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7/07

RESOLUTION NUMBER R-305067

DATE OF FINAL PASSAGE JUL 07 2009

RESOLUTION AUTHORIZING THE COMPTROLLER TO ESTABLISH A SPECIAL INTEREST-BEARING HISTORIC PRESERVATION FUND AND TO APPROPRIATE AND EXPEND FROM THE FUND CONSISTENT WITH THE GENERAL PLAN AND GENERAL PLAN ACTION PLAN.

WHEREAS, on March 10, 2008, the Council of the City of San Diego adopted the General Plan establishing the long range vision and policy framework for the City's projected growth and development for the next 20 to 30 years, which includes policies for historic preservation; and

WHEREAS, General Plan Historic Preservation [GPHP] section HP-A.5 provides a policy to: "Enforce the Historical Resources Regulations and Guidelines of the Land Development Code that are aimed at identifying and preserving historical resources. Update these regulations and guidelines as needed to maintain adequate protection of historical resources;" and

WHEREAS, GPHP section HP-B.2 provides a policy to: "Promote the maintenance, restoration, and rehabilitation of historical resources through a variety of financial and development incentives. Continue to use existing programs and develop new approaches as needed. Encourage continued private ownership and utilization of historic structures through a variety of incentives;" and

WHEREAS, GPHP section HP-B.3 provides a policy to: "Create a historic preservation fund that provides a monetary source for local preservation incentives such as an architectural assistance program and archaeological site protection plan. The fund may be supported through grants, private or public donations, or other sources;" and

WHEREAS, the General Plan Action Plan [Action Plan] contains eight key elements for the implementation of the General Plan, including an Historic Preservation Element [HPE] to implement the General Plan Policies listed above; and

WHEREAS, the HPE of the Action Plan includes Action Item 2 in order to: “Establish appropriate remedies and penalties in the Land Development Code to address unlawful demolition or destruction of historical resources;” and

WHEREAS, the HPE of the Action Plan includes Action Item 5 in order to: “Establish a historic preservation fund that provides a monetary source for local preservation incentives supported through grants, private or public donations, or other sources;” and

WHEREAS, the historic preservation fund would provide an incentive to preserve or rehabilitate historic buildings by funding architectural assistance to owners of low to moderate income properties for the design of rehabilitation or adaptive reuse plans or the preparation of feasibility studies for designated historical resources; and

WHEREAS, the historic preservation fund would also fund the preparation of archaeological site protection plans to ensure that important archaeological sites will be left undeveloped and that significant artifacts will be properly curated; and

WHEREAS, this activity is not a project and is exempt from environmental review per California Environmental Quality Act Guidelines section 15060(c)(3); and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the matter was set for a public hearing on JUL 07 2009, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

1. That the Comptroller is authorized to establish a special interest-bearing fund, titled "Historic Preservation Fund," for any and all potential grants, donations, fines, penalties, or other sources of funding for the purpose of historic preservation.

2. That the Comptroller is authorized to appropriate funds from the Historic Preservation Fund for the purpose of funding local historic preservation programs and incentives, including but not limited to, architectural assistance programs, archaeological site protection plans, or other historic preservation programs or incentives consistent with the City of San Diego General Plan and Action Plan, contingent upon certification of sufficient funds.

3. That monies shall come to Council through the budget approval process before any funds are expended.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Nina M. Fain
Deputy City Attorney

NMF:js
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