

Article 7: Gaslamp Planned District

(“Gaslamp Planned District” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

Division 3: Zoning and Subdistricts

(“Zoning and Subdistricts” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

§157.0301 Character of the Area

(a) The architecture of the area is characterized by *structures* erected during a ~~30~~ 99 year period from ~~1880~~ 1850 to ~~1910~~ 1949. The ~~buildings~~ structures are typically ~~two or three~~ 2 to 4 stories high and are constructed of common brick with continuous facades at the property line. Ground floors are frequently 20 feet high with cornices separating them from the upper floors. Corbeling is very often found at the terminal cornice, particularly in the case of brick buildings. The ~~fronts of buildings~~ front sides of the structures are often designed with closely set bays framed with segmental, stilted, or flat arches; that are 10 to 12 feet apart. The openings are deep-set and the entrances are typically inset. Heavy ornate cornices and spandrels, carefully detailed parapets and bay windows are also typical design elements;

~~(b) A significant number of buildings within the Gaslamp Quarter Historic District typify the desired architecture of the Gaslamp Quarter. of the structures. The Gaslamp Quarter Planned District is unique in that it marks the beginning area of development for downtown City of San Diego. The area retains much of the original architecture of its early history as a collection of late 19th and 20th century structures. The District is valued for its historical significance not only at the local level by the City of San Diego but also on a national level by the United States.~~
For further information, refer to the San Diego Historical ~~Resources Site~~ Board Register, the National Register of Historic Places, ~~or and~~ the Gaslamp Quarter Planned District ~~Ordinance and Urban Design and Development Manual Guidelines.~~

(“Character of the Area” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

§157.0302 General Design Regulations for New Buildings

~~Concurrent with the adoption of this~~ The City Council has adopted the Gaslamp Quarter Planned District Ordinance, the City Council shall by resolution also adopt Design Guidelines which contain architectural and design ~~standards~~ guidelines 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~~ Article.

(a) Building Height Regulations

~~(1) — Basic Building Height Limit (60 Foot Height Limit):~~

Building heights in the Gaslamp Quarter Planned District are measured from the average grade of the site, measured at the highest and lowest adjoining public sidewalk grades to the top of the parapet of the highest habitable floor.

Uninhabited roof structures that conceal mechanical equipment and/or elevator stair overruns are exempt from this requirement when they are set back from the front property line by at least 15 feet.

~~(A.1)~~ Basic building height in the Gaslamp Quarter Planned District shall be limited to ~~60 feet including parapets and appurtenances.~~ (B) a maximum of 60 feet pursuant to Section 157.0203(a)(1). Any new structure must maintain a minimum height 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)~~ height may be increased to a maximum of 75 feet at the discretion of the ~~President,~~ buildings in the Gaslamp Quarter may achieve a maximum height of ~~up to 75 feet with~~ CCDC President after 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 pursuant to Section 157.0203(a)(2).

~~(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.~~

(3) Building height may be increased on sites that are north of Island Avenue, which may feature a maximum of two additional stories that do not exceed 26 feet about the 75 foot maximum allowable building height, pursuant to Section 157.0203(a)(2). Additional stories must be set back a minimum of 50 feet from Fifth Avenue and, depending on the additional story's height, 15 feet from Fourth Avenue and Sixth Avenue and any east-west streets. Regulations concerning additional stories, height, massing, architectural style, material use, articulation, setbacks, and fencing are featured in the Gaslamp Quarter Planned District Design Guidelines. All regulations outlined in the Gaslamp Quarter Planned District Design Guidelines shall be complied with in order to obtain approval for any additional stories.

(4) ~~(G) On~~ Building height may be increased to a maximum of 125 feet on parcels 30,000 square feet or more located south of Island, ~~the City Council may grant an additional height exception up to 125 feet~~ Avenue, pursuant to Section 157.0203(a)(3), provided that:

(a) the maximum ~~floor area ratio~~ FAR shall not exceed ~~6.0~~, and 6.0;

(b) building elements greater than 75 feet in height shall observe a setback of 50 feet along Fifth Avenue; ~~and~~

(c) the proposed project will be evaluated as offering significant architectural, aesthetic, and community benefits to the District.

(b) Site Relationships and ~~Street Wall Criteria and Site Relationships~~
Requirements

(1) Site Relationships.

Historically, buildings in the Gaslamp Quarter Planned District were built to the *property line* facing each *street*. Modern *setbacks* for plazas and landscaped buffers were not part of ~~Victorian architecture~~ the architectural vocabulary popular in the period of significance or considered appropriate for retail *development* at the turn of the century. The *streets* and sidewalks provided open space for pedestrian activity; and social and commercial vitality to the area. The Gaslamp Quarter ~~is characterized by the traditional street wall and building geometry.~~ Planned District is characterized by a nearly continuous line of building facades commonly referred to as a “street wall.” Refer to the Gaslamp Quarter Planned District Design Guidelines for specific requirements on site relationships.

~~(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~~ Generally, ground floor windows shall be horizontal in shape. Upper level windows shall have a longer vertical dimension than horizontal dimension. ~~Windows~~ All upper level windows should be rhythmically spaced, matching the bay spacing ~~below at the ground floor~~ and sensitive to the general proportions of windows in nearby buildings. Refer to the Gaslamp Quarter Planned District Design Guidelines for specific design requirements.

- (A) The *street wall* of all buildings shall be continuous at the *property line* except for storefront entry. Doors are not allowed to project into the public right-of-way by more than 12 inches.
- (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~~ feet.
- (C) ~~Penthouses~~ Additional habitable stories, mechanical 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.~~

(D) Ground floor treatment shall have a traditional storefront character and pedestrian scale in the details.

(c) Horizontal Building Form Criteria

A strong, horizontal division of major building elements can be seen in the Gaslamp Quarter Planned District. Most of the ~~historie~~ historical buildings are characterized by a delineation of a building base, middle, and top. New infill buildings shall observe this pattern. 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 ~~historie~~ historical buildings in the Gaslamp Quarter ~~buildings~~ Planned District 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~~ adjacent historical resources.

(1) Architectural Form

(A) The building base includes those elements relating to the sidewalk pedestrian environment such as entries, show windows, and business ~~signage.~~ signs. The ground floor shall be established no lower than 12 feet and no higher than 20 feet. The building base 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 other roof elements shall be 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.~~ All mechanical equipment, appurtenances, and access areas shall be intentionally grouped, and architecturally screened and painted to match the roof colors and materials.

(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 For projects requiring a Gaslamp Quarter Development Permit, a lesser floor height may be permitted subject to approval of the CCDC 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 Planned District occurred on blocks subdivided into ~~25' x~~ foot by 100' foot lots. Individual buildings generally developed on small parcels, assembled from these lots. Thus, a majority of the existing ~~historie~~ historical buildings in the ~~distriet~~ District are either 25 feet or 50 feet wide. The result is a predominance of buildings incorporating narrow windows and vertical building proportions.

(2) Accordingly, ~~historie~~ historical buildings in the ~~distriet~~ reflect reinforcement of District emphasize 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-~~ Design Criteria

The facades of ~~infill~~ new 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~~ Storefront 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. Refer to the Gaslamp Quarter Planned District Design Guidelines for specific design requirements.~~

(B) Additional Design Criteria for Corner Buildings

~~In addition to the criteria for infill buildings, corner~~ 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 so that each façade reinforces the design intent of the entire building. I from the corner at the intersection may~~ Corner entrances shall be distinguished ~~by changes in height, materials, fenestration, offsets, and reveals. No diagonal corner entries shall be permitted. with fenestration and offsets which emphasize the corner and complement the building's overall design. Refer to the Gaslamp Quarter Design Planned District Guidelines for specific design requirements.~~

(e) Architectural Fabric and Materials

- (1) ~~Historic~~ Historical structures in the ~~district~~ District are generally constructed of substantial, highly finished, detailed plaster or concrete and natural materials. ~~The natural color of materials and earth tones predominate.~~ such as brick or stone. Paint colors on historical buildings in the Gaslamp Quarter Planned District are typical of those found in the Victorian and Art Deco styles popular during the Gaslamp Quarter District's period of significance.

New buildings should maintain the quality of materials expressed in surrounding existing buildings. Color and lighting should be used to ~~compliment~~ complement natural materials and highlight architectural forms and details. ~~Buildings will be encouraged to~~ The use of storefront ~~spotlights~~ lighting is encouraged to help project ~~the buildings~~ the building's appearance and architectural features 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~~ For projects requiring a Gaslamp Quarter Development Permit, all paint color schemes are ~~encouraged~~ subject to review and approval by the CCDC President. ~~Color samples should be provided by the applicant. The applicant shall provide color samples for review. The Gaslamp Quarter Planned District Design Guidelines contain specific information regarding the type of materials that are acceptable and how they can be used.~~

(f) Architectural Detail

- (1) A dominate design characteristic found in the contributing buildings of the ~~district~~ Gaslamp Quarter Planned District is the rich architectural detail and ornamentation. ~~Building~~ New building elements, features

and forms shall ~~be contemporary in design integrity as well as respect the authenticity of historical Gaslamp Quarter styles and details.~~ reflect the scale, articulation and integrity of *historical district* detailing, but shall not parody historic styles. New construction or additions shall be designed in a manner that makes clear what is historic and what is new. Refer to the Gaslamp Quarter Planned District Design Guidelines for specific design requirements on window and storefront detailing.

~~(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.~~

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

§157.0303 **General Guidelines for Rehabilitation of Designated Historical Structures**

(a) General Considerations

This section applies to contributing building in the Gaslamp Quarter Planned District. A contributing building is on that has been individually designated or designated as part of the Gaslamp Quarter Planned District nomination to the National Park Service. Typical modifications or contributing buildings range from façade repainting to construction of additions. The appendix of the Gaslamp Quarter Planned District Design Guidelines provides a comprehensive list of the contributing buildings in the Gaslamp Quarter Planned District. Refer to the San Diego Historical Site Board Register and the National Register of Historic Places for newly listed *historical buildings* and resources in the Gaslamp Quarter Planned District. All modifications to contributing resources shall follow the appropriate Secretary of the Interior’s Standards for the Treatment of Historic Properties: Standards for (1) Rehabilitation, (2) Preservation, (3) Restoration, (4) Reconstruction. The Secretary of the Interior’s Standards for the rehabilitation of deteriorated properties are supported through the application of the following guidelines for work done in the Gaslamp Quarter Planned District:

- (1) Rehabilitate property in a manner which will require the minimum alteration to the character defining elements of the building.

- (2) Exterior rehabilitation work should give priority to retaining all distinguishing historical materials and architectural features. The removal or alteration of any significant historical material or architectural features should be avoided.

- (3) Deteriorated exterior architectural features should be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in design, color, texture and other visual qualities. Repair or replacement of architectural features should be based on accurate duplications of original features, substantiated by physical or pictorial evidence. Changes that create a false sense of historical development, such as conjectural features or elements from other *historical buildings*, shall not be undertaken. The San Diego Historical Society has a substantial collection of vintage photographs of the Gaslamp Quarter Planned District which, in addition to other sources, should be researched to obtain accurate information on the specific building.

- (4) Distinctive exterior stylistic features, materials, finishes or examples of skilled craftsmanship which characterize older *structures* should be retained and treated with sensitivity.

- (5) Many exterior changes to buildings and environments have been made over the years and are evidence of the history of the buildings and the Gaslamp Quarter Planned District. These changes may have developed significance in their own right, and this significance should be recognized and respected.
- (6) All buildings should be recognized as products of their own time. Alterations that have no historical basis and which seek to create inappropriate earlier appearances or architectural styles are discourages.
- (7) New additions, exterior alterations or related new construction shall not destroy the significant historical or architectural materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
- (8) Wherever possible, new additions or alterations to *historical buildings* should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.

(b) Code and Zoning Considerations

For qualified *historical structures*, the California Historical Building Code applies (Chapter 8, Title 24, California Code of Regulations) may be utilized.

~~§157.0303~~ §157.0304 Permitted Uses

~~In Within the Gaslamp Quarter ~~Redevelopment Project Area~~ Planned District, 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:~~ used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses focusing on restaurants and retailing of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).~~

(a) Permitted Uses on Any Floor of a Building

Retailing of consumer convenience goods and dispensing of consumer services from the following establishments located on any floor of a building are permitted uses:

- (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).~~
- (7) Bookstores.
- (8) Boutiques.
- (9) Camera shops/photographic equipment, supplies and film processing.
- (10) Clothing stores.
- (11) Computer and copy services stores (including sales, display and copy reproduction). This category does not include uses involving printing presses or other large commercial equipment.
- ~~(12)~~ Confectionaries (candy stores).
- ~~(13)~~ Condominium sales offices and apartment leasing offices which are primarily related to residential units on the same premises.
- (14) Decorator and home accessory shops.
- ~~(15)~~ Delicatessens.
- ~~(16)~~ Drafting and blueprint services.
- (17) Drug stores.
- ~~(18)~~ Entertainment centers, either freestanding or operating in conjunction with any other permitted use, which utilizes electronic or mechanical games of skill or amusement not to exceed five (5) devices.
- (19) Entertainment establishments, as defined in Section 33.1502 of the San Diego Municipal Code, subject to the provisions of Section 157.0305.

- [\(20\)](#) [Financial institutions.](#)
- ~~(1621)~~ [Florists.](#)
- ~~(1722)~~ [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).~~
- [\(23\)](#) [Furniture stores.](#)
- ~~(1924)~~ [Hardware stores.](#)
- ~~(2025)~~ [Hobby shops.](#)
- ~~(2126)~~ [Ice cream parlors.](#)
- ~~(2227)~~ [Import and art objects stores.](#)
- ~~(2328)~~ [Jewelry stores.](#)
- ~~(2429)~~ [Locksmith shops.](#)
- ~~(2530)~~ [Leather goods stores.](#)
- ~~(2631)~~ [Luggage shops.](#)
- ~~(27)~~ ~~Nightclubs, excluding an "Adult Cabaret" as described in Land Development Code Section 141.0601(a)~~
- ~~(28)~~ ~~Nurseries~~
- [\(32\)](#) [Medical appliance sales.](#)
- ~~(2933)~~ [Music stores.](#)
- ~~(30)~~ ~~Open air cafes (sidewalk cafes not located in public right of way)~~
- [\(34\)](#) [Nightclubs and supper clubs, subject to the provisions of Section 157.0305.](#)
- ~~(3135)~~ [Office furniture and equipment sales.](#)
- [\(36\)](#) [Pawn shops.](#)
- ~~(3237)~~ [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.~~

(38) Photographic studios.

~~(3439) Post offices.~~

~~(35) Wholesale and/or retail~~

(40) Radio and television studios.

(41) Restaurants (excluding drive-in and drive-thru restaurants), subject to the provisions of Section 157.0305.

(42) 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) —~~

(43) Shoe stores.

~~(3944) Shoe repair shops.~~

~~(4045) Shoe shine parlors.~~

~~(4146) Sporting goods stores.~~

~~(4247) 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.~~

(48) Studios for art, dance and music.

(49) Theatres.

~~(4550) Tobacco shops.~~

~~(4651) 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~~

(52) Variety stores.

~~(4953) Wedding shops.~~

(50b) Permitted Uses Only Above or Below the First Floor of a Building

(1) Addressing, secretarial and telephone answering services.

(2) Business and professional office uses (i.e., such as accountants, advertising agencies, architects, attorneys, contractors, doctors, real estate, 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~~
- (3) Dwelling units.
- ~~(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.~~
- ~~(145) Funeral parlors.~~
- (6) Hotels (except for hotel lobbies, restaurants and lounges) and other accessory uses.
- (7) Labor unions and trade associations.
- ~~(158) Lithography shops.~~
- (9) Medical, dental, biological, and X-ray laboratories.
- ~~(1610) Newspaper plants.~~
- (11) Photographic equipment, supplies and film processing in connection with wholesale uses only.
- (12) Private clubs, fraternal organizations, and lodges.

- ~~(17) Dwelling units~~
- (13) Wholesaling and warehousing
- (c) Permitted Specialized ~~uses~~ Uses on Any Floor:
- (1) Charitable organizations (nonprofit or otherwise) and ~~their attendant activities~~accessory uses.
- ~~(2) Churches, temples or buildings of a permanent nature used primarily for religious purpose~~
- (2) Churches as accessory use only.
- (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 Planned District and downtown area ~~The sale or distribution of food and the provision of lodging is of the City of San Diego.~~
- (d) Prohibited Uses
~~prohibited for those specialized uses, except to employees of these Organizations.~~
The following uses shall be prohibited in the entire District as both primary and accessory uses:
- ~~(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).~~
- (1) Card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for which a fee of whatever nature is charged.
- (2) Entertainment centers which include more than five “games of skill or amusement” such as any mechanical, electrical, electronic, or video machine device or apparatus, or combination thereof.
- (3) Correctional placement facilities. This category shall include correctional “halfway houses,” work furlough facilities, or other facilities intended to house inmates or other persons considered to be wards of the State.

- (4) Drive-through businesses.
- (5) Tattoo and body piercing establishments.
- (6) Pushcarts in the *public right-of-way*.
- (e) Special Regulations for Ground Floor Uses

Uses may not occupy more than 10,000 square feet on the ground floor of any building unless a Conditional Use Permit has been approved for such a use pursuant to Section 157.0305(d).

Ground floor uses occupying more than 10,000 square feet that were permitted pursuant to prior regulations but no longer permitted on the ground floor pursuant to this Article may continue to exist on the ground floor as a *previously conforming* use subject to Chapter 12, Article 7, Division 1 of the Land Development Code, provided that the ground floor uses do not enlarge their respective space on the ground floor. The ground floor use may expand into a basement or upper floor only if permitted in accordance with this division.

- (f) Specialized Uses in the *Public Right-of-Way*

~~(e)~~ Specialized uses in the ~~street~~ public right-~~of~~ of - way which are consistent with the ~~1880-1910~~ 1873-1930 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.~~

Planned District Design Guidelines

Prior to the use of ~~street~~ public right-~~of~~ of -way for a specialized use, an encroachment permit shall have first been obtained from the ~~City Engineer, pursuant to Sections 62.0620, 62.0630 and 157.0303(e)~~ City of San Diego. 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.~~ Encroachments shall not be allowed to extend out into the *public-right-of-way* for more than half the width of the sidewalk from *property line* to curb. Permitted specialized uses to be considered include sidewalk cafes and moveable encroachments such as flower stalls, newsstands, and shoe shine stands. In addition to ~~special~~ specialized uses, the City of San Diego may consider granting an encroachment permit ~~may be granted to provide for:~~

- ~~(1)~~ Stairways in accordance with Chapter 12, Article 9, Division 7 of the Land Development Code, for stairways to the basement ~~and or~~ 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.~~

~~(“Permitted Uses” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)~~

§157.0305 Separately Regulated Uses

(a) Alcoholic Beverage Sales for On-Site Consumption

(1) Restaurants which offer made-to-order food products during all business hours shall not be required to obtain a Conditional Use Permit for the sale of alcoholic beverages for “on-site” consumption.

(2) A Conditional Use Permit shall be required for the following restaurants or other permitted uses which include the sale of alcoholic beverages for “on-site” consumption:

(A) Restaurants, which may include brew pubs and/or micro-breweries, engaged in the sale of alcoholic beverages for “on-site” consumption during business hours when made-to-order food products are not available.

- (A) Delicatessens.
 - (B) Drug stores/convenience stores.
 - (C) Food stores.
 - (D) Restaurants.
 - (E) Micro breweries or brew pub.
- (2) The sale of alcoholic beverages shall be complementary to the *primary use* of the property and the intended use must be in conformance with permitted uses as outlined in this Division.
 - (3) No wine or distilled spirits shall be sold in containers of less than seven-hundred-fifty (750) milliliters.
 - (4) No malt beverage products shall be sold in less than six-pack quantities per sale.
 - (5) No wine shall be sold with an alcoholic content greater than 15 percent by volume.
 - (6) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the establishment.
 - (7) No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.
 - (8) Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed 10 percent of the total shelving within the store shall not be required to obtain a Conditional Use Permit.
 - (9) After considering the facts presented in the application, the CCDC Hearing Officer may grant a Conditional Use Permit if it is concluded at the hearing that all of the applicable criteria set forth in this Division have been met. In granting the Conditional Use Permit, the CCDC Hearing Officer may impose additional conditions as deemed necessary and desirable to protect the public health, safety and welfare which address the following issues to ensure compliance with the provisions of this Division:
 - (A) Entertainment uses or activities or amusement devices on the premises:

- (B) Hours of operation for sales of alcoholic beverages;
- (C) Security measures;
- (D) Potential noise impacts to residential occupants; and
- (E) Lighting, litter and nuisance abatement or other special requirements for the premises.

(c) Uses Containing Outdoor Areas for Eating and/or Drinking

Establishments with outdoor areas for eating and/or drinking located either on private property or in the public right-of-way in connection with a commercial establishment shall be required to obtain a Neighborhood Use Permit in accordance with Process Two.

(d) Ground Floor Uses Over 10,000 Square Feet

The following findings must be made for approval of a Conditional Use Permit for uses occupying more than 10,000 square feet on the ground floor:

- (1) Uses shall not occupy more than 150 feet of continual lineal street frontage including around block corners;
- (2) Additional pedestrian entrances shall be provided for street frontages greater than 100 feet; and
- (3) The type of use and the design of the tenant improvements will create a lively pedestrian experience consistent with the goals and policies adopted for the Gaslamp Quarter Planned District.

(e) Revocation

A Conditional Use Permit may be revoked pursuant to Sections 121.0313 through 121.0316 of the Land Development Code if conditions set forth in the permit are not being met and/or evidence is provided to CCDC that the use constitutes a public nuisance. A public hearing shall be held prior to revocation of a Conditional Use Permit. Consideration shall follow the same process of approval as the original Conditional Use Permit.