

ORDINANCE NO. 11821
(New Series)

0.76-115

MAR 31 1976

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 26.02 RELATING TO THE HISTORICAL SITE BOARD.

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

Section 1. That Chapter II, Article 6 of the San Diego Municipal Code be, and it is hereby amended by amending Section 26.02 to read as follows:

SEC. 26.02 HISTORICAL SITE BOARD

A. PURPOSE AND INTENT

It is the purpose and intent of the City Council to establish a Historical Site Board as an advisory board to advise the Mayor, City Council, City Planning Commission, Park and Recreation Board, and City Manager relating to the identification, protection, retention and preservation of historical sites in the City of San Diego.

B. HISTORICAL SITE BOARD

There is hereby created a Historical Site Board which shall consist of fifteen (15) members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. The members shall serve two (2) year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than eight (8)

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members shall expire in any year. The expiration date shall be March 1. During March of each year, the Mayor may designate one (1) member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select from among their members a Chairman.

The Board shall adopt rules consistent with laws for the government of its business and procedures. The Board shall meet not less than once a month.

C. HISTORICAL SITES

A historical site is any site (including significant trees or other plant life located thereon), building, structure, district or mark of historical significance due to its association with such things as noted past events, historical persons or distinguishing architectural characteristics.

D. DUTIES AND FUNCTIONS

The Board shall:

1. Inspect any site, building or structure which it has reason to believe is, or will be, a historical site and coordinate its activities with the San Diego County Marking Commission, the State of California, and the Federal Government to prevent any duplication of efforts.

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2. Compile and maintain a current register of all sites, buildings and structures it has determined to be historical sites. A description of the site and its reason for inclusion shall be contained therein. Copies of said register shall be transmitted to the Departments of Planning, Parks and Public Buildings, Fire, Building Inspection, Engineering, Community Development, City Clerk and other interested departments and/or governmental or civic agencies.

3. The Historical Site Board shall also notify the owner of each building, structure or other site, cultural or historic, in writing, of the fact that his property is included in the list, and shall give such person written notice of any further action which it takes with respect to such property. For purposes of this section the owner of such property shall be deemed to be the person appearing as the owner of such property on the last equalized assessment roll of the County of San Diego. Such notice shall be mailed to the address shown on the said assessment roll as soon as practicable after the property is included in the list or at the time the Historical Site Board takes further action regarding it.

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4. Explore means for the protection, retention and preservation of any historical site including, but not limited to, appropriate legislation and financing, such as the establishment of a private funding organization or individual, local, state or federal assistance.

5. Recommend standards for historical and aesthetic districts and the establishment of such districts within the City.

6. Consult with and advise the Mayor, City Council, City Planning Commission and City Manager in connection with the exercise of its duties and functions.

7. The action of the Historical Site Board in designating any historical site as defined in paragraph "C" shall be final on the eleventh (11th) day following the decision of the Historical Site Board unless an appeal to the City Council is filed with the City Clerk within ten (10) days of the action by the Historical Site Board. Such appeal shall be in writing and shall specify wherein there was error in the decision of the Board. Upon the filing of the appeal, the Clerk shall set the matter for public hearing within fifteen (15) days or as soon thereafter as is practicable and shall give written notice to the appellant of the time and date set

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for the hearing. Upon the hearing of such appeal, the City Council may by resolution affirm, reverse or modify the determination of the Board.

E. DEMOLITION, ALTERATION OR REMOVAL OF HISTORICAL SITES

1. No permit for the demolition, substantial alteration or removal of any building, structure or site listed in the register of historic sites shall be issued without first referring the matter to the Historical Site Board, except where the City Manager determines that demolition, removal or substantial alteration of any such building, structure or site is immediately necessary in the interest of the public health, safety or general welfare. The Building Inspection, Engineering and Community Development Departments shall notify the Historical Site Board in writing within five (5) days of any request it receives for any such permit.

2. No person shall remove trees, plants or other major landscaping from any property designated as a historical site without the prior approval of the City Manager. The City Manager shall notify the Historical Site Board in writing of any such request within five (5) days of its receipt.

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3. The Historical Site Board shall have thirty (30) days from the date of such notification within which to object to the proposed demolition, major alteration or removal of the trees, plants or other major landscaping. The Historical Site Board shall file its objections with the City Manager or his delegate. Upon the filing of said objections, no permits shall be issued for the demolition, major alteration, or removal of said historic site for a period of not less than thirty (30) nor more than one hundred eighty (180) days. The City Manager shall notify the appropriate departments of the filing of objections by the Historical Site Board. Failure to file objections within the thirty (30) days period shall be deemed a waiver of all objections, and the permit shall be issued in due course.

4. Upon the filing of objections, the Historical Site Board shall take such steps within the scope of its powers and duties as it determines are necessary for the preservation of the historical site. No such action shall be taken by the Historical Site Board, however, until the same has been first submitted to and approved by the City Council. At the end of the first thirty (30) days, the Historical Site Board shall report its progress to the City

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Council which may, upon review of the progress report, withdraw and cancel the objection to the proposed demolition, major alteration or removal, and the necessary permits shall then be issued. If at the end of the first one hundred (100) days of the aforesaid one hundred eighty (180) day period it is found that the preservation of the site, building or structure cannot be fully accomplished within the one hundred eighty (180) day period and the Historical Site Board determines that such preservation can be satisfactorily completed within an additional period not to exceed one hundred eighty (180) days, the Historical Site Board may recommend to the City Council that a request for extension be granted. Such recommendation shall set forth the reasons therefor and the progress to that date of the steps taken to preserve the site. The City Council may accept such recommendation for good cause shown, and if it appears that preservation may be completed within the time requested, may grant an extension of time not to exceed one hundred eighty (180) days. No such request for extension shall be made after the expiration of the original one hundred eighty (180) day suspension period.

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5. The Historical Site Board shall have no power or right to acquire any property for or on behalf of itself or The City of San Diego, nor shall it acquire or hold any money for itself or on behalf of the City.


6. Said Historical Site Board may adopt such rules and regulations as are necessary to carry out the purpose and intent of this section.

F. NOMINATIONS FOR THE NATIONAL REGISTRY OF HISTORIC PLACES

The City Council shall consider endorsing the nomination of a site for inclusion in the National Registry of Historic Places when the Historical Site Board has conducted a hearing and at least eight members of the Historical Site Board have voted in favor of endorsing nomination of the site in question.

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 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
1/16/76
Orig.Dept.Planning.
920.14

MAR 31 1976

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

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, 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

MAR 17 1976

MAR 31 1976

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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1976 JUN 27 PM 1:32
SAN DIEGO, CALIF.

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MAY 8 1978

Office of the City Clerk, San Diego, California

Ordinance Number **11824** Adopted **MAR 31 1976**

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ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

ORDINANCE AMENDING CHAPTER II, ARTICLE 6

I, JOYCE M. BRIDGES hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

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is a true and correct copy of which this certificate is annexed and was published in said newspaper on

April 15, 1976

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

April 15, 1976

Joyce M. Bridges
(Signature)

28 1/4 @ 4.84 = 136.72 ✓

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

Introduced on March 17, 1976.

Passed and adopted by the Council of The City of San Diego on March 31, 1976.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of

San Diego, California.

EDWARD NIELSEN,

City Clerk of The City of

San Diego, California.

By KATHLEEN MARTINEZ,

Deputy.

(SEAL)

Pub. Apr. 15, 1976

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