

DATE ISSUED: September 1, 2004 REPORT NO. 04-196

ATTENTION: Honorable Mayor and City Council
Docket of September 7, 2004

SUBJECT: Appeal of the Historical Designation of the Coronado Belt Line

APPELLANT: Jack Limber/Tiffany Lorenzen, counsel on behalf of MTDB, owner

REFERENCE: Historical Resources Board Agenda of December 19, 2003, Item 5

SUMMARY

Issue - Should the City Council approve or deny the appeal of the Historical Resources Board action to designate the Coronado Belt Line as a Historical Resource Site?

Staff Recommendation - Deny the appeal and uphold the decision of the Historical Resources Board to designate the Coronado Belt Line as a Historical Resource Site.

Historical Resources Board Recommendation - Deny the appeal and uphold the decision of the Historical Resources Board to designate the Coronado Belt Line as a Historical Resource Site.

Other Recommendations - None.

Fiscal Impact - None.

BACKGROUND

This item is before the City Council as an appeal of the Historical Resources Board decision of December 19, 2003, to designate the Coronado Belt Line as a City of San Diego Historical Resource Site. General Counsel for the Metropolitan Transit Development Board (MTDB), Jack Limber, representing MTDB as owner of the site, submitted an appeal on January 6, 2004. The

property is located within the Area of Potential Effect for the Bayshore Bikeway Project (LDR 40-0378), extending 1.5 miles southeasterly of the intersection of Palomar Street and Bay Boulevard, Otay Mesa/Nestor Community, Council District 8 (see Attachment 1).

Property Description

The original Coronado Belt Line was an independent short line railroad built in 1888. Originally 20.3 miles in length, only about 7.5 miles of the Belt Line remains today. Of the approximately 7.5 mile remaining segment, only about 1.5 miles of it is within the boundary of the City of San Diego and is the only portion over which the City has any jurisdiction. The remnant of the line includes rails, tracks, trestles, crossing signals and other appurtenances.

Previous Evaluations

In 1994, Caltrans conducted a historical assessment of the Coronado Belt Line for a federal National Historic Preservation Act Section 106 evaluation of the Bayshore Bikeway project. The State Office of Historic Preservation (SHPO) concurred with Caltrans' findings that the Belt Line is not eligible to the National Register of Historic Places. In April 2001, Save Our Heritage Organization (SOHO) submitted a subsequent historical evaluation finding that the Belt Line is historically significant to SHPO for listing on the California Register. In November 2001, historian Dr. Karen Weitze was retained to review the two apparently conflicting studies, and her conclusion was that the resource is not eligible for the National Register or the California Register.

The California Register request, along with a SHPO staff report that recommended the resource not be listed on the California Register, was considered by the State Historical Resources Commission (SHRC) in February 2002, when the SHRC listed the resource on the California Register. A request for a re-determination by the SHRC was submitted to SHPO by a group of various entities including the City of San Diego. In October 2002, SOHO submitted to SHPO a rebuttal report in opposition to their consideration. The SHPO staff again recommended that the SHRC not list the resource on the California Register. At the SHRC meeting in November 2002, the SHRC determined, based on new information, that the resource is ineligible for the California Register. Therefore, the Coronado Belt Line is not listed on the California Register.

Historical Resources Board Review

The initial public hearing by the Historical Resources Board (HRB) for the designation of the Coronado Belt Line occurred on October 23, 2003 with a recommendation from staff to not designate, but to note and file the historical studies (see Attachments 2 and 5). At that time, the HRB continued the item so that additional information could be submitted to the HRB by SOHO. A rebuttal report was submitted by historian and archaeologist Ronald V. May, on behalf of SOHO, on December 3, 2003 (see Attachment 6). SOHO also submitted copies of the 2001 California Register nomination report (see Attachment 7). The HRB considered the rebuttal and nomination reports in addition to the original historical studies, the October staff report, and a staff memorandum, which analyzed the rebuttal report (see Attachment 3). At the December 19, 2003, HRB meeting, staff's recommendation to note and file was unchanged based on the

analysis of the information in the rebuttal report.

Based on the information presented to the HRB, including the various studies and reports, a field check to walk along the remnant rail line, and the significant amount of public testimony, the HRB determined that a compelling argument had been made to support designation. On December 19, 2003, the HRB designated the Coronado Belt Line as a historical resource under HRB CRITERIA A (Cultural Landscape), B (Historical Persons) and C (Architecture) by a vote of nine votes in favor (Sewell, Brooks, Ahern, Burnett, Chuang, Delawie, Lynch, Malone, and Schaefer) and one vote in opposition (Schwartz) (9-1) based on the following factual information:

1. The applicant's historical studies, Volumes I and II, dated August 2003.
2. Rebuttal report and California Register nomination report from SOHO submitted December 3, 2003.
3. The staff report (P-03-288) dated October 14, 2003.
4. Memorandum supplementing staff report dated December 10, 2003.
5. A field check of the site by HRB members.
6. Photographs submitted by staff.
7. Public testimony provided by the applicant's (City's) representative, the owner's representative, SOHO and many interested members of the public.

In acting to designate, the HRB concurred that the site is historically significant for its archaeological value; as an example of the private capitalization of infrastructure; for the site's significant contributions to the cultural, physical and economic development of San Diego; for being representative of its association with historically significant individuals, John D. Spreckels, Elisha Babcock and Hampton L. Story; and for being representative of railroad construction in the late 1800s.

San Diego Municipal Code Appeal Requirements

The San Diego Municipal Code Section 123.0203 provides for appeals of a Historical Resources Board (HRB) decision to designate a site historical within ten business days following the HRB decision. Said decision may be appealed by an applicant, owner or interested person. The code requires the appeal to be in writing, specifying wherein there was error in the decision of the HRB. The City Council may reject historical site designation based on:

- Factual errors in materials of information presented to the HRB;
- Violations of bylaws or hearing procedures; or
- Presentation of new information.

Based on the City Council's evaluation under the above criteria, the Council may by resolution affirm, reverse, or modify the determination of the HRB and make written findings in support of its decision.

Appellant Request

The appellant to the historical site designation of the Coronado Belt Line, counsel for the MTDB, submitted an appeal claiming that “there was an error in the decision of the Board in that the property does not merit historical designation under Criterion A (Cultural Landscape/Industrial Archaeology), Criterion B (Historical Person) or Criterion C (Architecture)” (see Attachment 4). The appeal does not provide specific citations about the error to support the claim, but states that further information will be provided before the appeal hearing. At the time the appeal was required to be filed, MTDB’s Board of Directors had not had time to hold a meeting to decide whether to pursue the appeal. Subsequent to the filing of the appeal, MTDB’s Board of Directors held a meeting and decided to pursue the appeal. Since that time, staff has received no additional information from MTDB in support of the appeal.

Although Historical Resources Board (HRB) staff consistently recommended that the HRB not designate the resource, the HRB, in reviewing the information and acting in accordance with its authority, determined that the resource is historically significant and designated the Coronado Belt Line under the three cited criteria. At this time, there is no evidence of any factual errors in materials of information presented to the HRB because no new information has been submitted. Staff’s position is that the specific findings which the City Council must make in order to overturn the designation cannot be made. Therefore, staff has no option but to recommend that the Council uphold the HRB’s designation.

Staff does understand that the appellant intends to submit additional information in support of the appeal. The HRB staff and the HRB should be afforded the opportunity to review the new information and assess whether it justifies the necessary appeal findings or has a material affect on the designation itself. Therefore, in the event the appellant submits additional information before the City Council hearing date, staff recommends that the City Council refer the information to the HRB for consideration. The Municipal Code allows the HRB to reconsider or modify designations based on the presentation of new information, so it would be appropriate for this to occur. Referral of the information to the HRB will allow staff to review the information and make appropriate recommendations for the HRB to consider prior to the City Council taking action on the appeal.

ALTERNATIVES

1. Cultural Landscape Designation

Deny the appeal, and modify the designation to designate the site solely under HRB

CRITERION A (Cultural Landscape) as a reflection of the remnants of the railway within its setting being representative of the railroad’s importance to the cultural, physical and economic development of San Diego. This action would require findings by the City Council that the Belt Line is not representative of John Spreckels’, Elisha Babcock’s or Hampton Story’s contributions to San Diego’s history, and does not retain physical integrity sufficient to be representative of its type. This designation may allow more flexibility in mitigation measures to be applied to the project.

2. Overturn Designation and Require Documentation

Approve the appeal, overturn the HRB's action, and require that the applicant produce a photographic survey and as-built drawings of the tracks, rails and appurtenances. The site would not be acknowledged through a designation as a site reflecting railroad development history in San Diego.

3. Overturn Designation

Approve the appeal and overturn the HRB designation. This alternative would not preserve a record of the Belt Line beyond the information already provided in the various historical evaluations.

Respectfully submitted,

S. Gail Goldberg, AICP
Planning Director

Approved: George I. Loveland
Assistant City Manager

GOLDBERG/TD/ah

Note: Attachments 5, 6, and 7 are not available in electronic format. A copy is available in the Office of the City Clerk.

- Attachments:
1. [Location Map](#)
 2. [HRB Staff Report P-03-288 dated October 14, 2003 and meeting minutes](#)
 3. [HRB Staff Memorandum dated December 10, 2003 and meeting minutes](#)
 4. [Owner's Appeal Letter](#)
 5. Applicant's (City's) Historical Report, Volumes I and II (Provided under separate cover only to the City Council. Copy available for review in the Planning Department, 4th Floor, City Administration Building.)
 6. Rebuttal Historical Report submitted on behalf of SOHO by Ronald V. May (Provided under separate cover only to the City Council. Copy available for review in the Planning Department, 4th Floor, City Administration Building.)
 7. 2001 California Register Nomination Report submitted by SOHO (Provided under separate cover only to the City Council. Copy available for review in the Planning Department, 4th Floor, City Administration Building.)