

Article 1: General Rules and Authority

Division 2: Land Development Authorities and Advisory Boards

(“Applications” repealed 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

*(“Land Development Authorities and Advisory Boards”
added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(“Consolidation of Processing” repealed and “Board of Zoning Appeals”
added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

(“Board of Zoning Appeals” repealed 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

§111.0201 City Council

The authority of the City Council to conduct its activities is established by California law and the City Charter. The process for appointment and the terms of the City Council members are provided in Municipal Code, Chapter 2, Article 7 (Election Code).

(“Preapplication Conference” repealed and “City Council” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§111.0202 Planning Commission

The authority of the Planning Commission to conduct its activities, the process for appointment, and the terms of its members are provided in the City Charter, Section 41.(c).

(“Application Process” repealed and “Planning Commission” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§111.0204 Hearing Officer

(a) Authority. The City Manager may designate a staff member to serve as a Hearing Officer. The Hearing Officer shall preside at a public hearing and make an impartial decision on a permit, map, or other matter based on the application, written reports prepared prior to the hearing, and information received at the hearing.

(b) Appointment and Terms. The City Manager will determine whom to appoint and the length of time the person will serve as a decision maker.

(c) Powers and Duties. A Hearing Officer may act as the decision maker for permits, maps, or other matters in accordance with the decision-making procedures of the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§111.0205 City Staff

- (a) Authority. The City Manager may designate a staff member to make an impartial decision, without a public hearing, on a permit, map, or other matter in accordance with the decision-making procedures of the Land Development Code.
- (b) Appointment and Terms. The City Manager will determine whom to appoint and the length of time the staff member will serve as a decision maker.
- (c) Powers and Duties. Designated City staff will act as the decision maker to decide permits, maps, or other matters in accordance with the decision-making procedures of the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§111.0206 Historical Resources Board

- (a) Authority. The Historical Resources Board has been established by the City Council in accordance with the City Charter, Section 43.
- (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-year term without compensation and shall continue to serve until a successor is appointed. No member shall serve more than 4 consecutive terms. The members shall be appointed so that the terms of not more than 6 members will expire in any year. The expiration date of all terms of appointment shall be March 1. The Mayor may designate 1 member as Chairperson during March of each year. If the Mayor has not designated a chairperson by April 15, 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 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. Other 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) Meetings. The Historical Resources Board shall meet at least once a month or as often as necessary for the transaction of its business. The meetings shall be noticed and open to the public. The Board shall adopt procedural rules and policies, consistent with law, for the conduct of its business. The Board shall keep minutes of all meetings including voting records, attendance, resolutions, findings, determinations, and decisions. A quorum for the transaction of business shall be comprised of six members of the Board. An affirmative vote of at least six members is required for designation of a *historical resource*. An affirmative vote of a majority of the members present is required for any other action by the Board.

- (d) Powers and Duties. The powers and duties of the Historical Resources Board are as follows:
 - (1) To identify and designate *historical resources* for preservation in accordance with the designation process described in Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures).
 - (2) To review and make a recommendation to the appropriate decision-making authority on applications for *development permits* involving *designated historical resources* in accordance with the decision-making procedures of the Land Development Code.
 - (3) To adopt specific guidelines for designating *historical resources* and to identify specific areas that may be exempt from the requirement for a site-specific survey in accordance with Section 143.0212(a).
 - (4) To adopt standards and guidelines to be used by the Board in reviewing applications for *development permits* involving *designated historical resources*.
 - (5) To compile and maintain an up-to-date register of *designated historical resources*. A description of the resource and the reasons for designation shall be included in the register.
 - (6) To recommend to the City Council that the City Manager apply for, receive, or expend any federal, state, or private grant, grant-in-aid, gift, or bequest and to make recommendations to the City Council regarding the acceptance of any grant, gift, or other interest relative to property located in the City in furtherance of the general purposes of historical preservation.

- (7) To prepare an annual report to the Mayor and City Council on the activities, decisions, and other work of the Board.
- (8) To perform any other functions consistent with the purpose of the Board or any functions that may be requested by resolution or direction of the City Council, including promoting educational programs pertaining to *historical resources* and investigating and reporting to the City Council on the use of various federal, state, local, or private funding sources and mechanisms available to promote *historical resource* preservation.
- (9) To establish criteria and provide for an *historical resources* inventory of properties within the City and recommend to the City Council and Planning Commission procedures to use the *historical resource* inventory results in the planning process.
- (10) To provide information and guidance, at the request of property owners or tenants, on the financial and physical aspects of the restoration, alteration, rehabilitation, landscaping, or maintenance of any *designated historical resource*.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 8-6-2006 by O-19526 N.S.; effective 9-5-2006.)

§111.0207 Board of Building Appeals and Advisors

- (a) Authority. The Board of Building Appeals and Advisors is established by the City Council in accordance with the City Charter, Section 43.
- (b) Appointment and Terms
 - (1) The Board of Building Appeals and Advisors shall consist of 10 members appointed by the Mayor and subject to confirmation by the City Council. Each member shall serve a 2-year term without compensation and shall continue to serve until a successor is appointed. No member shall serve more than four consecutive terms. The members shall be appointed so that the terms of not more than five members will expire in any year. The Board shall elect a chairperson annually from among its members, unless a chairperson is selected by the Mayor.

- (2) Members shall have experience and training in matters of design and construction of buildings, fire prevention, and fire protection. At least two members shall be licensed by the State of California as Civil Engineers, one of whom is duly authorized to use the title “Structural Engineer,” and one member each shall be from the electrical and mechanical industries or professions. At least two members shall be licensed by the State of California as Fire Protection Engineers. At least one member shall be licensed by the State of California as an Architect. At least one member shall represent the disabled community.
 - (3) The Building Official, the Chief of the Fire Department, and the City Attorney shall be ex officio members of the Board. The Director of Development Services shall be an ex officio member of the Board in matters pertaining to *Historical Buildings*.
- (c) Meetings. The Board of Building Appeals and Advisors shall meet as often as necessary for the transaction of its business. The meetings shall be noticed and open to the public. The Board shall adopt procedural rules and policies consistent with law for the conduct of its business. Five members shall constitute a quorum. The affirmative vote of at least four members is required for any action by the Board. The Board shall make its recommendations in writing to the Building Official.
- (d) Powers and Duties. The powers and duties of the Board of Building Appeals and Advisors are as follows:
- (1) The Board of Building Appeals and Advisors shall investigate and advise the Building Official on the suitability of any alternate material, design, or construction method. This action may be taken on the Board’s own motion, at the request of a permit applicant, or as requested by the City Manager, the Building Official, the Fire Chief, or the Historical Resources Board.
 - (2) The Board of Building Appeals and Advisors shall recommend reasonable interpretations of the San Diego Fire Code; the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of Title 24 of the California Code of Regulations; and other matters that may be referred to the Board by the Building Official. The Board shall have no authority to recommend interpretations of other provisions of the Land Development Code.

- (3) The Board of Building Appeals and Advisors may recommend minor deviations from the provisions of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, or Existing Building Regulations in the following circumstances:
 - (A) When strict application, operation, or enforcement would result in practical difficulty or unnecessary hardship; and
 - (B) When for the purpose intended, the alternate materials or type of construction proposed is at least equivalent to the requirements of the applicable San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, or the Existing Building Regulations in quality, strength, effectiveness, fire resistance, and durability, and is equivalent in providing for the public health and safety.
- (4) The Board of Building Appeals and Advisors may conduct public hearings upon the passage of new legislation pertaining to the design and construction of buildings and provide its recommendations to the City Council.

(Amended 9-24-2002 by O-19102 N.S.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

§111.0208 Board of Engineering Appeals and Advisors

- (a) Authority. The Board of Engineering Appeals and Advisors has been established by the City Council in accordance with the City Charter, Section 43, to advise the City Engineer, the City Manager, and the City Council on matters pertaining to the design and construction of public facilities and land development.
- (b) Appointment and Terms

- (1) The Board of Engineering Appeals and Advisors shall consist of nine members appointed by the Mayor and subject to confirmation by the City Council. Each member shall serve a 2-year term without compensation and shall continue to serve until a successor is appointed. No member shall serve more than four consecutive terms. The members shall be appointed so that the terms of not more than five members will expire in any year. The Board shall elect a chairperson from among its members.
- (2) The Board of Engineering Appeals and Advisors shall be composed of the following:
 - (A) A civil engineer in private practice in the City of San Diego;
 - (B) A land surveyor in private practice in the City of San Diego;
 - (C) A geotechnical engineer in private practice in the City of San Diego;
 - (D) An engineering geologist in private practice in the City of San Diego;
 - (E) A landscape architect in private practice in the City of San Diego;
 - (F) An architect in private practice in the City of San Diego;
 - (G) A licensed contractor in business in the City of San Diego who is actively engaged in land development operations;
 - (H) A builder-developer in business in the City of San Diego who is actively engaged in land development and building operations;
 - (I) A representative of an officially recognized community planning group; and
 - (J) The City Engineer, the Building Official, and the City Attorney, or their designated representatives, shall be ex officio members of the Board. The Planning Director shall be an ex officio member of the Board in matters pertaining to *historical buildings*.

(c) Meetings

- (1) The Board of Engineering Appeals and Advisors shall meet as often as necessary for the transaction of its business. The meetings shall be noticed and open to the public. The Board shall adopt procedural rules and policies consistent with law for the conduct of its business. Five members shall constitute a quorum. The affirmative vote of at least four members is required for any action by the Board.
- (2) The Board shall make its *findings* and recommendations in writing to the City Engineer.

(d) Powers and Duties. The powers and duties of the Board of Engineering Appeals and Advisors are as follows:

- (1) The Board of Engineering Appeals and Advisors shall investigate and advise the City Engineer on the suitability of alternate materials and types of construction. This action may be taken on the Board's own motion, at the request of a permit *applicant*, or as requested by the City Manager, the City Engineer, the Building Official, or the Historical Resources Board.
- (2) The Board of Engineering Appeals and Advisors shall recommend reasonable interpretations of the *Subdivision Map Act*, the engineering standards established in the Land Development Manual, and other matters that may be referred to the Board by the City Engineer. The Board shall have no authority to make recommendations on interpretations of other provisions of the Land Development Code.
- (3) The Board of Engineering Appeals and Advisors may review and make recommendations on establishment or revision of standards in the Land Development Manual for design and construction of public facilities and *grading*.
- (4) The Board of Engineering Appeals and Advisors may conduct public hearings upon the passage of new legislation pertaining to *grading* and the design and construction of public facilities, and may provide its recommendations to the City Council.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)