Article 3: Supplemental Development Regulations

Division 2: Historical Resources Regulations
(Added 12-9-1997 by O-18451 N.S.)

§143.0201 Purpose of Historical Resources Regulations

The purpose of these regulations is to protect, preserve and, where damaged, restore the historical resources of San Diego, which include historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to assure that development occurs in a manner that protects the overall quality of historical resources. It is further the intent of these regulations to protect the educational, cultural, economic, and general welfare of the public, while employing regulations that are consistent with sound historical preservation principles and the rights of private property owners.

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

§143.0210 When Historical Resources Regulations Apply

(a) This division applies to proposed development when the following historical resources are present on the site, whether or not a Neighborhood Development Permit or Site Development Permit is required;

(1) designated historical resources;
(2) historical buildings;
(3) historical districts;
(4) historical landscapes;
(5) historical objects;
(6) historical structures;
(7) important archaeological sites; and
(8) traditional cultural properties.
WHEREAS, any portion of a premises contains historical resources, this division shall apply to the entire premises.

Table 143-02A shall be used to determine the appropriate regulations and the required decision for various types of development proposals when historical resources are located on the premises.

A construction permit is required for any development on a premises that has a historical resource on the site that will not adversely affect the historical resource and is consistent with one or more of the exemption criteria in accordance with Section 143.0220.

A Neighborhood Development Permit or Site Development Permit is required for the following types of development proposals that do not qualify for an exemption in accordance with Section 143.0220:

1. Neighborhood Development Permit in accordance with Process Two. Single dwelling unit residential development on a single dwelling unit lot of any size when a traditional cultural property or important archaeological site is present.

2. Site Development Permit in Accordance With Process Four.
   1. Single dwelling unit residential development on a single dwelling unit lot of any size when a designated historical resource or historical district is present.
   2. Multiple dwelling unit residential, commercial, or industrial development on any size lot, or any subdivision on any size lot, or any City public works construction project, other than any capital improvement program project, public project, or any project specific land use plan when a historical resource is present.
   3. Development that proposes to deviate from the development regulations for historical resources as described in this division, except for any capital improvement program project or public project.

3. Site Development Permit in Accordance With Process CIP/Public Project-Two. Capital improvement program projects or public projects that comply with the regulations of this division without deviation.
(4) Site Development Permit in Accordance With Process CIP/Public Project-Five. *Capital improvement program projects or public projects* that deviate from any of the regulations of this division.

(f) When a *development* proposal on a site containing a *designated historical resource, traditional cultural property, important archaeological site,* or a designated contributing resource to a *historical district* qualifies for an exemption in accordance with Section 143.0220, and includes a historic preservation *development incentive* in accordance with Section 143.0240, a *construction permit* or Neighborhood Development Permit is required depending upon the incentive requested, as detailed in Section 143.0240.
### Table 143-02A

**Applicability of Historical Resources Regulations**

<table>
<thead>
<tr>
<th>Type of Development Proposal</th>
<th>Designated Historical Resources or Historical Districts</th>
<th>Traditional Cultural Properties</th>
<th>Important Archaeological Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Any project exempt from obtaining a development permit in accordance with Section 143.0220</td>
<td>R 143.0251</td>
<td>143.0251</td>
<td>143.0252</td>
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<td></td>
<td>P Construction Permit/Process One</td>
<td>Construction Permit/Process One</td>
<td>Construction Permit/Process One</td>
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<tr>
<td>2. <em>Development on single dwelling units</em> on any size lot that is exempt from obtaining a <em>development permit</em> in accordance with Section 143.0220, but includes a historic preservation <em>development</em> incentive in accordance with Section 143.0240</td>
<td>R 143.0240; 143.0251</td>
<td>143.0240; 143.0251</td>
<td>143.0240; 143.0251</td>
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<td></td>
<td>P Construction Permit/Process One or NDP/Process Two¹</td>
<td>Construction Permit/Process One or NDP/Process Two¹</td>
<td>Construction Permit/Process One or NDP/Process Two¹</td>
</tr>
<tr>
<td>3. <em>Development on multiple dwelling units</em>, non-residential development, subdivisions and public works construction projects on any size lot, other than capital improvement program projects or public projects, that are exempt from obtaining a <em>development permit</em> in accordance with Section 143.0220, but includes a historic preservation <em>development</em> incentive in accordance with Section 143.0240</td>
<td>R 143.0240; 143.0251</td>
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<td>4. <em>Single dwelling units</em> on any size lot</td>
<td>R 143.0251</td>
<td>143.0252</td>
<td>143.0253</td>
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<td></td>
<td>P SDP/Process Four</td>
<td>NDP/Process Two</td>
<td>NDP/Process Two</td>
</tr>
<tr>
<td>5. <em>Multiple dwelling unit</em>, non-residential development, subdivisions and public works construction projects on any size lot, other than capital improvement program projects or public projects</td>
<td>R 143.0251</td>
<td>143.0252</td>
<td>143.0253</td>
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<td>P SDP/Process Four</td>
<td>SDP/Process Four</td>
<td>SDP/Process Four</td>
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<tr>
<td>6. Project-Specific <em>Land Use Plans</em></td>
<td>R 143.0251</td>
<td>143.0252</td>
<td>143.0253</td>
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<td></td>
<td>P SDP/Process Four</td>
<td>SDP/Process Four</td>
<td>SDP/Process Four</td>
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<tr>
<td>7. <em>Development</em>, other than capital improvement program projects or public projects that deviates from any of the regulations in this division.</td>
<td>R 143.0251</td>
<td>143.0252</td>
<td>143.0253</td>
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<td>P SDP/Process Four</td>
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<td>SDP/Process Four</td>
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</table>
8. Capital improvement program projects or public projects that comply with the regulations of this division without deviation

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<tr>
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<th>R</th>
<th>143.0251</th>
<th>143.0252</th>
<th>143.0253</th>
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<td>P</td>
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<td>SDP/ Process CIP/Public Project-Two</td>
<td>SDP/ Process CIP/Public Project-Two</td>
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9. Capital improvement program projects or public projects that deviate from any of the regulations in this division

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<th>143.0251</th>
<th>143.0252</th>
<th>143.0253</th>
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<tbody>
<tr>
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<td>SDP/ Process CIP/Public Project-Five</td>
<td>SDP/ Process CIP/Public Project-Five</td>
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</tbody>
</table>

Footnotes for Table 143-02A

1 The Process level is determined by the historic preservation development incentive requested in accordance with Section 143.0240.

Legend to Table 143-02A

<table>
<thead>
<tr>
<th></th>
<th>Development regulation sections (in addition to Section 143.0250) applicable to the historical resources present.</th>
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</thead>
<tbody>
<tr>
<td>P</td>
<td>Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)</td>
</tr>
</tbody>
</table>

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 11-13-08 by O-19805 N.S.; effective 12-13-2008.)
(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)
(Amended 3-22-2018 by O-20920 N.S.; effective 4-21-2018.)
(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)
§143.0211 Duty to Submit Required Documentation and to Obtain Permit

The property owner or applicant shall submit required documentation and obtain a construction permit, a Neighborhood Development Permit, a Site Development Permit as required pursuant to this division before any development activity occurs on a premises that contains historical resources.

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

§143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources

(a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a construction permit or development permit for development proposed for any parcel containing a structure that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. The following development shall be exempt from the requirements of Section 143.0212:

(1) Interior development and any modifications or repairs that are limited in scope to an electrical or plumbing/mechanical permit where the development would not include a change to the exterior of existing structures;

(2) In kind roof repair and replacement;

(3) In kind foundation repair and replacement, except for structures with a decorative block or cobblestone foundation; and

(4) Construction of a swimming pool in a rear yard, except on a property that requires a survey in accordance with Section 143.0212(b).

(b) The Historical Resource Sensitivity Maps shall be maintained by City Manager and shall be used to identify properties that have a likelihood of containing archaeological sites based on records from the South Coastal Information Center at San Diego State University and the San Diego Museum of Man, and based on site-specific information on file with the City. If it is demonstrated that archaeological sites exist on or immediately adjacent to any property, whether identified for review or not, the City Manager shall require a survey. If it is demonstrated that archaeological sites do not exist on any property identified for review, the Historical Resource Sensitivity Maps shall be updated to remove that property from the review requirements.
(c) The City Manager shall evaluate proposed development to determine the need for a site-specific survey. The determination shall be made within 10 business days of an application for a construction permit or within 30 calendar days of an application for a development permit, as applicable. A site-specific survey shall be required when the City Manager determines that a historical resource may exist on the parcel, and if the development proposes a substantial alteration according to Section 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required for a proposed development within the time-period specified above, then a permit in accordance with Section 143.0210 shall not be required. If a site-specific survey is prepared to the satisfaction of the City Manager for a proposed development, additional site-specific surveys shall not be required pursuant to Section 143.0212.

(d) If a site-specific survey is required, it shall be conducted consistent with the Historical Resources Guidelines of the Land Development Manual. Based on the site-specific survey and the best information available, the City Manager shall determine whether a historical resource exists, whether a potential historical resource is eligible for designation as a designated historical resource by the Historical Resources Board in accordance with Chapter 12, Article 3, Division 2 of the Land Development Code, and the precise location of the resource.

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

§143.0213 Procedures and Regulations for Project-Specific Land Use Plans

(a) The regulations in this division shall apply to project-specific land use plans, including specific plans, precise plans, privately initiated land use plan amendments, and Proposition A Land subarea plans, when historical resources are present. These regulations are applied in order to ensure an adequate analysis of the constraints and opportunities of the planning area relative to historical resources.
(b) This section provides two options for processing project-specific land use plans which depend on the level of detail available pertaining to the proposed development. Compliance with either Section 143.0213(b)(1) or Section 143.0213(b)(2) will be required based on whether or not a Site Development Permit is processed concurrently with the project-specific land use plan.

(1) Where a Site Development Permit for historical resources is requested concurrently with the processing of a project-specific land use plan, the proposed development shall be subject to the following:

(A) The boundaries of the Site Development Permit shall be the boundaries of the project-specific land use plan, including all individual interior lots within the plan area;

(B) The development regulations applicable shall be determined in accordance with Table 143-02A. Sufficient information must be submitted for the entire plan area in order to evaluate potential impacts to historical resources; and

(C) Subsequent individual development proposals within the plan area will be reviewed in accordance with the substantial conformance procedures. If the development is determined to be in conformance with the approved project-specific land use plan and any required mitigation is provided, no Site Development Permit will be required for the individual development. If the proposed development is not in conformance with the approved project-specific land use plan, an individual Site Development Permit will be required for the development in addition to an amendment to the approved project-specific land use plan; or

(2) Where a Site Development Permit for historical resources is not requested concurrently with the processing of a project-specific land use plan, an analysis shall be provided in the project-specific land use plan that indicates how the subsequent development of the plan area will be consistent with the historical resources regulations. Project-specific land use plans and subsequent development permits reviewed in accordance with this option shall be subject to the following:

(A) The project-specific land use plan shall indicate how individual subsequent developments within the plan area will conform to the historical resources regulations and the associated guidelines in the Land Development Manual;
(B) Subsequent to the approval of the project-specific land use plan, a Neighborhood Development Permit or a Site Development Permit shall be required for all proposed individual developments within the plan area and shall be reviewed in accordance with Table 143-02A. Additional information pertaining to historical resources may be required in order to conduct a detailed analysis of the specific development proposal. Approval of the individual Site Development Permits will require conformance with the approved project-specific land use plan and any required mitigation shall be provided.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

§143.0214 Emergency Authorization When Historical Resources Are Present

Whenever development activity on a premises containing historical resources, or for any parcel identified as containing a historical resource in any community plan or in an historical resource inventory, or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of work necessary to protect the public health or safety, subject to the following:

(a) If the emergency work does not adversely affect the historical resources and is consistent with one or more of the exemption criteria in accordance with Section 143.0220, a subsequent Construction Permit is required in accordance with this division.

(b) If the emergency work results in impacts to historical resources, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with this division.

(c) The application for a Construction or Development Permit shall be submitted within 60 days of completion of the emergency work.

(d) An emergency Coastal Development Permit may be required. If so, any permanent coastal development allowed under the emergency permit must be authorized through a follow-up Coastal Development Permit submitted within 60 days of the date of issuance of the emergency permit.

§143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources

The following development activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a construction permit is required.

(a) Any development that proposes minor alterations or improvements consistent with Section 143.0250(a), to a designated historical resource, or any historical building or historical structure located within a historical district, or any new construction within a historical district that will enhance, restore, maintain, repair, or allow adaptive reuse of the resource and which will not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource when all feasible measures to protect and preserve the historical resource are included in the development proposal consistent with the Secretary of Interior’s Standards and Guidelines.

(b) Interior modifications or repairs or the ordinary maintenance or repair of any exterior architectural feature in or on any historical building or historical structure that does not adversely affect the special character or special historical, architectural, or cultural value or designated interior elements of the property consistent with the Secretary of Interior’s Standards and Guidelines. Exterior architectural features shall mean the architectural elements embodying style, design, general arrangement and components of all of the outside surfaces of an improvement or structure, including the type of building materials and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to the improvement or structure.

(c) Substantial alteration of a non-significant structure within a historic district consistent with the Secretary of Interior’s Standards and Guidelines. However, new construction within a historic district is not exempt from the requirement to obtain a Site Development Permit except in accordance with Section 143.0220(a).

(d) Any development on a parcel that has an important archaeological site and will not result in substantial alteration, demolition, destruction, removal, relocation, or encroachment into such resources during or after construction, subject to the following requirements.

(1) All feasible measures to protect and preserve the resource shall be included in the development.
(2) All documentation necessary to verify consistency with this subsection shall be provided by the applicant consistent with the Historical Resources Guidelines of the Land Development Manual.

(3) The property owner shall sign an acknowledgment that no further development can occur on the property unless the development is reviewed and approved in accordance with this division.

e) Except in the case of a designated historical resource, the modification of an existing structure or the replacement of a single dwelling unit with another single dwelling unit, including modification or replacement of paved areas, brush management for fire protection purposes, and any other landscaping improvements, or alterations that do not alter the existing development area by more than 10 percent.

(f) Development in the OF zone or the floodplain (formerly the FW and FPF zones) of Mission Valley.

(g) Development in the Calle Cristobal Assessment District area that is outside the coastal zone.

(h) Development in the Miramar Ranch North Community Plan area and the 70-acre high school project in Scripps Ranch.

(i) Development in the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.

(j) Outside of the Coastal Overlay Zone, public works projects for which plans, specifications, and funding have been approved by the City Council or the City Manager before July 1, 1991.


(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
§143.0225  **Limited Exceptions from the Historical Resources Regulations**

The decision maker may grant an exception from the 25 percent *encroachment* limitation for *important archaeological sites* according to Section 143.0253 for brush management activities in Zone 2 provided that the following circumstances exist:

(a) The area cleared or thinned for such brush management is the minimum necessary to comply with existing City fire codes;

(b) No *grading* occurs in these brush management areas;

(c) Native root stock is retained;

(d) No permanent irrigation is provided; and

(e) No non-native plants are introduced.


§143.0240  **Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites**

To facilitate on-site preservation of *designated historical resources*, *historical districts*, *traditional cultural properties*, and *important archaeological sites*, and the continued use or adaptive reuse of *designated historical resources* in a manner consistent with the U.S. Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties, the following historic preservation *development* incentives may be granted, provided that the *development* qualifies for an exemption under Section 143.0220:

(a) The historic *gross floor area* of a *designated historical resource* may be excluded from the parking calculation for the *premises* with the approval of a *construction permit*.

(b) On *single dwelling unit* sites that contain *designated historical resources*, *traditional cultural properties*, *important archaeological sites*, or a designated contributing resource to a *historical district*, the following historic preservation *development* incentives are provided in accordance with the approval processes indicated:
(1) A deviation from one of the base zone development regulations, excluding density and floor area ratio, may be granted with the approval of a construction permit.

(2) A deviation from two or more of the base zone development regulations, excluding density and floor area ratio, may be granted with the approval of a Neighborhood Development Permit.

(3) For the purpose of this subsection, a deviation from one of the base zone development regulations shall refer to the entire development regulation category identified in bold in the development regulation table of the applicable base zone. For example, a deviation from both side and rear yard setback requirements would be a deviation from one base zone development regulation (setback requirements).

(c) For multiple dwelling unit sites, non-residential development, subdivisions, and public works construction projects on any size lot, other than capital improvement program projects or public projects, that contain designated historical resources, traditional cultural properties, important archaeological sites, or a designated contributing resource to a historical district, the following development incentives are provided in accordance with the approval processes indicated:

(1) The historic gross floor area of a designated historical resource may be excluded from the floor area ratio with the approval of a construction permit.

(2) A deviation from one or more of the base zone development regulations may be granted with the approval of a Neighborhood Development Permit.

(3) For the purpose of this subsection, a deviation from one of the base zone development regulations shall refer to the entire development regulation category identified in bold in the development regulation table of the applicable base zone. For example, a deviation from both side and rear yard setback requirements would be a deviation from one base zone development regulation (setback requirements).

(d) A deviation from allowed uses or the requirements of Overlay Zones, environmentally sensitive lands regulations, historical resources regulations, building regulations, or similar regulations shall not be permitted as part of a historic preservation development incentive.
(e) A historic preservation development incentive processed with a construction permit may be denied if the City makes a written finding of denial based upon substantial evidence of any of the following:

(1) The incentive is not required in order to avoid impacts to a traditional cultural property or important archaeological site, or to comply with the U.S. Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties;

(2) The incentive would have a specific adverse impact upon public health and safety as defined in California Government Code Section 65589.5;

(3) The incentive would be contrary to state or federal law. Requested incentives shall be analyzed in compliance with the California Environmental Quality Act as set forth in Chapter 12, Article 8, and no incentive shall be granted without such compliance; or

(4) Within the Coastal Overlay Zone, the incentive would be inconsistent with the resource protection standards of the City’s Local Coastal Program or the environmentally sensitive lands regulations, with the exception of density.

(f) If development is proposed for a site which has previously been granted and has implemented a historic preservation development incentive, and the proposed development is not exempt in accordance with Section 143.0220 due to a substantial alteration, relocation, or demolition of the designated historical resource, traditional cultural property, or important archaeological site, the proposed development may not be approved unless:

(1) The proposed development includes the removal of the historic preservation development incentive and the premises is brought into compliance with the Land Development Code as it relates to the development incentive; or

(2) The proposed development includes complete demolition and removal of all buildings on the premises.

(“Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites” added 3-22-2018 by O-20920 N.S.; effective 4-21-2018.)

(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)
§143.0250 General Development Regulations for Historical Resources

Development that does not qualify for an exemption pursuant to Section 143.0220 is subject to the following regulations and the Historical Resources Guidelines of the Land Development Manual.

(a) For purposes of this division, the terms “alteration,” minor alteration,” and “substantial alteration” shall mean the following:

(1) Alteration means any change or modification, through public or private action, of any historical resource or of any property located within a historical district including changes to designated interior architectural features; exterior changes to or modification of structural details, architectural details, or visual characteristics such as doors, windows, surface materials and texture, grading, or surface paving; addition of new structures; cutting or removal of trees, landscaping, or other historical features; disturbance of archaeological sites; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.

(2) Minor alteration means improvements that enhance, restore, maintain, repair, or allow adaptive reuse of a historical resource that do not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource and will conform to standards embodied in the designation of a historical district when applicable.

(3) Substantial alteration means demolition, destruction, relocation, new construction or alteration activities that would impair the significance of a historical resource.

(b) All areas with designated historical resources, traditional cultural properties or important archaeological sites that remain undisturbed or are restored or enhanced as a result of a development approval shall be preserved as a condition of that approval.
(c) Upon notification to a property owner of a pending Historical Resources Board hearing to consider designation of a historical resource, the property owner or any authorized agent shall not undertake any alteration, construction, grading, demolition, relocation, or removal of the property, and no permit to undertake such work shall be approved by the City Manager, for a time period of at least two scheduled Board meetings, but in no event more than 90 calendar days, unless an extension is requested by the owner. This section shall not apply to the construction, grading, alteration, demolition, relocation, or removal of any structure or other feature, where a permit for the performance of such work was issued before the date of notice of the public hearing. In addition, this section shall not apply where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the Land Development Code.

(d) Before the Historical Resources Board’s hearing on the designation of a property, and upon application by the property owner, the City Manager may approve a permit for minor alterations or reconstruction consistent with the ordinary maintenance or repair of the property, to the extent that such work does not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the property.

(e) Designated historical resources that are occupied shall be maintained in the same manner as all other occupied structures in accordance with the Uniform Building Code and State Historic Building Code and in a manner that preserves their historical integrity.

(f) Designated historical resources that are unoccupied shall be maintained in a manner that preserves their historical integrity.

(g) All proposed subdivisions that contain designated historical resources, traditional cultural properties or important archaeological sites shall provide a conceptual grading plan that indicates future limits of grading and future development potential of all lots. Future development of any newly created lot shall conform to this grading plan. In addition, no building lot shall be created that provides such a small development area that future reasonable development of that lot will require encroachment into an important archaeological site beyond 25 percent.

§143.0251 Development Regulations for Designated Historical Resources and Historical Districts

In addition to the general development regulations in Section 143.0250, the following regulations apply to designated historical resources and historical districts.

(a) It is unlawful to substantially alter, demolish, destruct, remove, or relocate any designated historical resource or any historical building, historical structure, historical object or historical landscape located within a historical district except as provided in Section 143.0260.

(b) Minor alteration of any designated historical resource, or any historical building, historical structure, historical object or historical landscape located within a historical district, or any new construction within a historical district may be permitted if the minor alteration or new construction would not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource consistent with the Secretary of Interior’s Standards and Guidelines.

(c) Development affecting designated historical resources or historical districts shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Manual, as a condition of approval.

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

§143.0252 Development Regulations for Traditional Cultural Properties

In addition to the general development regulations in Section 143.0250, development shall not be permitted on any traditional cultural property unless all feasible measures to protect and preserve the resource are required as a condition of development approval except as provided in Section 143.0260.

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

§143.0253 Development Regulations for Important Archaeological Sites

In addition to the general development regulations in Section 143.0250, the following regulations apply to important archaeological sites.

(a) Important archaeological sites shall be preserved in their natural state, except that development may be permitted as provided in this section or as provided in Section 143.0260.
(1) Development may be permitted in areas containing important archaeological sites if necessary to achieve a reasonable development area, with up to 25 percent encroachment into any important archaeological site allowed. This 25 percent encroachment includes all grading, structures, public and private streets, brush management except as provided in Section 143.0225, and any project-serving utilities.

(2) An additional encroachment of up to 15 percent, for a total encroachment of 40 percent, into important archaeological sites may be permitted for essential public service projects that are sited, designed, and constructed to minimize adverse impacts to important archaeological sites, where it has been demonstrated that there is no feasible, less environmentally damaging location or alternative. Essential public service projects include publicly owned parks and recreation facilities, fire and police stations, publicly owned libraries, public schools, major streets and primary arterials, and public utility systems.

(b) Any encroachment into important archaeological sites shall include measures to mitigate for the partial loss of the resource as a condition of approval. Mitigation shall include the following methods, consistent with the Historical Resources Guidelines of the Land Development Manual:

(1) The preservation through avoidance of the remaining portion of the important archaeological site; and

(2) The implementation of a research design and excavation program that recovers the scientific value of the portion of the important archaeological site that would be lost due to encroachment.

(c) The following types of development shall not be considered encroachment provided that no structures, other than portable structures are erected or maintained on the premises and that adequate measures to preserve and protect the important archaeological site, consistent with the Historical Resources Guidelines of the Land Development Manual, are included as conditions of approval:
(1) Parks and playgrounds;

(2) Low-intensity, passive recreational uses such as trails, access paths, and public viewpoints; and

(3) Parking lots.

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

§143.0260 Deviations from the Historical Resources Regulations

(a) If a proposed development cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four, or Process CIP-Five for capital improvement program projects or public projects.

(b) The minimum deviation to afford relief from the regulations of this division and accommodate development may be granted only if the decision maker makes the applicable findings in Section 126.0504.

(c) If a deviation for demolition or removal of a designated historical resource or a contributing structure within a historical district is approved, a Building Permit application must be deemed complete for the new development on the same premises prior to issuance of a Demolition/Removal Permit.

(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)
(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)
(Amended 1-27-2022 by O-21416 N.S.; effective 2-26-2022.)

[Editors Note: Amendments as adopted by O-21416 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment. Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21416-SO.pdf]
§143.0270 Administrative Guidelines

The City Manager is authorized to promulgate and publish Historical Resources Guidelines and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Construction Permits, Neighborhood Development Permits, and Site Development Permits issued pursuant to this division.

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

§143.0280 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2 (Enforcement Authorities for the Land Development Code) and the Historical Resources Guidelines of the Land Development Manual.

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