amended GQPDO. Section 103.0409.d was added to prohibit certain uses such as adult

entertainment establishments and tattoo and body-piercing uses from the entire Gaslamp Quarter.

2. Maximum Ground Floor Area Per Use –

Permitted Uses (Section 103.0409) - The GQA wants a way to control big box developments to moderate the impact of large single tenants on the streetscape. This language controls only the ground floor use, but not uses on the upper floors or basement. The following language has been added, "After recommendation by the GQLUP, the President shall review a project to evaluate whether a ground floor use exceeding 10,000 square feet for a single tenant will be allowed. Sites exceeding 10,000 square feet with street frontage on two sides (such as corner lots) shall not have more than 150 lineal feet of continuous street frontage. Sites exceeding 10,000 square feet with street frontage only along one side may not have more than 100 lineal feet of continuous street frontage. Other distinct tenants may interrupt a larger tenant frontage."

3. Alcohol Sales –

Alcoholic Beverage Sales Permit (Section 103.0410) - The language has changed for Alcoholic Beverage Sales Permits from "liquor, beer and wine shall not exceed 50 percent of the total gross sales of the business" to new language which states "operators possessing an on-sale eating place alcoholic beverage license must be a bona-fide eating establishment, maintain an operational kitchen facility..." The GQA has worked with ABC and SDPD Vice to come to an agreement on this change in language. Other changes include "off-site" sale of alcoholic beverages can now be sold chilled. The quarterly sales, hours of operation, and security measures can be imposed by the President during the Conditional Use Permit public hearing.

4. Parking Regulations –

Off-street parking (Section 103.0411) language has been added that requires new developments on sites more than 10,000 square feet to provide parking for office, commercial/retail, hotel and residential uses if the uses are above certain square footage thresholds.

5. Appeals –

Appeals (Section 103.0404) from any decisions of the President for Process 2 permits (Neighborhood Use Permit, i.e., allows sidewalk cafes) or Process 3 permits (Conditional Use Permits) have been changed from the Planning Commission to the CCDC Board of Directors.

Environmental Analysis: The Centre City Redevelopment Project and related activities have been addressed by the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project area and certified by the Redevelopment Agency (Resolution No. R-04001) and the City Council (Resolution No. R-301265) on March 14, 2006. The FEIR is the most recent and comprehensive environmental document pertaining to the proposed project.

The Environmental Secondary Study for this project has been prepared in compliance with the San Diego Redevelopment Agency's amended "Procedures for Implementation of CEQA and the State CEQA Guidelines" (adopted July 17, 1990).

The Environmental Secondary Study found the most notable revision to the GQPDO and Design Guidelines is the addition of an "Additional Stories" section, which amends the height regulations to allow the City at its discretion to permit additional height of up to 26 feet with setbacks above the current maximum height of 75 feet north of Island Avenue only on sites 20,000 square feet or more and containing no historic structures. Another important change to the GQPDO is the addition of off-street parking requirements for future development within the District. The permitted uses section was also revised to restrict permitted ground floor uses to active uses focusing on restaurants and retailing of consumer goods and services. Other than the "Additional Stories" section, most of the revisions propose stricter requirements as a means to maintain and enhance the historic character of the District.

The revisions described above would apply to future projects proposed within the Planned District. The additional stories regulations would apply only to sites 20,000 square feet or larger with no historic structures located north of Island Avenue. Currently, the number of existing sites to which the new height regulations would most likely apply is limited to three sites that meet the size limitations. Each of these sites would have to demolish existing uses and provide required on-site parking to serve any future proposed uses.

Any future projects that propose to apply these new standards and regulations will be subject to future environmental review and mitigation, as appropriate, pursuant to CEQA at the time a specific project is proposed.

Based on the environmental analysis contained in the Secondary Study, it is concluded that the proposed activity is adequately addressed in the FEIR and that applicable mitigation measures contained in the FEIR will be required as conditions of approvals needed to implement future projects pursuant to the GQPDO and Design Guidelines. Therefore, a negative declaration, subsequent environmental impact report, supplement to environmental impact report, or an addendum to environmental impact report is not required.

CONCLUSION

The proposed amendments to the GQPDO and Design Guidelines reflect contemporary issues in the Gaslamp Quarter. The Design Guidelines provide a clearer set of standards to follow in the rehabilitation of an existing historic structure or the design of new construction, or changes to an existing structure. The intent is to protect the unique character of the National Register Historic District and still allow for appropriate growth and changes to occur. Therefore, staff recommends that the Planning Commission recommend to the City Council approval of the proposed amendments to the GQPDO and Design Guidelines.

Respectfully submitted,



Beverly Schroeder
Senior Planner

Attachments: Attachment 1 - Project Location Map
 Attachment 2 - Draft Gaslamp Quarter Planned District Ordinance
 Attachment 3 - Strikeout Version Gaslamp Quarter Planned District
 Ordinance
 Attachment 4 - Draft Gaslamp Quarter Design Guidelines
 Attachment 5 - 1985 Urban Design and Development Manual