



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: October 21, 2025

TO: Historical Resources Board

FROM: Kelley Stanco, Deputy Director, City Planning Department

SUBJECT: Preservation and Progress Package A: Supplemental Distribution of Revisions

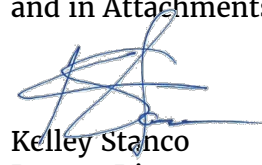
On October 10, 2025, Preservation and Progress Package A was distributed to the Board and public in advance of the October 23rd meeting of the Historical Resources Board. Since the distribution of the amendments, some additional edits and clarifications to the amendments are proposed to reflect review completed by the City Attorney's Office. The suggested edits and clarifications are provided in Attachment 1 in track changes format to highlight the updates and in Attachment 2 as a clean document for easier reading and include:

- Updates to the noticing section in SDMC Section 123.0202 to replace the terms "owner" and "property owner" with "*record owner*" as defined by the code and to include additional information in the notice such as date, time and place of hearing as well as a description of the hearing procedures and how to file an appeal.
- Updates to the appeal application section in SDMC Section 123.0203(d) to require information that establishes the basis on which the appellant is an interested person as well as any information or exhibits available that support the appeal at the time it is filed.
- Updates to the appeal processing section in SDMC Section 123.0203(e) to remove the proposed forfeiture of appeal rights if supplemental documentation is not submitted and to revert back to a previous version of the proposed amendments that required docketing within 180 days.
- Updates to the State and National Register section in SDMC Section 123.0206 to make the section easier to read.
- Update to the error in Section 143.1002(b), which had incorrect text that did not reflect the current code language and has now been corrected.

In addition to these edits and clarifications to the proposed Land Development Code amendments, staff also recommends the following minor revisions to two policies in the Historic Preservation Element of the General Plan:

Amendments Distributed to the Board on October 10, 2025:	Updated Proposed Amendments:
Policy HP-A.4.c	Policy HP-A.4.c
<u>c. Conduct project-specific Native American consultation early in the discretionary development review process to ensure culturally appropriate and adequate treatment and mitigation for significant archaeological sites with cultural or religious significance to the Native American community in accordance with all applicable local, state, and federal regulations and guidelines.</u>	<u>c. Conduct Native American consultation to ensure culturally appropriate and adequate treatment and mitigation for significant archaeological sites with cultural or religious significance to the Native American community in accordance with all applicable local, state, and federal regulations and guidelines.</u>
Policy HP-A.4.g	Policy HP-A.4.g
<u>d.g. Require the permanent curation of archaeological artifact collections and associated research materials, including collections held by the City, unless State or Federal law or consultation with a Native American Kumeyaay monitor specifies another treatment such as repatriation.</u> Support the permanent archiving of primary historical records and documents now in public institutions.	<u>d.g. Require the permanent curation of archaeological artifact collections and associated research materials, including collections held by the City, unless State or Federal law or consultation with a Most Likely Descendant specifies another treatment such as repatriation.</u> Support the permanent archiving of primary historical records and documents now in public institutions.

Staff continues to recommend adoption of Preservation and Progress Package A, as specified in the Report to the Historical Resources Board ([HRB-25-051](#)), with the additional amendments and edits to the Land Development Code and General Plan as specified above and in Attachments 1 and 2 of this memo.



Kelley Stanco
Deputy Director

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Attachments: 1. Proposed Amendments to the Land Development Code of the San Diego Municipal Code, Updated October 21, 2025 (Track Changes Version)
2. Proposed Amendments to the Land Development Code of the San Diego Municipal Code, Updated October 21, 2025 (Clean Version)

Preservation and Progress: Package A
DRAFT Land Development Code Amendments
October ~~10~~21, 2025

§111.0206 Historical Resources Board

- (a) [No change in text.]
- (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~~30, 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 five historic preservation-related 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. If a qualified volunteer cannot be found to fill one of the five professional Board positions, that Board position may be filled by a second professional from one of the other four historic preservation-related disciplines. However, no more than two professional Board positions should be filled by professionals in the same historic preservation-related field. Other Board 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) through (d) [No change in text.]

§123.0202 **Designation Process for Historical Resources**

(a) [No change in text.]

(b) Public Notice to ~~Owner~~Record Owner. ~~The owner of a property being considered for designation by the Historical Resources Board shall be notified~~ The City Manager shall mail a notice to the *record owner* of the property being considered for designation at least 10 *business days* before the Board hearing. Notice to the ~~owner~~ *record owner* shall contain information about the potential impacts of designation; the date, time, and place of the Board hearing; a brief description of the general procedures concerning the conduct of the Board hearing; the procedures and requirements for filing an appeal; and how and a request to contact the Board's administrative staff regarding information for making a presentation to the Board on the proposed designation. No action shall be taken by the Board to designate a *historical resource* except at a public hearing that provides all interested parties an opportunity to be heard.

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(c) Adequacy of Research Report. The decision on whether or not to designate a historical resource shall be based on the information in a research report, as specified in the Historical Resources Guidelines of the Land Development Manual. If the Board determines, either by public testimony or other documentary evidence presented to it, that the research report is not adequate to assess the significance of the historical resource, the Board may continue its consideration of the property for up to two regular meetings and direct that a research report be prepared by the *applicant* with specific direction from staff as to the inadequacies of the original report. The revised research report may be prepared by City staff or volunteers, with a copy provided to the *record owner* at least 10 business days before the next Board meeting at which the designation will be considered. If a final decision is not made within 90 calendar days ~~of receipt of a nomination for designation from the first Historical Resources Board meeting in which the *property* designation is *heard*~~considered, the consideration of the property for designation by the Board shall terminate unless a continuance has been granted at the request of the ~~*record property*~~ *owner*.

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(d) through (g) [No change in text.]

§123.0203 **Appeal From Historical Resources Board Decision**

A decision by the Historical Resources Board to designate or not to designate a

property may be appealed to the City Council in accordance with this section. No other actions of the Board may be appealed.

(a) The Historical Resources Board's action to designate a property may be appealed to the City Council by an *applicant* or an *interested person* on any of the following grounds:

- (1) Factual Error. The materials or information provided to the Historical Resources Board at the designation hearing were inaccurate; or
- (2) New Information. New information relevant to the property's eligibility for historic designation is available to the *applicant* or the *interested person* that was not available through that person's reasonable efforts or due diligence at the time of the designation hearing; or
- (3) Findings Not Supported. The Board's stated findings to designate in accordance with the City of San Diego Historical Resources Register historic designation criteria as specified in the Historical Resources Guidelines of the Land Development Manual and the Guidelines for the Application of Historical Resources Board Designation Criteria in the appendices of the Historical Resources Guidelines are not supported by the information provided to the Board; or
- (4) Violation of bylaws. In making the designation decision, the Board or an individual member did not adhere to the Board's bylaws or hearing procedures.

(b) The Historical Resources Board's ~~action~~ decision to not designate a property, either through an action to not designate or through failure of a motion to designate, may be appealed to the City Council by the record owner of the property on any of the following grounds:

- (1) Factual Error. The materials or information provided to the Historical Resources Board at the designation hearing were inaccurate; or
- (2) New Information. New information relevant to the property's eligibility for historic designation is available to the *applicant* or the *interested person* that was not available through that person's reasonable efforts or due diligence at the time of the designation hearing; or
- (3) Decision Not Supported. The Board's decision to not designate the property in accordance with the City of San Diego Historical Resources Register historic designation criteria as

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specified in the Historical Resources Guidelines of the Land Development Manual and the Guidelines for the Application of Historical Resources Board Designation Criteria in the appendices of the Historical Resources Guidelines is not supported by the information provided to the Board; or

(4) Violation of bylaws. In making the designation decision, the Board or an individual member did not adhere to the Board's bylaws or hearing procedures.

(ac) The action of A decision by the Historical Resources Board in the designation process to designate or not to designate a property is final 11 business days following the decision of the Board unless an appeal to the City Council is filed with the City Clerk no later than 10 business days after the action decision of the Board. The decision of the Historical Resources Board may be appealed by an applicant or an interested person. An appeal shall be in writing and shall specify wherein there was error in the decision of the Board. The City Council may reject designation on the basis of factual errors in materials or information presented to the Board, violations of bylaws or hearing procedures by the Board or individual member, or presentation of new information.

(d) An application for an appeal shall be submitted to the City Clerk in writing and contain the following information:

(1) The name, address, and telephone number of the person filing the appeal and information that establishes the basis on which the appellant is an interested person;

(2) The name of the record owner;

(3) The name of the applicant;

(4) The decision being appealed and the date of the decision;

(5) The specific grounds, clearly identified, upon which the appellant is filing the appeal. All grounds must be specified in the appeal.

6) Any information or exhibits supporting the appeal that are available at the time the appeal is filed.

(be) Upon the filing of the appeal, the appellant shall submit additional information in support of the stated grounds for appeal within 90 calendar days or the right to appeal will be forfeited and the decision of the Board to designate or not to designate shall become final. The City Clerk shall set the matter for public hearing as soon as is

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~~practicable no later than 90-180 calendar days after the date on which the additional information in support of the appeal is submitted by the appellant application for appeal is filed and shall give written notice by mail to the property owner, record owner and the appellant of the location, time and date set for the hearing; and a brief description of the general procedures concerning the conduct of the appeal hearing.~~ Failure to hold the hearing within the time frames specified above shall not limit the authority of the City Council to consider the appeal. At the public hearing on the appeal, the City Council may by resolution affirm, reverse, or modify the determination of the Board and shall make written *findings* in support of its decision.

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- (e) The appellant may withdraw an appeal at any time prior to the commencement of the public hearing before the City Council. The withdrawal of the appeal must be in writing and filed with the City Clerk. If the appellant withdraws an appeal, no appeal hearing will be conducted. The withdrawal of an appeal does not entitle the appellant to any refund of appeal-related costs or fees incurred as of the date of the withdrawal.

§123.0206 State and National Register

- (a) ~~As a Certified Local Government, the Historical Resources Board is required by Section 101(c)(2)(A) of the National Historic Preservation Act to opine on whether a property nominated for inclusion in the National Register of Historic Places meets the criteria for listing. Upon receipt of a request from the California Office of Historic Preservation, the Historical Resources Board shall review the nomination and provide a recommendation. Upon receipt of a request from the California Office of Historic Preservation, the Historical Resources Board shall review a nomination for inclusion of a resource in the National Register of Historic Places and shall provide a recommendation whether the nominated resource meets the criteria for listing in the National Register. The recommendation shall be provided to the City Manager for conveyance to the State Historic Resources Commission consistent with the City's obligations as a Certified Local Government and the requirements of the National Historic Preservation Act.~~
- (b) If a nomination to the National Register of Historic Places or California Register of Historical Resources is prepared ~~and submitted~~ by the City of San Diego, ~~the~~ The City Council ~~shall~~ may consider endorsing the nomination ~~prior to submittal to the State Office of Historic Preservation~~ of a *historical resource* for inclusion in the California Register of Historic Resources and the National Register of Historic Places ~~upon recommendation of the Historical Resources~~

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Board.

§143.1002 Application of Complete Communities Housing Solutions Regulations

(a) [No change in text.]

(b) ~~Appointment and Terms~~ The regulations in this Division shall not apply to the following types of *development*:

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(1) through (5) [No change in text.]

(6) *Development* located within a designated *historical district* or subject to the ~~Old Town San Diego Planned District~~, with the following exceptions:

(A) *Development* on properties that are not designated as contributing resources to the Ocean Beach Cottage Emerging Historical District; and

(B) *Development* on properties that are not designated as contributing resources to the Chinese Asian Thematic Historical District.

(7) *Development* that is subject to the Old Town San Diego Planned District.

~~(7)~~(8) *Development* that includes visitor accommodation, except an SRO hotel.

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Development Manual and the Guidelines for the Application of Historical Resources Board Designation Criteria in the appendices of the Historical Resources Guidelines is not supported by the information provided to the Board; or

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of the appeal hearing. Failure to hold the hearing within the time frames specified above shall not limit the authority of the City Council to consider the appeal. At the public hearing on the appeal, the City Council may by resolution affirm, reverse, or modify the determination of the Board and shall make written *findings* in support of its decision.

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