

February 22, 2024

Kelley Stanco, Deputy Director, Planning Department
Tim Hutter, Chair, and Board members, Historical Resources Board
City of San Diego

Re: Proposed amendments to the Historical Resources Board Procedures (Item #5)

I would like to thank Staff and the Historic Resources Board (HRB) Policy Subcommittee for their thoughtful attention to making HRB meetings more productive. I support the proposed amendments to the Historical Resources Board procedures and the goal of making HRB meetings more efficient, while still allowing public input on Consent agenda items.

There are some instances where the drafting of the draft code raises questions about its interpretation, which are detailed below. **Highlighting** has been added for clarity regarding the specific code language to which a proposed revision applies and the items have been numbered for reference.

1. CURRENT DRAFT CODE

I.C.1.a. Historical resource designation nominations in accordance with SDMC Section 111.0206(d)(1) and Section 123.0202(a), if the property owner or their representative **have** not submitted a speaker slip in opposition to the staff recommendation or otherwise indicated their opposition to the staff recommendation in writing.

DISCUSSION

Because the wording is "... owner or ... representative..." which are both singular, should this read "has" instead of "have"?

Also, it is unclear in the case where there are multiple owners of a property being considered for designation whether all owners must object to the Consent item or just one of the owners.

2. CURRENT DRAFT CODE

I.C.2. Staff shall identify items appropriate for placement on the Consent portion of the agenda consistent with I.C.1 above for the Board's consideration. Items may be added to the Consent portion of the agenda by any member of the Board, consistent with I.C.1, **unless another Board member objects to the placement of the item on the Consent portion of the agenda.**

DISCUSSION

Although the presumed intent of this section is that the method for placing and removing items on the Consent agenda is the same for both Staff and Board members, the highlighted phrase confuses this by somewhat duplicating section I.C.3. This might imply a difference in treatment of Staff and Board Consent items, such as suggesting that a Board member can add something on the fly to the Consent agenda or by other means than the procedure that Staff follows, including the provisions of I.C.3 and IV.F. Perhaps one way to remove this ambiguity would be to simply delete the phrase highlighted above.

3. CURRENT DRAFT CODE

I.C.3. Any Board member may remove any item from the Consent portion of the agenda to be placed on the Discussion portion of the agenda by notifying the Board Chair, Vice-Chair or Second Vice-Chair, as appropriate, **during the meeting**.

DISCUSSION

It is not clear from this wording whether the request to remove the item from the Consent agenda to the Discussion agenda needs to be taken up BEFORE the Consent agenda is opened up to public comment or can be done any time prior to approval of the Consent agenda. Further comparison with City Council policies would answer this question and might suggest a clarifying revision.

4. ADDITIONAL COMMENTS

Regarding I.C.4 (opportunity for the public to address the Board), it appears that rules for public commentary are defined only for the Consent agenda. Should rules also be adopted for Discussion items? Is public comment for Discussion items different than for Consent items?

Also, I have noticed that City Council meetings take public comment in the order by which speaker slips are submitted, not grouped by those who support or oppose an item. The Clerk also caps the virtual speaker queue once the last virtual speaker finishes speaking or five minutes after in-person testimony ends. These or similar measures might be worth HRB consideration.

Respectfully,

Geoffrey Hueter
Resident of San Diego