Centre City
Development
Corporation

DATE ISSUED: June 5, 2008 **REPORT NO. PC- 08-041**

ATTENTION: Planning Commission, Agenda of June 12, 2008

SUBJECT: AMENDMENTS TO THE GASLAMP QUARTER PLANNED DISTRICT ORDINANCE (SAN DIEGO MUNICIPAL CODE CHAPTER 15, ARTICLE 3, DIVISIONS 1 THROUGH 4) AND GASLAMP QUARTER DESIGN GUIDELINES (FORMERLY TITLED URBAN DESIGN AND DEVELOPMENT MANUAL) FOR THE GASLAMP QUARTER DISTRICT OF THE DOWNTOWN COMMUNITY PLANNING AREA – PROCESS FIVE

APPLICANT: Centre City Development Corporation (CCDC)

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval of the proposed amendments to the Gaslamp Quarter Planned District Ordinance ("GQPDO") and the Gaslamp Quarter Planned District Design Guidelines ("Design Guidelines")?

Staff Recommendation: 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 ("GQA") approved the amendments to the GQPDO and Design Guidelines by a unanimous vote.

Environmental Review: Under the 2006 Final Environment Impact Report (FEIR) for the Centre City Redevelopment Project and Downtown Community Plan an

Environmental Secondary Study is prepared for all developments and actions in the Downtown area in order to evaluate the project's compliance with the Downtown Community Plan, therefore, the findings and conclusions of the FEIR. The proposed amendments have been found to be consistent with all applicable planning documents.

Fiscal Impact Statement: None with this action.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

The 16.5 block Gaslamp Quarter Historical District ("District") is located within the Downtown Community Plan 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 the Urban Design and Development Manual ("Development Manual") were adopted to guide development within the District. The Development Manual provides an illustrative and descriptive explanation of the ordinance language. The District was designated 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 of 30,000 square feet or greater located south of Island Avenue developers could request 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 area which was expanded to include all of downtown. At that time, the City Council designated the President of CCDC as the reviewing and permitting authority for the administration of the GQPDO and Development Manual. In 1992 when CCDC began administrating the Gaslamp Quarter regulations, CCDC staff found, in conjunction with the GQA, and CCDC's historical preservation architectural consultants, that the existing regulations were in need of revisions.

For many years, the Gaslamp Quarter Association Land Use and Planning Committee (GQLUP) has been working with CCDC staff and CCDC's historical preservation architectural consultant, Heritage Architecture and Planning, to revise language in the GQPDO and Development Manual

to better clarify the design criteria and regulations. The last time the Development Manual was updated and printed was in 1985.

CCDC and the GQLUP have held over half a dozen community meetings and workshops to explain the proposed changes and obtain community input and support. This hearing for these proposed amendments was originally scheduled to go before the Planning Commission in April 2007; however, the City Attorney's office requested revisions to the GQPDO and environmental review documents. In addition to making the requested revisions, additional delays resulted from necessary formatting and numbering amendments to the Municipal Code and CCDC staff turn-over with the retirement of long time Senior Planner for the Gaslamp Quarter, Beverly Schroeder.

The proposed amendments consist of two documents: the GQPDO and Development Manual. A summary of the proposed amendments to the GQPDO and the Development Manual are listed below. The GQPDO amendments are attached in strikeout/underline as Attachment 2. The Development Manual is to be replaced in its entirety by the Design Guidelines. Both the existing Development Manual and the draft Design Guidelines are included as Attachments 3 and 4, respectively.

DISCUSSION

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. CCDC hired Heritage Architecture and Planning to prepare the revisions to the Design Guidelines. Heritage Architecture has extensive knowledge and experience of the Gaslamp Quarter and in the field of historical preservation. Changes to the GQPDO and Design Guidelines include the following:

1. **Period of Significance**
   (*Design Guidelines* Page 6 / *GQPDO* Section 157.0301)

   The Gaslamp Quarter was placed on The National Register of Historic Places (NRHP) in 1980. 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 NRHP, 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 over 45 years of age within the District boundaries 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 Regulations** - (*Design Guidelines* Pages 22-24 / *GQPDO* Section 157.0302(a)(3))

Under existing regulations that will be retained, the base maximum building height will remain at 60 feet. While buildings have been allowed to increase their height to 75 feet, the proposed amendments will require a new Process 2 application to be reviewed by HRB and GQLUP. New developments on parcels 30,000 square feet or larger located south of Island Avenue will continue to be allowed a height of 125 feet with approval by City Council.

In order to address requests from the GQLUP to provide an incentive to develop on larger sites located north of Island Avenue, a new section titled "Additional Stories" has been added to the GQPDO and Design Guidelines. "Additional Stories" pertains to sites of 20,000 square feet or more north of Island Avenue containing no contributing historical structures. Buildings meeting these criteria would be able to add an additional 26 feet above the 75–foot height limit (101 feet maximum) through a Process 2 application provided the following regulations are met:

- Additional stories must be set back a minimum of 50 feet from Fifth Avenue and 15 feet (depending on the additional story height) from 4th and 6th avenues.

- 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 five-foot height. No fences or screen walls are permitted within the first eight 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.

3. **General Guidelines for Rehabilitation of Designated Historic Structures**
(*Design Guidelines* Pages 26-30 / *GQPDO* Section 157.0303)

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* have also been provided.

4. **Signage** (*Design Guidelines* Pages 31-37 / GQ*PDO* Section 157.0402)

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 assist the applicant in providing signage that is more pedestrian in nature and limits the use of plastic. New sign guidelines addressed in the Design Guidelines include:

a) <u>Administration of Sign Applications</u> *(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) <u>Sample Photos</u> *(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 Sign 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 37)*

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 157.0405)

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.

6. Sidewalk Cafés

(*Design Guidelines* Pages 40-45 / *GQPDO* Section 157.0305(c) and 157.0414)

a) Exemplary Images *(Pages 41-45)*

Photographs, showing examples of both conforming and non-conforming café features, have been added to the Design 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 eight-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. **Rooftop Antennae and Satellite Dishes**
(*Design Guidelines* Page 22 / *GQPDO* Section 157.0407)

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 twenty-five foot or fifty-foot vertical modulation. Variations from the twenty-five foot or fifty-foot 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 47-51)

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 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 and 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** – (Section 157.0304)

Some of the permitted uses were reorganized to permit certain uses only above or below the first floor in order to ensure pedestrian-oriented uses are located on the ground floor. Business and professional office uses, including real estate offices, would now only be permitted above or below the first floor. Condominium sales showrooms (or apartment rental offices) for new residential development are permitted on the first floor of the building where the units are to be sold. 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 157.0304 (d) was added to prohibit certain uses such as adult entertainment establishments and tattoo and body-piercing uses from the entire Gaslamp Quarter.

2. **Special Regulations for Ground Floor Uses** – (Section 157.0304 (e))

The GQA requested that regulations be added to limit the impact of large single tenants on the streetscape. Language has been added to the GQPDO to restrict ground-level uses proposing to occupy more than 10,000 square feet. The GQPDO includes provisions that allow uses to occupy more than 10,000 square feet only through the approval of a Conditional Use Permit provided specific findings can be made.

3. **Alcohol Sales** – (Section 157.0305)

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 revisions to the "off-site" sale of alcoholic beverage regulations which will allow chilled beverages, regulations on the quarterly gross sales of alcohol, restrictions on hours of operation, and security measures which can be imposed by the President during the Conditional Use Permit process.

4. **Parking Regulations** – (Section 157.0401)

Language has been added pertaining to off-street parking 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. Table 0401-A has been added to this section identifying these thresholds.

5. **Appeals** – (157.0202 (h))

Appeals on decisions 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 consistent with the rest of downtown. All other appeals must follow the appeal procedures outlined the Land Development Code.

6. **Previously Conforming Uses and Structures** – (Section 157.0306)

A new section has been added to the GQPDO, which will require that all signage, sidewalk cafes, awnings, ATMs or similar elements in existence on the effective date in which the new ordinance is in effect that do not conform with the provisions of the ordinance will be required to comply with the provisions of the GQPDO and Design Guidelines no later than five years from their effective date.

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.

ENVIORNMENTAL ANALYSIS: The Centre City Redevelopment Project and related activities have been addressed by the 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. In addition, the Agency certified the Addendum to the FEIR for the 11th Amendment to the Redevelopment Plan for the Centre City

Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the Redevelopment Plan for the Centre City Redevelopment Project on July 31, 2007. These comprehensive environmental documents serve as the environmental documents for proposed project.

An 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). Based on the environmental analysis contained in the Secondary Study, the proposed amendments have been determined to be 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,

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Manager of Current Planning

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Associate Planner

Attachments:
Attachment 1 - Project Location Map
Attachment 2 - Strikeout Version Gaslamp Quarter PDO
Attachment 3 - 1985 Urban Design and Development Manual
Attachment 4 - Draft Gaslamp Quarter Design Guidelines
Attachment 5 – Final Environmental Secondary Study

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