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www.MissionHillsHeritage.org

--A community organization dedicated to preserving the character, charm and historical resources of the Mission Hills neighborhood.

November 16, 2023

Proposed motion for HRB:

Staff is hereby directed to place on the next Policy Subcommittee agenda the review and consideration of amendments to HRB Policy 4.1 and HRB Procedures as proposed by Mission Hills Heritage related to the local designation of National Register Historic Districts.

NEIGHBORHOOD HISTORIC PRESERVATION COALITION

Advocating for measures that preserve our established neighborhoods and historic resources for future generations

November 15, 2023

Suzanne Segur
Senior Planner/ HRB Liaison
Heritage Preservation
City of San Diego
City Planning Department
202 C Street
San Diego, CA 92101

Dear Ms. Segur:

We submit this letter to request the recusal of Board Member Rammy Cortez from engaging in any future Historic Resources Board (HRB) discussions regarding the recommendations of the July 18, 2023, Office of the Independent Budget Analyst Report, "Response to Request for Analysis of Potential and Designated Historical Resource Review," (hereinafter, IBA report). As an urban infill developer, Mr. Cortez possesses an apparent or perceived financial conflict of interest that precludes his participation in matters involving revisions to the historic resources program as recommended in the report.

On March 27, 2023, Mayor Todd Gloria appointed Rammy Cortez to the HRB. The appointment memorandum noted that Mr. Cortez is a "small-scale urban infill developer and builder of more than 60,000 square-feet of transit oriented missing-middle housing in San Diego."

In July 2023, the IBA completed a report that provided an analysis of the City's potential and designated historical resource review processes as they relate to construction permitting and made numerous recommendations for revisions of the City's historic resources program. The recommendations of the IBA report came before the HRB as an informational item at its October 26, 2023, board meeting.

During board member discussion of the IBA report, Mr. Cortez expressed his disagreement with the IBA report's conclusion that the historical resource permit review process did not delay development projects. Mr. Cortez explained how, as an urban infill developer, the preliminary review process affects a developer's financial interest in securing a property for development, noting that the same lots that are eligible for development are often the same lots that are potentially historic resources and that a developer will often forgo pursuing a project because of the length of the preliminary review process. These comments indicate that the issues within the IBA report directly impact Mr. Cortez's financial interests as an infill

*Golden Hill & South Park
Historical Society*

Heart of Kensington

Historic Kensington

La Jolla Historical Society

Mission Hills Heritage

North Park Historical Society

*Ocean Beach Historical
Society*

*San Diego LGBTQ Historic
Sites Project*

*Save Our Heritage
Organisation*

Talmadge Historical Society

*University Heights Historical
Society*

developer and demonstrate a conflict of financial interest.

As a HRB board member appointed by the mayor, Mr. Cortez is subject to the City's Ethics Ordinance, as well as the Conflict of Interest Code of the Historic Resources Board of the City of San Diego, Resolution No. 219092 (August 17, 1977) (hereinafter, Conflict of Interest Resolution). SDMC 27.3561 of the Ethics Ordinance provides:

- (a) It is unlawful for a City Official¹ to make, participate in making, or in any way use his or her official position to influence a municipal decision in which he or she knows or has reason to know he or she has a disqualifying financial interest.
- (b) A City Official has a disqualifying financial interest in a municipal decision if that municipal decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the City Official or his or her immediate family, or on any of their economic interests in business entities, real property, sources of income, sources of gifts, or their own personal finances.

Under Section 201 of the Conflict of Interest Resolution, members of the HRB "shall avoid any action, whether or not specifically prohibited by law, which may tend to affect his or her position performance creating the appearance of . . . [u]sing public office for private gain[.]" Further, Section 204, titled "CONFLICTS OF INTEREST," provides:

- A. A conflict of interest may exist whenever a member has a substantial personal or private interest in a matter which involves duties and responsibilities as a member. The trust of the citizenry demands that a member take no action which would constitute the use of City membership to advance personal or private interests. **Each member should avoid situations which present the possibility that official position might be used to private advantage.**
- B. Neither the provisions of the California Penal Code, California Government Code, nor the standards of conduct prescribed in this Code, are to be regarded as comprehensive. **Each member must**, in each instance involving a personal or private interest in a matter which also involves duties and responsibilities as a member, **make certain that actions taken do not have the effect or the appearance of the use of the official position for the furtherance of personal interests or those of family or business associates.** [Emphasis added.]

And, Section 205, titled "DISQUALIFICATION BECAUSE OF FINANCIAL," states:

Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest when it is reasonably foreseeable that such interest may be materially affected by the decision. . . .

When any person holding a designated position has reason to be disqualified, the person shall immediately report the nature of the matter and the existence of a conflict to his

¹ "City official" is defined to include a City board member. SDMC 27.3503.

or her Historical Site Board and absent himself or herself from further consideration of the matter.

Under SDMC 27.3561(a) and (b) of the Ethics Ordinance and Sections 204 and 205 of the Conflict of Interest Resolution, Mr. Cortez, an urban infill developer with multiple projects throughout the City, has a disqualifying financial interest that makes it unlawful for him to participate in any decision-making capacity with respect to this Board's recommendations regarding the IBA report. Mr. Cortez's statements at the October 26, 2023, board meeting highlighted how his financial interests in real estate development could be impacted by decisions with respect to the IBA Report recommendations. And, under these circumstances, Mr. Cortez could use his position as a board member to manipulate the recommendations in favor of his personal economic interests. Consequently, Mr. Cortez's recusal is required for a perceived, if not apparent, conflict of financial interest.

With due respect,

Neighborhood Historic Preservation Coalition

San Diego LGBTQ Historic Sites Project

November 13, 2023

City of San Diego
Historical Resources Board
1222 First Avenue, MS 501
San Diego, CA 92101

**RE: Historic Resources Board Agenda, November 16, 2023
Non-Agenda Public Comment**

Status of HRB Site #1451 Vulcan Steam Room & Sauna
805 West Cedar Street

A recent news article in the November 5, 2023 edition of The San Diego Union-Tribune, headlined “City Reaches Deal to Demolish Little Italy Problem Building” raises great concern to the San Diego LGBTQ Historic Sites Project. This “problem building”, Vulcan Steam Room & Sauna, was approved for designation in March 2022. If the property owner and the City Attorney’s office “reached a deal” was the HRB properly notified and was this matter reviewed by HRB staff? If those actions did occur, when would the public and the full HRB be informed?

The California Historic Resources Inventory Database website indicates that this HRB approved for designation property is “on appeal”. Is this correct? And if so how does that status mesh with the proposed demolition?

The Vulcan Steam Room & Sauna is one of only four designated LGBTQ identified sites in the City. The Center/Gayzette/Albert Bell Building, HRB Site # 1453 at 3780 Fifth Avenue, is scheduled for redevelopment. This will leave only two LGBTQ sites remaining in the city, one being the Truax House property and the other the most recently designated Benjamin Dillingham home.

Please have staff provide an update to the Vulcan Steam Room & Sauna designation status and the current status with respect to its possible demolition.

Charles S. Kaminski

Charles Kaminski
San Diego LGBTQ Historic Sites Project
Board Member Emeritus, Lambda Archives of San Diego