

ORDINANCE NUMBER O- 16893 (NEW SERIES)

ADOPTED ON JUL 13 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 18, SECTIONS 103.1800, 103.1801, 103.1802, 103.1803, 103.1804, 103.1805, 103.1806, 103.1807, 103.1808 AND 103.1809, ESTABLISHING THE SHERMAN HEIGHTS HISTORIC DISTRICT.

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

Section 1. That Chapter X, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding Division 18, Sections 103.1800, 103.1801, 103.1802, 103.1803, 103.1804, 103.1805, 103.1806, 103.1807, 103.1808 and 103.1809, to read as follows:

DIVISION 18

SHERMAN HEIGHTS HISTORIC DISTRICT

SEC. 103.1800 SHERMAN HEIGHTS HISTORIC DISTRICT

A. PURPOSE AND INTENT

It is the purpose of this section to protect the historic and architecturally significant structures within the Sherman Heights Historic District. It is further the intent that rehabilitation of structures within the Historic District should be undertaken to restore the buildings' original appearance and retain the neighborhood fabric. It is further the intent that new development be designed so as to relate visually to

the architectural characteristics of the historically contributing buildings, to provide visual continuity and coherence.

The development and redevelopment of land in Sherman Heights should be accomplished in a manner so as to retain and enhance the economic, cultural and historic values, and the overall quality of life within the community. The Historic District seeks to preserve the historic and architecturally significant structures which are interspersed throughout the community and to promote the economic and cultural balance of the resident population through the provision of an optional density bonus system. The proper development and redevelopment of Sherman Heights is in keeping with the objectives and proposals of the Progress Guide and General Plan for The City of San Diego and of the Southeast San Diego Community Plan of 1987.

SEC. 103.1801 BOUNDARIES

The regulations and development guidelines as defined herein shall apply in the Sherman Heights Historic District which is within the boundaries of the Southeast San Diego community planning area in the City of San Diego, California, designated on that certain Map Drawing No. C-737, and which is generally bounded by Interstate 5 on the west, Imperial Avenue on the south, 25th Street on the east and State Highway 94 on the north, and described in the appended boundary

description filed in the office of the City Clerk as  
Document No. 00-16893-1

SEC. 103.1802 ADMINISTRATION

A. PLANNING DIRECTOR

The Planning Director or a designated representative shall administer the Sherman Heights Historic District.

B. POWERS AND DUTIES

It is the duty of the Planning Director to administer and ensure compliance with the regulations and procedures contained within this division in the manner prescribed herein for both public and private development; to recommend to the Historical Site Board and the City Council any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this division. The Planning Director shall evaluate the appropriateness of any development for which a permit is applied under this division. The Planning Director may approve, modify, or deny any application for a permit, based upon the conditions of compliance or noncompliance with adopted regulations and approved criteria and standards.

SEC. 103.1803 PROCEDURES FOR PERMIT APPLICATION AND  
REVIEW

A. APPLICATION

1. Applications for permits shall be made in accordance with the San Diego Municipal Code, Chapter IX and Chapter VI, Article 2, prior to the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing building or structure within the Historic District, any building or structure which is moved into the Historic District, or grading. Approval of the Planning Director is not required for interior modification, repairs or remodeling, nor any exterior repairs or alterations for which a permit is not now required.

2. This section does not supersede, change, amend nor in any way alter the manner, method or requirements of the review procedures for any designated City of San Diego historical site by the Historical Site Board.

B. CONTENT

The application shall include the following:

1. The purpose for which the proposed building, structure or improvement is intended to be used.

2. Adequate plans and specifications indicating dwelling unit density, number of bedrooms (floor plan), lot area, lot coverage, off-street parking and landscaping.

3. Adequate plans and specifications for the building and improvements showing the exterior architectural design, color and texture of materials.

4. Adequate plans and specifications for any outbuildings, courtyards, fences/walls, setbacks, grading, signs, outdoor lighting or traffic circulation.

5. Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein and other applicable laws and regulations.

C. REFERRAL

The Building Official and the City Engineer shall refer all applications made under Paragraph A.1. above to the Planning Director.

D. DETERMINATION

The Planning Director may approve or deny any application for a permit in accordance with its compliance with the regulations contained within this Division. Action by the Planning Director shall include a statement that the building, structure, or improvement for which the permit was applied does or does not

conform to the regulations contained herein. In the event the Planning Director determines that the proposed development does not conform to the regulations contained herein, the specific facts on which that determination is based shall be included in the written decision as provided for in Paragraph E. following.

The Building Official may approve building or construction related permit applications of an emergency nature without prior approval of the Planning Director if such actions are to correct any condition which renders a building unsafe. All such actions by the Building Official shall be immediately reported to the Planning Director.

#### E. NOTIFICATION

Within sixty (60) days after the submission of a complete application to the Planning Director, the Planning Director's decisions shall be sent in writing to the applicant, Building Official, Southeast Community Planning Committee, and City Engineer, except when the applicant requests an extension of time. If no decision has been rendered within the sixty (60) day review period, the application shall be deemed approved.

#### F. ISSUANCES

If the Planning Director approves the application and the application conforms to all other regulations and ordinances of The City of San Diego, the Building Official or City Engineer shall then issue the permit for the work.

G. CONDITIONS

Any permit granted by The City of San Diego, as herein provided, shall be conditioned upon the privileges granted being utilized within eighteen (18) months after the date of issuance of said permit. Failure to start work within the eighteen (18) month period will automatically void the permit unless an extension of time has been granted by the Planning Director as set forth in Paragraph H. following. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. During the course of development, a lapse of work for six (6) months shall also void the permit.

H. EXTENSION OF TIME TO A VALID PERMIT

The Planning Director may grant an extension of time of up to two (2) years on the time limit contained in a currently valid permit. To initiate a request for an extension of time, the property owner or owners shall file a written request with the Planning Director in the office of the Planning Department prior to the expiration of the permit. The Planning Director may grant the extension of time if it is determined from the evidence submitted that there has been no material change of circumstances since the permit was originally granted. The Planning Director shall notify the Southeast San Diego Community Planning Committee of any extension of time requests.

I. HISTORICAL SITE BOARD RECOMMENDATION

The Planning Director may request Historical Site Board review of special projects that require design review for consistency within the area's historical and architectural consistency.

SEC. 103.1804 APPEALS TO THE CITY COUNCIL

A. FILING

An appeal to the City Council from the decision of the Planning Director may be requested within ten (10) days after the decision is filed with the Planning Department. The appeal shall be in writing and filed with the Planning Department. An appeal automatically stays proceedings in the matter until a determination is made by the City Council.

B. PUBLIC HEARING

Upon the filing of the appeal, the City Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in SEC. 101.0206 of the San Diego Municipal Code. The Planning Director shall transmit to the City Council a copy of the decision and findings, and all other evidence, maps, papers and exhibits which the Planning Director used to make a decision.

Prior to the City Council hearing, the Planning Director shall seek the advice of the City's Historical Site Board, at a noticed public hearing of the Board. The Board's recommendation shall be transmitted to the City Council by the Planning Director.



SEC. 103.1805 PLANNING, ZONING, AND SUBDIVISION  
REGULATIONS WHICH SHALL APPLY

Chapter X, Article 1, Division 1 (Definitions and Interpretations); Chapter X, Article 1, Division 4, SEC. 101.0406 (Home Occupations in Residential Zones); Chapter X, Article 1, Division 6 (Fences and Walls); Chapter X, Article 1, Division 8 (Off-Street Parking); Chapter X, Article 1, Division 9, SEC. 101.0990 (Condominium Conversion); and Chapter X, Article 2 (Subdivisions), of the San Diego Municipal Code, shall apply in the Sherman Heights Historic District, as they exist now or as they may be amended in the future. All other divisions of Chapter X, Article 1 are superseded by this division.

SEC. 103.1806 NONCONFORMING USES AND STRUCTURES

A. The lawful use of land which existed at the time the Historic District regulations became effective and which did not conform with said regulations may be continued provided no enlargement or additions to such use is made.

The lawful use of buildings or structures existing at the time the Historic District regulations became effective, with which regulations such buildings or structures did not conform, may be continued, provided any enlargement, addition, or alterations to such buildings will not increase the degree of nonconformity and will conform in every respect with the Historic District regulations.

Enlargements, additions, or alterations of nonconforming uses shall not affect the nonconforming status of historic or architecturally significant buildings, structures, or sites as designated by the Historical Site Board.

B. Any discontinuance of a nonconforming use for a continuous period of twelve (12) months shall be deemed to constitute abandonment of any nonconforming rights existing at the time the Historic District regulations became effective.

C. Any change from a nonconforming use of land or building to a conforming use shall constitute abandonment of such nonconforming rights.

D. If any nonconforming building or structure be destroyed by fire, explosion, act of God, or act of the public enemy, it may be completely restored or rebuilt not exceeding the size of the original building. Any expansion shall be subject to all the regulations of the Historic District.

SEC. 103.1807 DESIGN CRITERIA AND GUIDELINES

Concurrent with the adoption of this division, the City Council shall by resolution also adopt architectural and design standards to be used in evaluating the appropriateness of any development for which a permit is applied under this division. Sherman Heights Design Criteria and Guidelines shall be filed in the office of the City Clerk as Document No. 00-16893 -2

SEC. 103.1808 REGULATIONS FOR HISTORIC AND  
ARCHITECTURALLY SIGNIFICANT STRUCTURES

A. DEVIATIONS FROM BUILDING CODE ALLOWED

Notwithstanding the provisions of this division or any other ordinance, it shall be lawful in the Sherman Heights Historic District to repair, remodel or restore all historic or architecturally significant buildings or structures designated by the Historical Site Board in the same manner and with the same kind or similar materials with which they were originally constructed, providing that such building or structure shall be approved by the Planning Director and the Building Official and such building or structure shall be safe and not hazardous to its occupants or the public. The Planning Director and the Building Official shall require such repairs, modifications, and/or improvements to the building or structure as conditions permit, as are deemed necessary to preserve the architectural and historic character and meet adequate life and safety standards. Requirements of the Planning Director may be appealed to the City Council as provided in SEC. 103.1804. Requirements of the Building Official concerning methods and materials or minor deviations to alleviate practical difficulties of construction may be appealed to the Board of Appeals and Advisors as provided for in Section 104A of the Building Code.

## B. REMOVAL OF DAMAGED HISTORIC STRUCTURES

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

## C. EXCEPTIONS

The Planning Director shall have the authority to grant an exception to any regulation within this division, including permitted uses, when such exception is necessary to permit the preservation or restoration of an historic or architecturally significant building, structure or site. Such exception shall be subject to the following conditions:

1. The subject building, structure or site must be designated by the Historical Site Board as being historically or architecturally significant.
2. The proposed exception shall be referred to the Planning Department and the Historical Site Board for a recommendation.
3. The Planning Director, in granting an exception, shall make the findings that the exception is necessary to permit the preservation or restoration of an historic or architecturally significant building, structure or site, that

strict application of the provisions contained within this Division would result in economic or other practical difficulties in securing the preservation or restoration of an historic or architecturally significant building, structure or site; and that the granting of an exception will not be injurious to the community or detrimental to the public welfare.

4. In making a decision, the Planning Director shall make written findings which shall specify facts relied upon in rendering their decision. A copy of this written finding, together with all evidence presented to the Planning Director, including plans required elsewhere in their division shall be filed with the Planning Director's decision in the office of the Building Inspection Department and the Planning Department. The written findings and decision shall be mailed to the applicant and the Southeast San Diego Community Planning Committee and shall be subject to appeal as provided in SEC. 103.1804.

SEC. 103.1809 APPLICABLE DEVELOPMENT REGULATIONS


The underlying zone shall apply. In the event the Southeast San Diego Planned District Ordinance is adopted, the provisions of such ordinance shall also apply within this Historic District. However, in the event any conflict exists between the provisions of this

division and the provisions of the underlying zone or any such future planned district ordinance, the provisions of this division shall prevail.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By

  
Harold O. Valderhaug  
Deputy City Attorney

HOV:ta:ps  
06/29/87  
09/02/87 REV.1  
Or.Dept:Plan.  
O-87-250  
Form=o.none

JUL 13 1987

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 30 1987

JUL 13 1987

....., and on .....

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

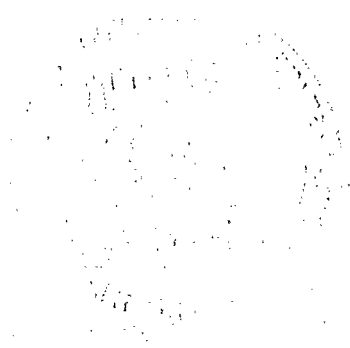
I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	0-16893
Adopted	JUL 13 1987

RECEIVED  
CITY CLERK'S OFFICE  
1987 JUN 29 PM 3:59  
SAN DIEGO, CALIF.



1981 JUN 23

1981 JUN 23



1981 JUN 23



CERTIFICATE OF PUBLICATION

1987 JUL 30 AM 11:20  
CITY OF SAN DIEGO  
CLERK OF THE CITY

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: JUNE A. BLACKNELL

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF  
THE SAN DIEGO MUNICIPAL CODE

**ORDINANCE NUMBER O-16893 (NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF  
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION  
18, SECTIONS 103.1800, 103.1801, 103.1802, 103.1803,  
103.1804, 103.1805, 103.1806, 103.1807, 103.1808 AND  
103.1809, ESTABLISHING THE SHERMAN HEIGHTS HIS-  
TORIC DISTRICT.

This ordinance amends Chapter X, Article 3, of the San Diego Mu-  
nicipal Code by adding Division 18, Sections 103.1800 through  
103.1809, establishing the Sherman Heights Historic District for the  
purpose of protecting the historic and architecturally significant  
structures within the Sherman Heights Historic District.

A complete copy of the ordinance is available for inspection in the  
Office of the City Clerk of the City of San Diego, 2nd floor, City Ad-  
ministration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on JUNE 30 1987

Passed and adopted by the Council of The City of San Diego on  
JULY 13 1987

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By JUNE A. BLACKNELL, Deputy

Pub. July 27

85790

I, THOMAS D. KELLEHER, am a citizen  
of the United States and a resident of the County aforesaid; I am over the  
age of eighteen years, and not a party to or interested in the above- entitled  
matter. I am the principal clerk of the San Diego Daily Transcript, a  
newspaper of general circulation, printed and published daily, except  
Saturdays and Sundays, in the City of San Diego, County of San Diego, and  
which newspaper has been adjudged a newspaper of general circulation by  
the Superior Court of the County of San Diego, State of California, under  
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16893 (NER SERIES)

is a true and correct copy of which the annexed is a printed copy and was  
published in said newspaper on the following date(s), to wit:

JULY 27

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 27 day of JULY, 19 87.

(Signature)

2 1/4" x 10 2/4" x 2 = 46 of