

ORDINANCE NO. 9493 (NEW SERIES)

AN ORDINANCE ADDING SECTION 396.7
TO THE SAN DIEGO COUNTY ADMINISTRATIVE CODE
RELATING TO THE SAN DIEGO COUNTY
LOCAL REGISTER OF HISTORICAL RESOURCES

The Board of Supervisors of the County of San Diego ("County") ordains as follows:

Section 1. Purpose and Intent. The County proposes creating a local register of historical resources located within the unincorporated area of the County of San Diego. The Local Register is an authoritative listing and guide to be used by local agencies, private groups, and citizens in identifying historical resources in the County of San Diego. In addition, the listing shall also be used as a management tool for planning, and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.

Section 2. Section 396.7 is hereby added to the San Diego County Administrative Code, to read as follows:

Section 396.7. SAN DIEGO COUNTY LOCAL REGISTER OF HISTORICAL RESOURCES

I. Authority

On August 14, 2002, the San Diego County Board of Supervisors approved the San Diego County Local Register of Historical Resources. This ordinance, which becomes effective on September 14, 2002, establishes a Local Register of Historical Resources for the County of San Diego, henceforth known as the Local Register.

II. Purpose

The Local Register is an authoritative listing and guide to be used by local agencies, private groups, and citizens in identifying historical resources within the County. In addition, the listing shall also be used as a management tool for planning, and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.

III. Definitions

Unless specifically defined below, words or phrases used shall be interpreted so as to give them the meaning they have in common usage.

- **Alteration** means an addition, relocation, demolition or any change affecting the exterior visual qualities of an historical resource including but not limited to

architectural features, visual characteristics, design and materials, excluding routine maintenance.

- **Contributing Resource** means an Historical Resource that significantly contributes to the historical nature of an Historic District and satisfies the criteria of an Historical Resource in Section V of this document.
- **Demolition** means any act that destroys in whole or in part an Historical Resource.
- **Historic District** means a contiguous geographic area containing a multiple number of Historical Resources that collectively have a special character or special historical, cultural, architectural, archaeological, community or aesthetic value.
- **Historical Resource** means an object, building, structure, site, landmark, area or place that is significant in terms of architectural, engineering, scientific, economic, agricultural, educational, social, political, archaeological, military or cultural history.
- **Non-Contributing Resource** means a resource within an Historic District that does not possess the qualifications or characteristics of a Contributing Resource, but which has been included within the Historic District because of its geographic location within the Historic District.

IV. Historical Resources Eligible for Listing in the San Diego County Local Register of Historical Resources

The Local Register consists of historical resources that are: (a) listed automatically; and (b) nominated by an application and listed after a public hearing process.

- (a) Historical resources to be listed automatically in the Local Register include the following:
 - (1) Historical resources listed on the National Register of Historic Places or California Register of Historical Resources. Normally, sites that are determined as eligible for listing on the National Register of Historic Places or California Register of Historical Resources or sites previously designated as Historic/Archaeological Landmarks or Districts through the application of the “H” or “J” special area designator are eligible for listing in the Local Register.
- (b) Historical resources that require nomination to be listed in the Local Register may be nominated by individuals, organizations, or governmental agencies.

Resources that are to be listed in the Local Register must have owner approval prior to consideration for listing. These resources include:

- (1) Local historical resources identified as significant during CEQA environmental review.
- (2) An historical resource or historic district.
- (3) An historical resource contributing to the significance of a nominated historic district.
- (4) A group of historical resources identified in historic resource surveys, if the survey meets the criteria and standards of documentation as identified in Section V(e) below.
- (5) An historical resource, a group of historical resources, or historic districts designated or listed as County landmarks or historical resources or districts pursuant to any County ordinance, if the criteria for designation or listing under the ordinance have been reviewed by the Historic Site Board as meeting the Local Register criteria.
- (6) Historic Landmarks or Districts designated through the application of the “H” or “J” special area designator.

V. Types of Historical Resources and Criteria for Listing in the San Diego County Register of Historical Resources

The criteria for listing historical resources in the Local Register are consistent with those developed by the Office of Historic Preservation (OHP) for listing resources to the California Register of Historical Resources (California Register), but have been modified for local use in order to include a range of historical resources which specifically reflect the history and prehistory of San Diego County. Only resources that meet the criteria set out below may be listed or formally determined eligible for listing to the Local Register.

- (a) Types of resources eligible for nomination:
 - (1) **Building.** A resource, such as a house, barn, church, factory, hotel, or similar structure created principally to shelter or assist in carrying out any form of human activity. “Building” may also be used to refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn.
 - (2) **Site.** A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined,

or vanished, where the location itself possessed historical, cultural, or archaeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric or historic event, and if no buildings, structures, or objects marked it at that time. Examples of such sites are trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs.

- (3) Structure. The term “structure” is used to describe a construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, flumes, roads, bridges, and tunnels.
- (4) Object. The term “object” is used to describe those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, as opposed to a building or structure. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Objects should be in a setting appropriate to their significant historic use, role, or character. Objects that are relocated to a museum are not eligible for listing in the Local Register. Examples of objects include but are not limited to fountains, monuments, maritime resources, trains, planes, sculptures, and boundary markers.
- (5) Historic District. Historic districts are united geographic entities that contain a concentration of buildings, structures, objects, and/or sites united historically, prehistorically, culturally, or architecturally. Historic districts are defined by precise geographic boundaries. Therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas. The district must meet at least one of the criteria for significance discussed below in Section (b).

Those individual resources contributing to the significance of the historic or archaeological district will also be listed in the Local Register. For this reason, all individual resources located within the boundaries of an historic or archaeological district must be designated as either contributing or as non-contributing to the significance of the district.

- (b) Criteria for evaluating the significance of historical resources. An historical resource must be significant at the local level under one or more of the following four criteria:
 - (1) Is associated with events that have made a significant contribution to the broad patterns of San Diego County’s history and cultural heritage;

- (2) Is associated with the lives of persons important to the history of San Diego County or its communities;
 - (3) Embodies the distinctive characteristics of a type, period, San Diego County region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (4) Has yielded or may be likely to yield, information important in prehistory or history.
- (c) Integrity. Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the Local Register must meet one of the criteria of significance described in Section V(b), above, and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been preserved, rehabilitated, or restored according to the guidelines approved by the Secretary of Interior may also be evaluated for listing.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or changes in its use may themselves have historical, cultural, or architectural significance.

- (d) Special Considerations:
- (1) Moved buildings, structures, or objects. The Historic Site Board encourages the retention of historical resources on-site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the Local Register if it was moved to prevent demolition at its former location and if the new location is compatible with the original character and use of the historical resource. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment.
 - (2) Historical resources achieving significance within the past fifty (50) years. In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty (50) years old may be considered for listing in the Local Register if it can be

determined that sufficient time has passed to understand its historical importance.

- (3) **Reconstructed Buildings.** Reconstructed buildings are those buildings not listed in the Local Register under the criteria in Section V(b) 1, 2, or 3 above. A reconstructed building less than fifty (50) years old may be eligible if it embodies traditional building methods and techniques that play an important role in a community's historically rooted beliefs, customs, and practices. An example of a reconstructed building is a Native American sweat lodge.
- (e) **Historical Resource Surveys.** Historical resources identified as significant in an historical resource survey may be listed in the Local Register. In order to be listed, the survey must meet the following: (1) one of the criteria of Section V(b), above, and (2) the survey documentation meets those standards of resource recordation established by the OHP in the "Instructions for Nominating Historical Resources to the California Register" (August 1997), Appendix B.
 - (1) The Historic Site Board shall review all surveys to assure the standards of resource recordation, which can be found in the "Instructions for Nominating Historical Resources to the California Register" (August 1997), Appendix B has been met. If the survey meets the standards, the Historic Site Board shall recommend that all resources with a significance rating of 1 through 4, or any subcategories thereof, on DPR Form 523 be listed in the Local Register. The Historic Site Board shall review all Category 5 determinations for consistency with the Local Register criteria of significance as found in Section V(b), above. The Historic Site Board review will occur within sixty (60) days of receipt of the survey. At the end of sixty (60) days, the Historic Site Board will either (1) forward a recommendation to the Director that the significant historical resources identified in the survey be approved for listing in the Local Register, or (2) request additional information.

The status codes, established to indicate eligibility to the National Register of Historic Places, have the following meanings:

- (A) Category 1 – Listed in the National Register of Historic Places.
 - (B) Category 2 – Formally determined eligible for listing in the National Register.
 - (C) Category 3 – Appears eligible for listing in the National Register.
 - (D) Category 4 – Could become eligible for listing in the National Register.
 - (E) Category 5 – Locally significant.
- (2) If the results of the survey are five or more years old at the time of nomination, the documentation for a resource, or resources, must be updated prior to nomination to ensure the accuracy of the information. The application for designation may serve as the update unless the Historic Site Board determines that additional updated information is necessary.
- (f) Historical resources designated under the County of San Diego ordinances (Resource Protection Ordinance; Zoning Ordinance – Historic/Archaeological Landmark and District, Section 5700 et seq.) which have the authority to restrict demolition or alteration of historic or archaeological resources, where the criteria for designation or listing have not been officially approved by the Historic Site Board, may be nominated to the Local Register if, after review it is determined that the local designation meets the following criteria:
- (1) The ordinance provides for owner notification and agreement for local historical resource designation and an opportunity for public comment.
 - (2) The criteria for county historical resource designation consider the historical and/or prehistoric and/or architectural significance and integrity of the historical resource and require a legal description of the resource.
 - (3) The designating authority issues findings or statements describing the basis of determination for designation.
 - (4) The designation provides some measure of protection from adverse actions that could threaten the historical integrity of the historical resource.

VI. Application Format

Applications shall include all items identified under General Requirements. All information shall be in accordance with the OHP “Instructions for Nominating Historical Resources to the California Register” (August 1997), Appendix B. Additional information may be required by the Historic Site Board on a case-by-case basis.

(a) General Requirements:

- (1) The applicant shall use the Application for Nomination to the Local Register of Historical Resources. The application shall be accompanied by a cover letter that contains a concise statement of significance. The statement of significance should clearly list the justification for the importance of the historical resource.
- (2) The applicant shall use DPR Form 523 – California Historic Resources Inventory Form including any supplemental DPR forms as necessary. The DPR forms shall correspond to the date of recordation of the resource.
- (3) A sketch map shall be included, clearly showing the boundaries of the nominated resources, the footprint of all contributing and non-contributing resources, a directional North arrow, and scale. Careful and accurate information shall be provided with sufficient detail to ensure that a legal description of the proposed historical resource may be recorded. These details may include the UTM coordinates marked on a section grid, United States Geological Survey maps, parcel number(s), and legally recorded boundary lines. Boundaries of sites with no material evidence of the significant event must be clearly defined on the map on the basis of specific and definitive historical documentation.
- (4) One or more color photos and optionally color and/or black and white slides shall be provided to properly document the historical resource. Color slides should provide a realistic overview of the historical resource in its setting or detailed views of the historical resource itself, as appropriate. The Historic Site Board may require that the applicant provide photos of contributing historical resources on surveys that are over five (5) years old. All photos shall be labeled, including the date taken and a location of the image relative to the sketch map described above. If historic photos are available, the Historic Site Board recommends that they be included with the submission.
- (5) Primary numbers are assigned by the South Coastal Information Center. The applicant shall provide a copy of the application to the South Coastal Information Center no later than the time that the application is submitted to the Historical Site Board.
- (6) Ownership information. It is the responsibility of the applicant to provide complete information regarding the ownership of those historical resources that the applicant wishes to be included in the Local Register. The ownership data must include assessor parcel numbers, maps, and a description of the resources. A legal description of the resources may be required in some cases. The applicant shall provide the owners' names

and addresses on mailing labels, as well as any information necessary to establish whether a proposed resource or district has more than one owner. A boundary map and a list of all resource owners within the proposed district boundaries shall be included for each district. The list shall indicate whether the property or each owner is contributing or non-contributing to the significance of the district. Resources will not be considered for listing in the Local Register over the owner's objection, or in the case of a district, a majority of resource owners, but will be "formally determined eligible for listing."

- (7) Optionally, a chain of title shall be included for the nominated resource. This will provide historic documentation regarding past owners of the nominated resource. The requirement of this information will be made by the Historic Site Board on a case-by-case basis.
- (8) A letter from the resource owner agreeing to the listing of the resource on the Local Register is required.

(b) Specific Requirements for Different Types of Historical Resources:

- (1) Individual nominated resources (i.e. building, site, structure, or object). An Application for Historical Site Designation and a single completed DPR Form 523 shall be submitted for each historical resource that is individually nominated.
- (2) Historic districts. In the case of an historic district, the applicant shall complete one master form for the district as a whole, with an abbreviated form for each contributing resource. A list of noncontributing resources is required and must be provided in the cover letter. Owner information for each resource must be provided in the cover letter. Photos of contributing historical resources and/or streetscapes shall be included. Black and white and color photographs of each contributing historical resource and representative streetscape are required.
- (3) Archaeological resources. Archaeological resources will be considered for nomination only after having been assigned a Site Primary Number (P Number) by the South Coastal Information Center. The Historic Site Board may require additional documentation to more accurately identify and define the site. An Application for Historical Site Designation and the appropriate DPR Form 523 must be accompanied by a statement of significance or research design that explains why the resource qualifies for listing in the Local Register.

- (4) Historical resource survey. Historical resources which have recordation forms already on file in the inventory with the South Coastal Information Center will not require additional DPR forms unless the Historic Site Board requests re-evaluation or re-survey. A cover letter shall provide an overview of survey methodology to verify that the survey meets the standards discussed in Section V(e), above and adequate mapping showing all areas surveyed.
- (5) Historical resources and historic districts designated or listed as a County landmark, historical resources or districts pursuant to County ordinance, and local landmarks and other resources designated under County ordinances. DPR Form 523 shall be submitted for all local landmarks or locally designated historical resources that have not previously been documented or do not have approved recordation forms on file with the South Coastal Information Center. Additionally, a cover letter and Application for the Nomination to the Local Register of Historical Resources shall be submitted.

VII. Application Procedures

- (a) Submitting the application. Historical resources may be nominated by any individual or group including, but not limited to, members of the general public, private organizations, or local government (County of San Diego) with control authority over the designated historical resource.
- (b) If the applicant is not the owner of the resource being nominated, within thirty (30) days of receipt of the application, the Historic Site Board shall provide a copy of the application to the owner and request any additional information.
- (c) The application shall be submitted to the San Diego County Historic Site Board at the Department of Planning and Land Use, 5201 Ruffin Road, Suite B, San Diego, CA 92123-1666

VIII. Historic Site Board Public Hearing of a Nomination

After technical review by staff and the Historic Site Board, the nomination will be scheduled for a hearing by the Historic Site Board. Prior to the Public Hearing, a Staff Report will be prepared and transmitted to the members of the Historic Site Board. The Staff Report will include the complete application materials, findings necessary to support the determination of significance, and any other materials determined necessary to properly evaluate the historical resource for listing. The Historic Site Board will only consider comments that relate to the criteria for listing a resource in the Local Register.

- (a) Public notification. At least ten (10) days before the hearing to consider the nomination for listing, the Historic Site Board shall do all of the following:
- (1) Notify all affected historical resource owners that their resource has been nominated for listing; the time and place set for the hearing; and that the Historic Site Board will consider public comments related to whether the resource meets the criteria for listing in the Local Register as well as any objections of the owner(s).
 - (2) Notify the interested local agencies or groups of the time and place set for the hearing and the opportunity for public comments in support of or opposition to the proposed listing.
 - (3) Notify the general public by means of the Historic Site Board hearing notices of the scheduled hearing date and the opportunity to comment on the nomination.
 - (4) In the case of an historic district, nominated either individually or as part of a survey, the Historic Site Board must make a reasonable effort to obtain the identities and addresses of all owners of resources within the proposed district. The Historic Site Board must provide notice of the hearing and opportunity to comment or object to all identified owners whether or not their properties were nominated as contributing resources.
 - (5) Site visits shall be made in accordance with the Historic Site Board's adopted policies and procedures.
- (b) Support of or objections to the nomination. The Historic Site Board shall consider public comments when determining whether to recommend the listing of an historical resource to the Local Register. Any person or organization, including the following, may submit supporting or opposing comments to the Historic Site Board before the hearing.
- (1) Resource owners. Private resource owners must submit a letter to the Historic Site Board stating that they are the sole or partial owners, and that they agree to the listing of the resource on the Local Register. If a private resource owner does not submit the letter of agreement, the absence of a reply will be interpreted as non-consent to the listing of the resource. The resource may be formally determined eligible for listing, but will not be listed until a letter of agreement is received from the resource owner.
 - (A) Each owner or partial owner of a privately owned individual historical resource has one vote regardless of what percentage of the resource such person owns. Within a district, each owner has

one vote regardless of how many buildings, or what percentage of the area of the proposed district, such person owns.

- (B) If a majority of private resource owners should object for any reason, the proposed individual resource or district will not be listed. However, in such cases, the Historic Site Board may designate the resource as “formally determined eligible for listing in the Local Register.” A resource that has been determined eligible may be listed at a later time if, and when, the objection is withdrawn.
- (c) Determinations of eligibility and formal listing. A privately-owned resource may not be listed in the Local Register over the objection of its owner, or in the case of a resource with multiple owners, over the objection of a majority of private resource owners. A district may not be listed in the Local Register over the objection of a majority of private resource owners within the proposed district. If a district is listed, it will be listed in its entirety and all contributing resources will be listed, whether or not the owner of that resource(s) has objected.
 - (1) If a private resource cannot be listed solely due to owner objection, the Historic Site Board may designate the resource as “formally determined eligible for listing.”
 - (2) An historical resource shall be considered formally “listed in the Local Register” when the Director of Planning and Land Use (Director), upon reviewing the nomination and the recommendation for listing from the Historic Site Board, designates the resource as eligible for listing and accepts it for official listing in the Local Register.
 - (3) The Director shall adopt written findings to support their determinations. Findings shall include a description of the historical resources; the historical, archaeological, or cultural significance of the resources; recommendation for listing from the Historic Site Board; and, identification of those criteria on which any determination was based.
 - (4) Within forty-five (45) days after approval or disapproval of a nomination by the Director, the Historic Site Board shall notify the applicant and resource owner(s) in writing of the Director’s decision.

IX. Criteria and Procedures for Removal of an Historical Resource from the Local Register of Historical Resources

Historical resources are formally determined eligible for, or listed in, the Local Register on the basis of an evaluation of the historical or archaeological data by qualified

professionals. The Historic Site Board may, at its discretion, consider a request for formal delisting after a public hearing has taken place.

- (a) The Historic Site Board may recommend the removal of an historical resource from the Local Register if one of the following criteria is satisfied:
 - (1) The historical resource, through demolition, alteration, or loss of integrity has lost its historical qualities or potential to yield information; or
 - (2) New information or analysis shows that the historical resource was not eligible at the time of its listing.
- (b) Documentation supporting a request for removal of an historical resource from the Local Register shall be provided to the Historic Site Board for its review. The documentation shall include:
 - (1) A written request from the resource owner requesting the removal of the resource, including a detailed justification based on the criteria listed in Section (a) above;
 - (2) Photographs and other documentation regarding the current condition of the historical resource;
 - (3) Photographic and archival documentation of the historical resource at the time of listing; and
 - (4) Complete current ownership information for historical resources included in the listing.
- (c) The Historic Site Board shall notify the resource owners, the general public, and the individual, organization, or government authority which made the original nomination at least sixty (60) calendar days prior to the date scheduled for the public hearing. At the hearing, the Historic Site Board shall hear comments and receive information regarding whether or not the criteria for removal of an historical resource from the Local Register have been met. If the criteria have been met, the Historic Site Board shall recommend to the Director that the resource be removed from the Local Register. If the criteria for removal have not been met, the historical resource shall remain in the Local Register. The decision of the Director shall be final unless a request for reconsideration is made pursuant to Section X of this Ordinance.
- (d) The Historic Site Board shall notify the resource owners, the general public, and the individual, organization, or government agency that made the original nomination within sixty (60) days after a final decision has been made by the Director. The decision of the Director shall be binding.

X. Requests for Redetermination by the Historic Site Board

Requests for redetermination may be submitted within thirty (30) days after the Historic Site Board transmits the notice of the Director's final decision. Such requests shall set forth the reasons why the Director's decision was improper, including all new relevant facts and information.

- (a) The Historic Site Board has the power to reverse or alter its prior recommendations, in whole or in part, if any of the following occur:
 - (1) There is a significant error in the facts, information or analysis on which the prior decision was based; or
 - (2) The prior determination, in light of current information, appears to have been arbitrary, capricious, or based on substantial error.
- (b) The Historic Site Board shall advise the applicant within sixty (60) days after receipt of a request for redetermination whether it will consider such request, and if so, set the date for a hearing by the Historic Site Board.
- (c) The Historic Site Board will forward their recommendation to the Director for final decision.
- (d) If the request for redetermination is denied, then the original determination shall become final for all purposes, unless the resource is later shown to be demolished, altered, or has lost its integrity, and that no person who had an ownership interest in or occupied the subject property has caused such destruction or elimination by any act, omission or neglect.

XI. Appeals

If a request for redetermination is denied, the Decision of the Director may be appealed to the Board of Supervisors within ten days. Hearings before the Board of Supervisors shall be scheduled by the Clerk of the Board of Supervisors for a date not less than ten days but not more than 90 days from the date the appeal is filed.

XII. Duty to Keep in Good Repair

The owner of an Historical Resource(s), or Historical Resource(s) located within an Historic District, shall keep in good repair the exterior portions of all such Historical Resource(s), and interior components thereof whose maintenance is necessary to prevent deterioration and decay of any exterior element of an Historical Resource(s).

Generally, an historical resource that is maintained/repared in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties will maintain its historical significance.

Failure to repair or maintain the historical significance of a resource may cause the removal of the listing of the resource as Historical, and may result in the resource's ineligibility to participate in Preservation or Tax Incentive programs such as the Mills Act.

XIII. Saving Clause

If any one or more of the regulations, or any portion of any one of these regulations is found or held to be invalid, all other regulations and portions of regulations shall be severable from the invalid regulation or portion and shall be presumed to be valid.

PASSED, APPROVED and ADOPTED this 14th day of August, 2002.