

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-22076 (NEW SERIES)

DATE OF FINAL PASSAGE MARCH 13, 2026

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 1, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 111.0206; AMENDING CHAPTER 12, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 123.0202, 123.0203, AND 123.0206; AND AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTION 143.1002, RELATED TO PRESERVATION AND PROGRESS PACKAGE A.

§111.0206 Historical Resources Board

(a) [No change in text.]

(b) Appointment and Terms

- (1) The Historical Resources Board shall consist of 11 members, each appointed by the Mayor and subject to confirmation by the City Council. Each member shall serve a ~~2~~two-year term without compensation and shall continue to serve until a successor is appointed. No member shall serve more than 4~~four~~ consecutive terms. The members shall be appointed so that the terms of not more than 6~~six~~ members will expire in any year. The expiration date of all terms of appointment shall be March 1. The Mayor may designate 1~~one~~ member as Chairperson during March of each year. If the Mayor has not designated a chairperson by April 1~~5~~30, the Board shall elect a Chairperson from among its members.

- (2) At least one Board member shall be appointed from among professionals in each of the following five historic preservation-related disciplines as required to meet the “Certified Local Government” criteria of the State Office of Historic Preservation-, as established by the National Historic Preservation Act: architecture, history, architectural history, archaeology, and landscape architecture. If a qualified volunteer cannot be found to fill one of the five professional preservation-related positions, that Board position may be filled by a second professional from one of the other four historic preservation-related disciplines. However, no more than two professional Board positions should be filled by professionals in the same historic preservation-related discipline. Other Board members appointed may have experience or background in law, real estate, engineering, general contracting, finance, planning, or fine arts and should reflect diverse neighborhood representation and have demonstrated a special interest in historical preservation. No more than three owners of *designated historical resources* shall serve at any time.

(c) through (d) [No change in text.]

§123.0202 Designation Process for Historical Resources

- (a) [No change in text.]
- (b) Public Notice to ~~Owner~~Record Owner. ~~The owner of a property being considered for designation by the Historical Resources Board shall be~~

~~notified~~ The City Manager shall mail a notice to the *record owner* of the property being considered for designation at least 10 *business days* before the Board hearing. Notice to the ~~owner~~ *record owner* shall contain information about the potential impacts of designation; the date, time, and place of the Board hearing; a brief description of the general procedures for the conduct of the Board hearing; the procedures and requirements for filing an appeal; and a request how to contact the Board's administrative staff regarding information for making a presentation to the Board on the proposed designation. No action shall be taken by the Board to designate a *historical resource* except at a public hearing that provides all interested parties an opportunity to be heard.

- (c) Adequacy of Research Report. The decision on whether or not to designate a *historical resource* shall be based on the information in a research report, as specified in the Historical Resources Guidelines of the Land Development Manual, and the totality of the record before the Board including public testimony. If the Board determines, either by public testimony or other documentary evidence presented to it, that the research report is not adequate to assess the significance of the *historical resource*, the Board may continue its consideration of the property for up to two regular meetings and direct that a research report be prepared by the ~~applicant~~ applicant with specific direction from staff as to the inadequacies of the original report.

The revised research report may be prepared by City staff or volunteers, with a copy provided to the ~~owner~~record owner at least 10 *business days* before the next Board meeting at which the designation will be considered. If a final decision is not made within 90 calendar days ~~of receipt of a nomination for designation from the first Historical Resources Board public hearing in which the designation is considered~~, the consideration of the property for designation by the Board shall terminate unless a continuance has been granted at the request of the ~~property owner~~record owner.

(d) through (g) [No change in text.]

§123.0203 Appeal From Historical Resources Board Decision

A decision by the Historical Resources Board to designate a property may be appealed to the City Council in accordance with this section. No other actions of the Board may be appealed.

- (a) ~~The action of the Historical Resources Board's in the designation process is final 11 *business days* following the decision of the Board unless an appeal to the City Council is filed with the City Clerk no later than 10 *business days* after the action of the Board. The decision of the Historical Resources Board~~ action to designate a property may be appealed by an applicant or an interested person. An appeal shall be in writing and shall specify wherein there was error in the decision of the Board. The to the City Council ~~may reject designation on the basis of factual errors in materials or information presented to the Board, violations of bylaws or~~

~~hearing procedures by the Board or individual member, or presentation of new information by an *applicant* or an *interested person* on any of the following grounds:~~

- (1) Factual Error. The statements or evidence relied upon by the Historical Resources Board at the designation hearing were inaccurate; or
- (2) New Information. New information relevant to the property's eligibility for historic designation is available to the *applicant* or the *interested person* that was not available through that person's reasonable efforts or due diligence at the time of the designation hearing; or
- (3) *Findings* Not Supported. The Board's stated *findings* to designate in accordance with the City of San Diego Historical Resources Register historic designation criteria as specified in the Historical Resources Guidelines of the Land Development Manual and the Guidelines for the Application of Historical Resources Board Designation Criteria in the appendices of the Historical Resources Guidelines are not supported by the information provided to the Board; or
- (4) Violation of Bylaws or Hearing Procedures. In making the designation decision, the Board or an individual Board member did not adhere to the Board's bylaws or hearing procedures.

- (b) A decision by the Historical Resources Board to designate a property is final 11 *business days* following the decision of the Board unless an appeal to the City Council is filed with the City Clerk no later than 10 *business days* after the decision of the Board.
- (c) An application for an appeal shall be submitted to the City Clerk in writing and contain the following information:
- (1) The name, address, and telephone number of the person filing the appeal and information that establishes the basis on which the appellant is an *interested person*;
 - (2) The name of the *record owner*;
 - (3) The name of the *applicant* who submitted the nomination to designate the property;
 - (4) The decision being appealed and the date of the decision;
 - (5) The specific grounds, clearly identified, upon which the appellant is filing the appeal. All grounds must be specified in the appeal;
and
 - (6) Any information or exhibits supporting the appeal that are available at the time the appeal is filed.
- ~~(b)~~(d) Upon the filing of the appeal, the City Clerk shall set the matter for public hearing ~~as soon as is practicable~~ no later than 180 calendar days after the date on which the application for appeal is filed, and shall give written notice by mail to the ~~property owner~~ *record owner* and the appellant of the location, time, and date set for the hearing; a brief description of the

general procedures concerning the appeal hearing; and how to contact the Board's administrative staff. Failure by the City to set the hearing within the time frame specified above shall not limit the authority of the City Council to consider the appeal. At the public hearing on the appeal, the City Council may by resolution affirm, reverse, or modify the determination of the Board and shall make written *findings* in support of its decision.

- ~~(e)~~(e) The appellant may withdraw an appeal at any time prior to the commencement of the public hearing before the City Council. The withdrawal of the appeal must be in writing and filed with the City Clerk. If the appellant withdraws an appeal, no appeal hearing will be conducted. The withdrawal of an appeal does not entitle the appellant to any refund of appeal-related costs or fees incurred as of the date of the withdrawal.

§123.0206 State and National Register

- (a) The City Council shall consider endorsing the nomination of a *historical resource* for inclusion in the California Register of Historic Resources and the National Register of Historic Places upon recommendation of the Historical Resources Board. Upon receipt of a request from the California Office of Historic Preservation, the Historical Resources Board shall review a nomination for inclusion of a resource in the National Register of Historic Places and shall provide a recommendation whether the nominated resource meets the criteria for listing in the National Register. The recommendation shall be provided to the City Manager for

conveyance to the State Historic Resources Commission consistent with the City's obligations as a Certified Local Government and the requirements of the National Historic Preservation Act.

- (b) If a nomination to the National Register of Historic Places or California Register of Historical Resources is prepared by the City, the City Council may consider endorsing the nomination prior to submittal to the State of Historic Preservation.

§143.1002 Application of Complete Communities Housing Solutions Regulations

- (a) [No change in text.]
- (b) The regulations in this Division shall not apply to the following types of *development*:
- (1) through (5) [No change in text.]
- (6) *Development* located within a designated *historical district* ~~or subject to the Old Town San Diego Planned District~~ with the following exceptions:
- (A) *Development* on properties that are not designated as contributing resources to the Ocean Beach Cottage Emerging Historical District; and
- (B) *Development* on properties that are not designated as contributing resources to the Chinese Asian Thematic Historical District.
- (7) *Development* that is subject to the Old Town San Diego Planned District.

~~(7)~~(8) Development that includes visitor accommodations, except an
SRO *hotel*.

(c) through (f) [No change in text.]

CLN:cm
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