



THE CITY OF SAN DIEGO

## Report to the Historical Resources Board

DATE ISSUED: October 11, 2018 REPORT NO. HRB-18-056

HEARING DATE: October 25, 2018

SUBJECT: **ITEM #10 – Amendments to the Historical Resources Board Historical District Designation Procedures and SDMC Section 123.023**

APPLICANT: City of San Diego Planning Department

LOCATION: Citywide

DESCRIPTION: Consider the proposed amendments to the Historical Resources Board Historical District Designation Procedures and the proposed amendments to SDMC Section 123.0203.

### STAFF RECOMMENDATION

At this time, staff recommends that the Historical Resources Board:

1. Rename the “Board’s Procedure on Establishing Historic Districts” to the “Historical District Designation Procedures” and adopt the proposed amendments to the Historical District Designation Procedures, which will be incorporated as an appendix to the Historical Resources Guidelines of the Land Development Manual.
2. Recommend to the City Council adoption of the proposed amendments to SDMC Section 123.0203.

### BACKGROUND

The Historical Resources Board’s procedures on establishing new historical districts was first adopted by the Historical Resources Board in 1977, and has been amended three times since that date. The historic district procedures were originally included as part of a series of policy documents (HRB Policy 4.1) which have since been replaced by new documents tied to the City’s Municipal Code (SDMC) and/or Land Development Manual (LDM). The current Procedure on Establishing Historic Districts remains the only significant procedural document or guideline not incorporated into the SDMC or LDM.

Additionally, the appeal of historic resource designations, including historic districts, is governed by SDMC Section 123.0203. This section allows a designation to be appealed by a property owner or

interested person within 10 business days of the Board's action to designate; and allows the City Council on appeal to affirm, reverse or modify the decision of the Board based upon violation of bylaws or hearing procedures, errors in information presented to the Board, or the presentation of new information.

The City is currently in year two of a six-year work program to process 13 historic district nominations that came out of the North Park and Golden Hill Community Plan Updates. During year one of the work program in 2017, a number of issues arose regarding property owner outreach and engagement in the historic district designation process. Specifically, both the Board and the City Council were concerned about the extent of the outreach to property owners and the response rate to the polling, which in some instances was less than half of all property owners in the district. Additionally, the language regarding property owner support of or opposition to the designation of a historic district was confusing for some. In response, the Historic Preservation Planning Section of the Planning Department is proposing amendments to the Board's Procedure on Establishing Historic Districts and SDMC Section 123.0213 in an effort to clarify and improve the historic district designation process.

#### ANALYSIS

The amendments to the Board's Procedure on Establishing Historic Districts and SDMC Section 123.0213 are separate documents and separate actions within this item. Amendment of the Board's Procedure on Establishing Historic Districts can be adopted by the HRB and incorporated as an appendix to the LDM following the posting of a notice in the newspaper. Amendment of SDMC Section 123.0213 requires a recommendation from the HRB, followed by review and recommendation by the Code Monitoring Team (CMT), the Technical Advisory Committee (TAC), and the Planning Commission prior to review and adoption by the City Council.

The proposed amendments to SDMC Section 123.0213 address only the issue of the appeal body and appeal findings for historic district designations. All procedural amendments, including outreach and polling, are contained in the Board's Procedure on Establishing Historic Districts. The only reference to appeals of historic districts within the Procedure states that the designation of a historic district may be appealed in accordance with SDMC Section 123.0213. Therefore, the amendments to the Board's Procedure on Establishing Historic Districts may be adopted and implemented prior to or without adoption of SDMC Section 123.0213, which will be on a separate processing track following the Board's review and action.

#### Amendment to Historical District Designation Procedures

The proposed amendments to the Board's Procedure on Establishing Historic Districts, which is proposed to be renamed "Historical District Designation Procedures." (See Attachments 1 and 2) will achieve the following:

- Incorporate the Historical District Designation Procedures as an Appendix to the LDM, where the HRB Designation Criteria Guidelines and Report Guidelines currently reside.
- Clean-up outdated and unnecessary content.
- Establish a new, robust property owner outreach process that involves the following elements:
  - Website.
  - Doorhangers.

- Property owner workshop.
- Live webinar recorded for future viewing.
- Coordinated outreach via social media and partnering with other individuals and groups such as City Council members and Planning Groups.
- Direct notice to property owners whose property classification changes at the first hearing.
- Establish clear requirements regarding property owner support and opposition.
  - Each land and ownership (condominium) parcel is entitled to one polling response.
  - If a majority (50% plus 1) of all property owners submit polling responses in opposition, the district cannot be designated unless the district is of "Exceptional Importance" as defined by the National Park Service.

Amendment to SDMC Section 123.0213

In addition to the changes to the Historical District Designation Procedures, staff is proposing changes to SDMC Section 123.0203 that address appeals of historical resource designations. The proposed amendments (Attachment 3) would modify the appeal process for historical districts (but not individually designated sites) as follows:

- Change the decision-maker on historic district designation appeals from the City Council to the Planning Commission, as a decision-making body with land use and environmental expertise.
- If the district is supported by a majority (50% plus 1) of all property owners, then the appeal findings will be limited to the existing findings noted in the second paragraph of the "Background" section of this report.
- If the district is not supported by a majority (50% plus 1) of all property owners, then the appeal findings will include a finding of "evidence not supported" that will allow a de novo hearing.

Policy Subcommittee Review

The Policy Subcommittee reviewed an overview of the proposed amendments on July 9, 2018 and a strike-out/underline version on August 13, 2018. While there was no vote or formal recommendation from the Subcommittee, the following is a summary of some of the comments raised during Board comment and public comment, and the staff response:

COMMENT	STAFF RESPONSE
Concern about the impact of the additional property owner outreach on staff workload, and the use of the word "shall".	Staff has implemented most of these additional outreach items this year and have found them to be beneficial. Staff did remove the "shall" from Section 6.IV.f, for added flexibility.
Confusion regarding the property owner support and opposition; when Exceptional Importance is required; and who makes that determination.	Staff provided some additional language to clarify these points, which is summarized here: <ul style="list-style-type: none"> <li>● Each land or ownership parcel is entitled to one polling response by the property owner.</li> <li>● "Exceptional Importance" is only required if the district is <u>opposed</u> by a majority (50% plus 1) of all property owners.</li> </ul>

COMMENT	STAFF RESPONSE
	<ul style="list-style-type: none"> <li>• Neutral polling responses are not included in the tally of opposition.</li> <li>• The Statement of Significance in the District Nomination will include a discussion of whether the District is of Exceptional Importance, which will be reviewed by the Board who must make findings to support Exceptional Importance.</li> </ul>
<p>Concern about modifying the hearing body for appeals of historic district designations from the City Council to the Planning Commission; concern about the addition of a finding allowing a de novo hearing; and confusion over when that de novo finding would be allowed.</p>	<p>Staff's position continues to be that the Planning Commission, as an appointed Board of professionals and community advocates in the field of land-use planning, would be an appropriate hearing body for historic district appeals.</p> <p>The additional finding allowing for a de novo hearing would only be allowed if the historic district designation were appealed, and if the district was not supported by a majority (50% plus 1) of all property owners.</p>

To assist in the understanding of how these amendments would impact a historic district designation process, staff prepared a flow-chart to illustrate the various possibilities and outcomes if the amendments were to be adopted as proposed (Attachment 4).

**CONCLUSION**

At this time, staff recommends that the Historical Resources Board:

1. Rename the "Board's Procedure on Establishing Historic Districts" to the "Historical District Designation Procedures" and adopt the proposed amendments to the Historical District Designation Procedures, which will be incorporated as an appendix to the Historical Resources Guidelines of the Land Development Manual.
2. Recommend to the City Council adoption of the proposed amendments to SDMC Section 123.0203.



Kelley Stanco  
Senior Planner/Interim HRB Liaison

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- Attachments:
1. Proposed Amendments to the Historical District Designation Procedures in Strike-Out/Underline Format.
  2. Proposed Amendments to the Historical District Designation Procedures with Changes Accepted.
  3. Proposed Amendments to SDMC Section 123.0203
  4. Flow Chart Illustrating Historic District Processing with Implementation of Proposed Amendments

October 9, 2018 Draft

**HISTORICAL RESOURCES BOARD**  
**PROCEDURE ON ESTABLISHING HISTORICAL DISTRICTS**  
**DESIGNATION PROCEDURES**

**POLICY 4.1:** ADOPTED BY HSB ON JANUARY 7, 1977  
 AMENDED BY HRB ON AUGUST 28, 2000  
 AMENDED BY HRB ON APRIL 25, 2002  
 AMENDED BY HRB ON OCTOBER 27, 2011  
AMENDED BY THE HRB ON XXXX XX, 2018

**PROCEDURE ON ESTABLISHING HISTORIC DISTRICTS**

**1. OBJECTIVE, PURPOSE AND INTENT**

This policy is intended to guide the designation of historical districts within the City of San Diego. A Historical District is. The objective of a Historical District designation is to protect, preserve and, where damaged, restore a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are united historically, geographically, or aesthetically by plan or physical development and that have a special character, historical interest, cultural or aesthetic value, or that represents one or more architectural periods or styles in the history and development of the City (SDMC 113.0103.) Designated historic districts are those districts designated by the Historical Resources Board pursuant to Land Development Code Chapter 12, Article 3, Division 2, and included in the City of San Diego Historical Resources Board Register, or listed in or determined to be eligible for listing in the California Register of Historic Resources or the National Register of Historic Places. This procedure lays out the process by which a historic district is evaluated and considered for designation as a historic resource. Individuals or groups interested in submitting a historic district nomination for designation should review the *Guidelines for Preparing a Historic District Nomination in Consultation with Staff* (District Nomination Guidelines) for direction on how to proceed.

**2. BACKGROUND**

The City of San Diego Historical Resources Board (previously the Historical Sites Board) adopted its first policy on historical districts on January 7, 1977. The original policy did not distinguish different district types and provided twelve guidelines that were to be used in assessing a district's historical significance. The policy was updated on August 28, 2000, and it was at this time that districts were first separated into distinct categories. These categories included Geographic, Thematic, and Emerging. On April 25, 2002 the district policy was revised again to include the Archaeological District and the Voluntary/Traditional Historical District types.

Since the policy revision in 2002 that resulted in five district types, several issues with the district policy have been identified. Among these issues are the confusion created by different district types; the difficulty in regulating the various district types with the existing Historical Resources

Regulations; the difficulty in establishing some district types; the difficulty in preserving the integrity of other district types; and the fact that the existing policy accommodated too many varying levels of community support and degrees of research and survey work. In addition, while the City is permitted to adopt its own district policy based on local preservation needs, the existing policy was not consistent with State and National Register District policies and procedures.

As a result of these issues, the District Policy was amended in 2011 with the goal of simplifying the designation and regulation of historical districts. The district types were reduced from five to one, a standard geographic historical district. Resources that are thematically related but not located within a geographically limited and defined boundary shall be addressed through a Multiple Property Submission, consistent with National Park Service Bulletin 16B, [How to Complete the National Register Multiple Property Documentation Form](#). Archaeological districts will now be processed as a standard geographical historic district under this policy.

[In 2018, the Policy was amended to readdress property owner support and opposition to the designation of a new historic district; to elaborate on and clarify the processing of a historic district nomination; and to include new outreach strategies to better engage property owners in the process.](#)

### **3. EXISTING DISTRICTS**

All but one of the existing districts were established as standard geographic districts, meaning they were confined to a defined geographic area, and all identified contributing properties were designated at the time the district was established. This amended district policy will not impact the way these districts are regulated. However, the Ocean Beach Cottage Emerging Historical District was established with only a context statement and period of significance to establish the significance of the district, as well as a few properties which fell within that context and period of significance that were eligible for designation under HRB Criterion F. A complete intensive survey was never completed, and therefore all eligible contributing properties are not known. Owners of properties which fall within the context statement and period of significance may bring their properties forward for designation as contributors to the district. Only those properties identified and designated as contributors are currently regulated.

Because the Ocean Beach Cottage district does not have a full intensive survey, is based on a context statement and period of significance, and is limited to those properties that fall within the context and period that are volunteered by the property owner for designation, conversion of this district to a standard geographic district is not feasible. In addition, the district's long history as a historic district precludes conversion to a Multiple Property Submission. Therefore, the district will continue to be regulated under the prior policy. Property owners may continue to bring properties forward for designation under the established context and period of significance, and the district shall remain voluntary in nature. However, no new districts will be processed under this district type.

### **4. CRITERIA**

The district must be evaluated and determined to be significant under one or more of the adopted Designation Criteria A-E. Contributing resources are designated under Criterion F. The Board's adopted *Guidelines for the Application of Historical Resources Board Designation Criteria* provides guidance on the proper application of the designation criteria:

Criterion A - Exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development.

Criterion B - Is identified with persons or events significant in local, state or national history.

Criterion C - Embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of natural materials or craftsmanship.

Criterion D - Is representative of a notable work of a master builder, designer, architect, engineer, landscape architect, interior designer, artist or craftsman.

Criterion E - Is listed or has been determined eligible by the National Park Service for listing on the National Register of Historic Places or is listed or has been determined eligible by the State Historical Preservation Office for listing on the State Register of Historical Resources.

Criterion F - Is a finite group of resources related to one another in a clearly distinguishable way or is a geographically definable area or neighborhood containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles in the history and development of the City.

**Research Considerations:** When evaluating the district under the adopted designation criteria above, the following research considerations may be useful in developing a context and establishing significant themes:

**Common Heritage:** An area associated with groups of existing or former residents who, because of their common employment or heritage have contributed significantly to the City's development. Such an area will usually contain structures of architectural interest identified with common heritage and traditional functions.

**Traditional Activity:** An area or district associated with traditional activity, such as a central market, an educational or transportation facility, wharves, or warehousing. Such an area may also be remarkable for the particular architectural styles or method of construction associated with its original or traditional activity. Often a traditional activity has significantly shaped the history of the community which it served adding to its historic significance. If the traditional function exists in the present, it serves to illustrate the similarities and differences between past and present.

**Rare Past:** A district which was once representative of common existence during a specific historic era but is now rare or unusual. Such as: an example of architecture, artistry, or design once common, now rare, or a function or use once common, now rare.

**Development Progression:** Neighborhoods or districts illustrating the progressive development of style and changes in architectural and cultural taste.

**Consistent Plan:** Districts illustrating the development of coherent or consistent planning and design, or innovations in planning philosophy.

Public Works: Districts which illustrate the development of public works and other significant engineering achievements. During all historical periods structural aspects have been important, but after 1850, systems or construction employing steel and masonry contributed greatly to the evolution of commercial, industrial, and public buildings and therefore take a large part in the study of architecture of late periods.

Features of Daily Living: Districts which illustrate the details of daily living during a previous period. Equipment or mechanical devices such as call bells, speaking tubes, dumbwaiters, fans, or similar systems are examples.

Industrial Evolution: Districts which illustrate the evolution of an industrial era and its effects on humanity. Examples include company towns, glassworks, factories, manufacturing processes, and marketing developments. Aspects of these which have been instrumental in changing modes of work, altering working conditions, improving living standards, and generally affecting the social order may also manifest significance.

Craftsmanship: Examples of workmanship, craftsmanship, artistry, or design which would today be economically infeasible or difficult to reproduce and/or are of benefit to the contemporary community as significant reminders of the past.

Building Groupings: Building groupings where the significance and importance of the individual structures is increased because of their relationship to a grouping or row of other significant structures, which may or may not be of a similar period or design style.

Landmark Supportive: District of quality buildings or sites, often made up of individual landmark structures supported by other structures of somewhat lesser importance. Such districts are normally easily definable and have a significance over and above the sum of the values of each historic site because of the total historic environment.

## 5. OBJECTIVE

The objective of a District is to maintain the scale and basic character of the subject district and other designated historic districts through:

- a. Protection and preservation of the basic characteristics and salient architectural details of structures contributing resources insofar as these characteristics and details are compatible with the historical district, as defined by the Board in the Statement of Significance adopted for each district.
- b. Affording the widest possible scope for continuing vitality through private renewal and architectural creativity, within appropriate controls and standards. The Board intends to foster a climate in which each district may continue to exist as a living, changing neighborhood and not a static museum.
- c. Encouraging development of vacant property and redevelopment of incompatibly developed properties in accordance with the character of the area.

**Commented [SK1]:** This is an old carry-over from an older district policy, and is not particularly helpful in light of our adopted HRB Designation Criteria Guidelines.



~~d.a. Encouraging continuous research into San Diego's human past and culture for the benefit of future generations.~~

**Commented [SK2]:** This was helpful prior to the adoption of the Historical Resources Regulations, which includes a purpose and intent. Therefore, this section has been folded into Section 1, and utilizes language consistent with the Historical Resources Regulations.

## 6.5 DOCUMENTATION

The following information is required as part of a Historical District Nomination Report in order to designate a historical district. These requirements are discussed in greater detail in the District Nomination Guidelines.

- I. **Geographic Boundary**~~ies~~ **Description and Justification:** Specific geographic boundaries are established to encompass the historically significant area, sites and features. The boundary must be justified by the context, statement of significance, and concentration of resources.
- II. **A Historic Context and Statement of Significance:** Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear. The nomination must place the district within its historic context. For a more detailed discussion regarding historic contexts, refer to the District Nomination Guidelines and develop a statement of significance that describes how the district is significant within that context under one or more of the adopted HRB Criteria A-E. For a more detailed discussion regarding historic contexts, refer to the District Nomination Guidelines.
- III. **Statement of Significance and Period of Significance:** The nomination must provide a statement of significance that describes how the district is significant within that context under one or more of the adopted HRB Criteria A-E. For a more detailed discussion regarding the designation criteria and how to apply them, refer to the Board's Historic Resource Designation Criteria Guidelines. historic contexts, refer to the District Nomination Guidelines. In addition, a period of time that reflects that significance and the extant resources within the district must be identified and justified. The statement of significance must also address whether or not the district is of Exceptional Importance, as defined in Section 6.V.a.i.
- III.IV. **Site Surveys:** All properties within the district boundaries are surveyed and evaluated and identified as contributing to the historical significance of the district, or as non-contributing sites. on State of California Department of Parks and Recreation Forms (DPR-523 A and B Forms). are provided for all properties within the District boundaries. All properties must be recommended for classification as either a contributing or non-contributing resource:
  - a. **Contributing Sites**~~Resources~~: Contributing sites-resources are those that were built within the period of significance, embody the significance of the district, and retain integrity to convey the significance of the district-meet the significance characteristic of the District and are specifically designated historical resources. These sites shall be eligible for all the benefits and responsibilities of historic designation, including the application of the Historical Building Code, Tax Code Incentives, and US Secretary of Interior Standards for development.
  - b. **Non-contributing Sites**~~Resources~~: Non-contributing sites-resources are those that were built outside the period of significance; or were built within the period of

significance but either do not embody the significance of the district, or have been too altered to retain integrity to convey the significance of the district, have been substantially modified so that they no longer contribute to the historical integrity of the district, or sites that were developed subsequently and have no inherent historical significance or features. These sites are not eligible for direct benefits resulting from historical designation, except if unless the owner subsequently chooses to restores original historic fabric and features making it a contributing site to the district. In these cases, the Board shall hold a public hearing where the status of the site from non-contributing to contributing can be assessed and approved.

- c. **Vacant Parcels:** Vacant parcels within the boundaries of a District will be deemed to have significance if they relate to the quality and character of the district, otherwise they will be classified as non-contributing sites. Alteration of vacant sites will be reviewed in a manner consistent with the U.S. Secretary of the Interior's Standards and any applicable historical district's approved district-specific development guidelines.
- d. **District Features:** The Board will determine upon designation of a Historic District those features and characteristics deemed essential to the maintenance of the district's architectural and/or historic integrity. Examples include historic light fixtures; character defining landscaping and landscape walls within the public right-of-way; sidewalk colors, scoring patterns and stamps; hitching posts; entry markers or monuments; and the like.

**IV.V. Development Guidelines:** If deemed necessary to maintain the historical and/or architectural integrity of a historical district the Board will prepare and adopt a set of development guidelines to be used in development project review for contributing and non-contributing sites, and other district features such as streets, etc., to provide an appropriate context for the application of US Secretary of Interior Standards. Adoption of any such development guidelines will require approval by the City Council.

**Demolition and Alteration:** Alteration to a contributing site within a historical district must comply with the applicable provisions of the San Diego Land Development Code. For example, a Site Development Permit is required for substantial alteration within historical districts and a recommendation of the Historical Resources Board is required prior to Planning Commission decision on a Site Development Permit. Furthermore, if a deviation for demolition or removal of a contributing structure within a historical district is approved, the applicant must obtain approval for new development before the issuance of a Demolition/Removal Permit. (San Diego Land Development Code sections 126.0502, 126.0503, 143.0250, and 143.0260(c)).

**Inter-Department and Agency Support:** Participation of appropriate City departments will be sought to assist with the preparation of a historical district. Upon designation of a historical district, actions of Departments which could affect said district, including proposed changes in land use, changes in traffic patterns and street closing, public improvements, encroachment permits, etc. should be forwarded to the Board for review and recommendation, consistent with the applicable historical district development guidelines and Section 111.0206d(4) of San Diego Land Development

**Commented [SK3]:** This is not a new requirement, it is clarifying existing requirements. Design Guidelines further limit how a property can be developed beyond the underlying zoning, and can only be adopted by the City Council through Ordinance.

**Commented [SK4]:** This section was moved to Implementation section at the end.

~~Code which empowers the Board "To adopt standards and guidelines to be used by the Board in reviewing applications for development permits involving designated historical resources."~~

**Commented [SK5]:** This section is redundant to the Implementation section at the end.

## **7.6. BOARD ACTION PROCESSING OF HISTORIC DISTRICT NOMINATION**

The following process steps and actions are required for the City of San Diego Historical Resources Board to establish designate a historical district:

- I. **Designation request Nomination:** ~~Consistent with the Municipal Code, a~~Any organization, or individual can bring forth a request nomination for historical district designation. Nominations prepared and submitted by individuals or groups, rather than City staff, must be prepared in accordance with the process, as detailed in the Historic District Nomination Guidelines. The request should also include a petition endorsed by a substantial number or a majority of the affected property owners. If the request is brought forth by the City, based on comprehensive historical studies available to the City, staff shall include information showing the extent of community support and involvement in the preparation of the Historic District Document. For all nominations, staff will solicit the level of support and opposition from property owners within the proposed district boundary consistent with the process outlined in the District Nomination Guidelines, and shall provide that information to the Board.
- II. **Historical Report District Nomination Report:** ~~The request~~Historical District Nomination Report shall include a Historical Report with information about the proposed historical district, including a Methods section, Historic Context, a Statement of Significance based upon the City's Designation Criteria, a Period of Significance, a Boundaries Description and Justification, a discussion of the methods used to survey the district, or area of effect, DPR-523A and DPR-523B Forms for each property within the district, a recommended classification of contributing and non-contributing resources; and Development Guidelines as needed. Information ~~Nominations submitted by individuals or organizations other than the City of San Diego will be submitted to City staff of the Historical Resources Board for initial review.~~
- III. **Policy Subcommittee Review:** Once staff determines that the nomination is complete or largely complete, the Historic Context, Statement of Significance, Period of Significance and Boundary Description and Justification will be docketed for review and input by the Policy Subcommittee of the HRB.
- IV. **Property Owner Outreach Initiative:** To ensure property owner awareness of the district effort and engagement in the designation process, the following elements shall be included in the processing of the historic district nomination:
  - a. **Website:** The City shall maintain a website that contains information on the proposed historic district and its significance; the process for establishing a historic district; the new benefits and responsibilities homeowners will take-on as a result of a historic district designation; an anticipated timeline for processing; and contact information for staff.
  - b. **Door Hangers:** During the preparation of the nomination, prior to the review by the Policy Subcommittee, door hangers will be distributed within the boundaries of the

historic district to inform property owners of the designation effort and provide an anticipated timeline.

- c. **Community Planning Group Coordination:** Staff shall coordinate with the Community Planning Group representing the Planning Area in which the historic district is located to request the Group's assistance in distributing information regarding the historic district nomination and processing. This may include providing email or social media communication through their distribution lists, posting information to their website, and/or making announcements at regular Community Planning Group meetings.
- d. **Property Owner Workshop:** City staff shall host at least one workshop in the community to provide property owners within the historic district with information on the proposed historic district and its significance; the process for establishing a historic district; the new benefits and responsibilities homeowners will take-on as a result of a historic district designation; and an anticipated timeline for processing. Staff will also be available to answer questions. **Notice shall be sent to property owners via U.S. postal mail at least 10 business days prior to the workshop informing them of the workshop date, time and location.**
- e. **Property Owner Webinar:** City staff shall host at least 1 live webinar to provide property owners within the historic district with information on the proposed historic district and its significance; the process for establishing a historic district; the new benefits and responsibilities homeowners will take-on as a result of a historic district designation; and an anticipated timeline for processing. Staff will also be available to answer questions. **Notice shall be sent to property owners via U.S. postal mail at least 10 business days prior to the webinar informing them of the date and time.** The recorded webinar shall be made available online for viewing.
- f. **Additional Outreach Platforms:** In addition to standard notification via postal mail, staff should utilize other reasonable methods to reach out to and inform property owners of the historic district designation effort. There are no specific requirements regarding the methods or platforms used, due to the quickly evolving nature of communication technology. However, examples of other platforms may include email distribution lists and Social Media; as well as partnering with the local historical society, neighborhood group/association and/or Council District Office to provide announcements and information through their information-sharing networks.

V. **Property Owner Support and Opposition:** The level of property owner support, opposition, and neutrality in regard to the designation of the historic district must be obtained for all historic district nominations. Polling information shall be mailed to all property owners within the historic district boundary. The polling information shall contain basic information on the district effort; where and how additional information can be obtained; and how they can voice their support, opposition or neutrality to the designation of the historic district. Property owners may reply via pre-paid postal mail, email or online polling. The property owner's name and the affected property address must be included. Each land or ownership parcel (land parcels and condominium parcels) within the district boundary shall be allowed to submit one polling response.

a. **Majority Opposition:** If a majority (50% plus 1) of all property owners within a proposed historic district are opposed to the designation of the historic district, the nomination may not be designated unless the Historic District Nomination can demonstrate "Exceptional Importance" as defined by the National Park Service and included in the sections below. Polling responses that indicate neutrality will not be included in the tally of opposition. In addition to establishing significance under HRB Designation Criteria A-E, the Historic District Nomination and the findings in support of designation must also establish how the district is of Exceptional Importance, as follows:

i. **Exceptional Importance:** Historic Districts of exceptional importance are those districts that have made an unusual contribution to the development of San Diego's history, architecture, archaeology, engineering or culture. The phrase "exceptional importance" does not require that the property be of national significance. It is a measure of a property's importance within the appropriate historic context, whether the scale of that context is local, State, or national.

1. **Demonstrating Exceptional Importance:** The rationale or justification for exceptional importance should be an explicit part of the statement of significance. It should not be treated as self-explanatory. Nominations must make a persuasive, direct case that the grounds—the historic context—for evaluating a historic district's exceptional importance exist and that the district being nominated is, within that context, exceptional. This justification must address two issues at the beginning of a nomination's Statement of Significance. The first section should contain a straightforward description of why the historic district is historically significant—with direct reference to the specific relevant City of San Diego Historic Designation Criteria. The second section should contain the justification as to why the historic district can be determined to be of exceptional importance. This section must:

- a. Discuss the context used for evaluating the district.
  - b. Demonstrate that the context and the resources associated with it can be judged to be "historic."
  - c. Document the existence of sufficient research or evidence to permit a dispassionate evaluation of the district.
  - d. Identify other districts – designated or potential - within the geographical area that reflect the same significance or historic associations and determine which district best represent the historic context in question.
- a-e. Use the background just presented to summarize the way in which the resource is exceptionally important.

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VI. Board Review: Two meetings of the Board are required to ~~establish~~ designate a historical district. Upon receipt of a complete ~~h~~Historical d~~District designation package~~Nomination Report, the Historical Resources Board staff shall schedule the item for review by the Board in accordance with the following process: ~~At this time the Board shall evaluate the completeness and adequacy of the information submitted establishing the significance of the proposed historical district at a regularly scheduled Board meeting. If the information submitted is found adequate, a second noticed public hearing shall be scheduled for the next available Board hearing.~~

a. Notice of First Hearing: Notices will be mailed as required by the San Diego Land Development Code Section 123.0202 (b) to all affected property owners, and community planning groups, neighborhood associations, historical societies, and other interested parties.

b. Site Visit: Historical Resources Board members are required to physically visit the district area and view the sites within the district's boundary before taking any action.

c. First Hearing: ~~At this time the first hearing the Board shall take public testimony and evaluate the completeness and adequacy of the information submitted establishing the significance of the proposed h~~Historical d~~District Nomination Report and begin the discussion of classification of contributing and non-contributing resources. at a regularly scheduled Board meeting. If the information submitted nomination is found adequate, a second noticed public hearing shall be scheduled for the next available Board hearing. If the Board directs changes to the District Boundary, or recommends the addition or removal of designation criteria, additional property owner outreach and a second First Hearing shall be required.~~

d. Targeted Supplemental Notice: Immediately following the first hearing, staff shall provide supplemental, targeted notice to owners of properties whose classification changed from Contributing to Non-Contributing or Non-Contributing to Contributing at the first hearing, directly informing them of the change and information on how to provide additional information regarding their property.

e. Notice of Second Hearing: Notices will be mailed as required by the San Diego Land Development Code Section 123.0202 (b) to all affected property owners, and community planning groups, neighborhood associations, historical societies, and other interested parties. The second notice shall include an advisory that the recommended classification of properties as contributing or non-contributing may have changed as a result of the first hearing.

b.f. Second Hearing: At the second hearing the Board will hear public testimony on the establishment of the historical district, and take appropriate action. The action of the Board to designate a historical district may be appealed to the City Council as established by the in accordance with San Diego Land Development Code Section 123.0203.

**Commented [SK6]:** This was added to clarify when a nomination would need to return to a second hearing, based upon our experiences in 2017.

II. ~~**Noticing:** Notices will be mailed as required by the San Diego Land Development Code Section 123.0202 (b) to all affected property owners, and community planning groups, neighborhood associations, historical societies, and other interested parties.~~

III.I. ~~**Site Visit:** Historical Resources Board members are required to physically visit the district area and view the sites within the district's boundary before taking any action.~~

IV. ~~**Board Hearing:** The Board will hear public testimony on the establishment of the historical district, and take appropriate action. The action of the Board to designate a historical district may be appealed to the City Council as established by the San Diego Land Development Code Section 123.0203.~~

**VII. Implementation:**

a. **Inter-Department and Agency Coordination:** Upon Board designation of a historical district the boundaries of said district shall be transmitted to all affected City departments and relevant agencies so they may be aware of the Board's interest and involvement in any actions that could potentially affect the historical integrity and significance of the district. The Board shall review any development request affecting a significant historical resource as established by the various sections of the City of San Diego Land Development Code, to provide the appropriate recommendations to the decision maker.

b. **Demolition and Alteration:** Alteration to a contributing site within a historical district must comply with the applicable provisions of the San Diego Land Development Code. For example, a Site Development Permit is required for substantial alteration within historical districts and a recommendation of the Historical Resources Board is required prior to Planning Commission decision on a Site Development Permit. Furthermore, if a deviation for demolition or removal of a contributing structure within a historical district is approved, the applicant must obtain approval for new development before the issuance of a Demolition/Removal Permit. (San Diego Land Development Code sections 126.0502, 126.0503, 143.0250, and 143.0260(c).

a.c. **Mills Act:** ~~Additionally, c~~Contributing sites within a historical district shall be eligible for the Mills Act Program provided they meet the standards of the program.

## HISTORICAL RESOURCES BOARD

### HISTORICAL DISTRICT DESIGNATION PROCEDURES

ADOPTED BY HSB ON JANUARY 7, 1977  
AMENDED BY HRB ON AUGUST 28, 2000  
AMENDED BY HRB ON APRIL 25, 2002  
AMENDED BY HRB ON OCTOBER 27, 2011  
AMENDED BY THE HRB ON XXXX XX. 2018

#### 1. OBJECTIVE, PURPOSE AND INTENT

The objective of a Historical District designation is to protect, preserve and, where damaged, restore a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are united historically, geographically, or aesthetically by plan or physical development and that have a special character, historical interest, cultural or aesthetic value, or that represents one or more architectural periods or styles in the history and development of the City (SDMC 113.0103.) Designated historic districts are those districts designated by the Historical Resources Board pursuant to Land Development Code Chapter 12, Article 3, Division 2, and included in the City of San Diego Historical Resources Board Register, or listed in or determined to be eligible for listing in the California Register of Historic Resources or the National Register of Historic Places. This procedure lays out the process by which a historic district is evaluated and considered for designation as a historic resource. Individuals or groups interested in submitting a historic district nomination for designation should review the *Guidelines for Preparing a Historic District Nomination in Consultation with Staff* (District Nomination Guidelines) for direction on how to proceed.

#### 2. BACKGROUND

The City of San Diego Historical Resources Board (previously the Historical Sites Board) adopted its first policy on historical districts on January 7, 1977. The original policy did not distinguish different district types and provided twelve guidelines that were to be used in assessing a district's historical significance. The policy was updated on August 28, 2000, and it was at this time that districts were first separated into distinct categories. These categories included Geographic, Thematic, and Emerging. On April 25, 2002 the district policy was revised again to include the Archaeological District and the Voluntary/Traditional Historical District types.

Since the policy revision in 2002 that resulted in five district types, several issues with the district policy have been identified. Among these issues are the confusion created by different district types; the difficulty in regulating the various district types with the existing Historical Resources Regulations; the difficulty in establishing some district types; the difficulty in preserving the integrity of other district types; and the fact that the existing policy accommodated too many varying levels of community support and degrees of research and survey work. In addition, while the City is permitted to adopt its own district policy based on local preservation needs, the existing policy was not consistent with State and National Register District policies and procedures.



As a result of these issues, the District Policy was amended in 2011 with the goal of simplifying the designation and regulation of historical districts. The district types were reduced from five to one, a standard geographic historical district. Resources that are thematically related but not located within a geographically limited and defined boundary shall be addressed through a Multiple Property Submission, consistent with National Park Service Bulletin 16B, [How to Complete the National Register Multiple Property Documentation Form](#). Archaeological districts will now be processed as a standard geographical historic district under this policy.

In 2018, the Policy was amended to readdress property owner support and opposition to the designation of a new historic district; to elaborate on and clarify the processing of a historic district nomination; and to include new outreach strategies to better engage property owners in the process.

### **3. EXISTING DISTRICTS**

All but one of the existing districts were established as standard geographic districts, meaning they were confined to a defined geographic area, and all identified contributing properties were designated at the time the district was established. This amended district policy will not impact the way these districts are regulated. However, the Ocean Beach Cottage Emerging Historical District was established with only a context statement and period of significance to establish the significance of the district, as well as a few properties which fell within that context and period of significance that were eligible for designation under HRB Criterion F. A complete intensive survey was never completed, and therefore all eligible contributing properties are not known. Owners of properties which fall within the context statement and period of significance may bring their properties forward for designation as contributors to the district. Only those properties identified and designated as contributors are currently regulated.

Because the Ocean Beach Cottage district does not have a full intensive survey, is based on a context statement and period of significance, and is limited to those properties that fall within the context and period that are volunteered by the property owner for designation, conversion of this district to a standard geographic district is not feasible. In addition, the district's long history as a historic district precludes conversion to a Multiple Property Submission. Therefore, the district will continue to be regulated under the prior policy. Property owners may continue to bring properties forward for designation under the established context and period of significance, and the district shall remain voluntary in nature. However, no new districts will be processed under this district type.

### **4. CRITERIA**

The district must be evaluated and determined to be significant under one or more of the adopted Designation Criteria A-E. Contributing resources are designated under Criterion F. The Board's adopted *Guidelines for the Application of Historical Resources Board Designation Criteria* provides guidance on the proper application of the designation criteria:

Criterion A - Exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development.

Criterion B - Is identified with persons or events significant in local, state or national history.

Criterion C - Embodies distinctive characteristics of a style, type, period or method of

construction or is a valuable example of the use of natural materials or craftsmanship.

Criterion D - Is representative of a notable work of a master builder, designer, architect, engineer, landscape architect, interior designer, artist or craftsman.

Criterion E - Is listed or has been determined eligible by the National Park Service for listing on the National Register of Historic Places or is listed or has been determined eligible by the State Historical Preservation Office for listing on the State Register of Historical Resources.

Criterion F - Is a finite group of resources related to one another in a clearly distinguishable way or is a geographically definable area or neighborhood containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles in the history and development of the City.

## 5. DOCUMENTATION

The following information is required as part of a Historical District Nomination Report in order to designate a historical district. These requirements are discussed in greater detail in the District Nomination Guidelines.

- I. **Geographic Boundary Description and Justification:** Specific geographic boundaries are established to encompass the historically significant area, sites and features. The boundary must be justified by the context, statement of significance, and concentration of resources.
- II. **A Historic Context:** Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear. The nomination must place the district within its historic context. For a more detailed discussion regarding historic contexts, refer to the District Nomination Guidelines.
- III. **Statement of Significance and Period of Significance:** The nomination must provide a statement of significance that describes how the district is significant within that context under one or more of the adopted HRB Criteria A-E. For a more detailed discussion regarding the designation criteria and how to apply them, refer to the Board's Historic Resource Designation Criteria Guidelines. In addition, a period of time that reflects that significance and the extant resources within the district must be identified and justified. The statement of significance must also address whether or not the district is of Exceptional Importance, as defined in Section 6.V.a.i.
- IV. **Site Surveys:** All properties within the district boundaries are surveyed and evaluated on State of California Department of Parks and Recreation Forms (DPR-523 A and B Forms). All properties must be recommended for classification as either a contributing or non-contributing resource:
  - a. **Contributing Resources:** Contributing resources are those that were built within the period of significance, embody the significance of the district, and retain integrity to convey the significance of the district. These sites shall be eligible for all the benefits and responsibilities of historic designation, including the application of the Historical Building Code, Tax Code Incentives, and US Secretary of Interior Standards for development.

- b. **Non-contributing Resources:** Non-contributing resources are those that were built outside the period of significance; or were built within the period of significance but either do not embody the significance of the district, or have been too altered to retain integrity to convey the significance of the district. These sites are not eligible for direct benefits resulting from historical designation, unless the owner subsequently chooses to restore original historic fabric and features making it a contributing site to the district. In these cases, the Board shall hold a public hearing where the status of the site from non-contributing to contributing can be assessed and approved.
  - c. **Vacant Parcels:** Vacant parcels within the boundaries of a District will be deemed to have significance if they relate to the quality and character of the district, otherwise they will be classified as non-contributing sites. Alteration of vacant sites will be reviewed in a manner consistent with the U.S. Secretary of the Interior's Standards and any approved district-specific development guidelines.
  - d. **District Features:** Those features and characteristics deemed essential to the maintenance of the district's architectural and/or historic integrity. Examples include historic light fixtures; character defining landscaping and landscape walls within the public right-of-way; sidewalk colors, scoring patterns and stamps; hitching posts; entry markers or monuments; and the like.
- V. **Development Guidelines:** If deemed necessary to maintain the historical and/or architectural integrity of a historical district the Board will prepare and adopt a set of development guidelines to be used in development project review for contributing and non-contributing sites, and other district features such as streets, etc., to provide an appropriate context for the application of US Secretary of Interior Standards. Adoption of any such development guidelines will require approval by the City Council.

## 6. PROCESSING OF HISTORIC DISTRICT NOMINATION

The following process steps and actions are required for the City of San Diego Historical Resources Board to designate a historical district:

- I. **Designation Nomination:** Consistent with the Municipal Code, any organization, or individual can bring forth a nomination for historical district designation. Nominations prepared and submitted by individuals or groups, rather than City staff, must be prepared in accordance with the process detailed in the Historic District Nomination Guidelines.
- II. **Historical District Nomination Report:** The Historical District Nomination Report shall include a Historic Context; a Statement of Significance based upon the City's Designation Criteria; a Period of Significance; a Boundary Description and Justification; a discussion of the methods used to survey the district; DPR-523A and DPR-523B Forms for each property within the district, a recommended classification of contributing and non-contributing resources; and Development Guidelines as needed. Nominations submitted by individuals or organizations other than the City of San Diego will be submitted to City staff for initial review.

- III. **Policy Subcommittee Review:** Once staff determines that the nomination is complete or largely complete, the Historic Context, Statement of Significance, Period of Significance and Boundary Description and Justification will be docketed for review and input by the Policy Subcommittee of the HRB.
- IV. **Property Owner Outreach Initiative:** To ensure property owner awareness of the district effort and engagement in the designation process, the following elements shall be included in the processing of the historic district nomination:
- a. **Website:** The City shall maintain a website that contains information on the proposed historic district and its significance; the process for establishing a historic district; the new benefits and responsibilities homeowners will take-on as a result of a historic district designation; an anticipated timeline for processing; and contact information for staff.
  - b. **Door Hangers:** During the preparation of the nomination, prior to the review by the Policy Subcommittee, door hangers will be distributed within the boundaries of the historic district to inform property owners of the designation effort and provide an anticipated timeline.
  - c. **Community Planning Group Coordination:** Staff shall coordinate with the Community Planning Group representing the Planning Area in which the historic district is located to request the Group's assistance in distributing information regarding the historic district nomination and processing. This may include providing email or social media communication through their distribution lists, posting information to their website, and/or making announcements at regular Community Planning Group meetings.
  - d. **Property Owner Workshop:** City staff shall host at least one workshop in the community to provide property owners within the historic district with information on the proposed historic district and its significance; the process for establishing a historic district; the new benefits and responsibilities homeowners will take-on as a result of a historic district designation; and an anticipated timeline for processing. Staff will also be available to answer questions. **Notice shall be sent to property owners via U.S. postal mail at least 10 business days prior to the workshop informing them of the workshop date, time and location.**
  - e. **Property Owner Webinar:** City staff shall host at least 1 live webinar to provide property owners within the historic district with information on the proposed historic district and its significance; the process for establishing a historic district; the new benefits and responsibilities homeowners will take-on as a result of a historic district designation; and an anticipated timeline for processing. Staff will also be available to answer questions. **Notice shall be sent to property owners via U.S. postal mail at least 10 business days prior to the webinar informing them of the date and time.** The recorded webinar shall be made available online for viewing.
  - f. **Additional Outreach Platforms:** In addition to standard notification via postal mail, staff should utilize other reasonable methods to reach out to and inform property

owners of the historic district designation effort. There are no specific requirements regarding the methods or platforms used, due to the quickly evolving nature of communication technology. However, examples of other platforms may include email distribution lists and Social Media; as well as partnering with the local historical society, neighborhood group/association and/or Council District Office to provide announcements and information through their information-sharing networks.

- V. **Property Owner Support and Opposition:** The level of property owner support, opposition, and neutrality in regard to the designation of the historic district must be obtained for all historic district nominations. Polling information shall be mailed to all property owners within the historic district boundary. The polling information shall contain basic information on the district effort; where and how additional information can be obtained; and how they can voice their support, opposition or neutrality to the designation of the historic district. Property owners may reply via pre-paid postal mail, email or online polling. The property owner's name and the affected property address must be included. Each land or ownership parcel (land parcels and condominium parcels) within the district boundary shall be allowed to submit one polling response.
- a. **Majority Opposition:** If a majority (50% plus 1) of all property owners within a proposed historic district are opposed to the designation of the historic district, the nomination may not be designated unless the Historic District Nomination can demonstrate "Exceptional Importance" as defined by the National Park Service and included in the sections below. Polling responses that indicate neutrality will not be included in the tally of opposition. In addition to establishing significance under HRB Designation Criteria A-E, the Historic District Nomination and the findings in support of designation must also establish how the district is of Exceptional Importance, as follows:
- i. **Exceptional Importance:** Historic Districts of exceptional importance are those districts that have made an unusual contribution to the development of San Diego's history, architecture, archaeology, engineering or culture. The phrase "exceptional importance" does not require that the property be of national significance. It is a measure of a property's importance within the appropriate historic context, whether the scale of that context is local, State, or national.
1. **Demonstrating Exceptional Importance:** The rationale or justification for exceptional importance should be an explicit part of the statement of significance. It should not be treated as self-explanatory. Nominations must make a persuasive, direct case that the grounds—the historic context—for evaluating a historic district's exceptional importance exist and that the district being nominated is, within that context, exceptional. This justification must address two issues at the beginning of a nomination's Statement of Significance. The first section should contain a straightforward description of why the historic district is historically significant—with direct reference to the specific relevant City of San Diego Historic Designation Criteria. The second section

should contain the justification as to why the historic district can be determined to be of exceptional importance. This section must:

- a. Discuss the context used for evaluating the district.
- b. Demonstrate that the context and the resources associated with it can be judged to be "historic."
- c. Document the existence of sufficient research or evidence to permit a dispassionate evaluation of the district.
- d. Identify other districts – designated or potential - within the geographical area that reflect the same significance or historic associations and determine which district best represent the historic context in question.
- e. Use the background just presented to summarize the way in which the resource is exceptionally important.

VI. **Board Review:** Two meetings of the Board are required to designate a historical district. Upon receipt of a complete Historical District Nomination Report, the Historical Resources Board staff shall schedule the item for review by the Board in accordance with the following process:

- a. **Notice of First Hearing:** Notices will be mailed as required by the San Diego Land Development Code Section 123.0202 (b) to all affected property owners, and community planning groups, neighborhood associations, historical societies, and other interested parties.
- b. **Site Visit:** Historical Resources Board members are required to physically visit the district area and view the sites within the district's boundary before taking any action.
- c. **First Hearing:** At the first hearing the Board shall take public testimony and evaluate the completeness and adequacy of the proposed Historical District Nomination Report and begin the discussion of classification of contributing and non-contributing resources. If the nomination is found adequate, a second noticed public hearing shall be scheduled for the next available Board hearing. If the Board directs changes to the District Boundary, or recommends the addition or removal of designation criteria, additional property owner outreach and a second First Hearing shall be required.
- d. **Targeted Supplemental Notice:** Immediately following the first hearing, staff shall provide supplemental, targeted notice to owners of properties whose classification changed from Contributing to Non-Contributing or Non-Contributing to Contributing at the first hearing, directly informing them of the change and information on how to provide additional information regarding their property.

- e. **Notice of Second Hearing:** Notices will be mailed as required by the San Diego Land Development Code Section 123.0202 (b) to all affected property owners, and community planning groups, neighborhood associations, historical societies, and other interested parties. The second notice shall include an advisory that the recommended classification of properties as contributing or non-contributing may have changed as a result of the first hearing.
- f. **Second Hearing:** At the second hearing the Board will hear public testimony on the establishment of the historical district, and take appropriate action. The action of the Board to designate a historical district may be appealed in accordance with San Diego Land Development Code Section 123.0203.

VII. **Implementation:**

- a. **Inter-Department and Agency Coordination:** Upon Board designation of a historical district the boundaries of said district shall be transmitted to all affected City departments and relevant agencies so they may be aware of the Board's interest and involvement in any actions that could potentially affect the historical integrity and significance of the district. The Board shall review any development request affecting a significant historical resource as established by the various sections of the City of San Diego Land Development Code, to provide the appropriate recommendations to the decision maker.
- b. **Demolition and Alteration:** Alteration to a contributing site within a historical district must comply with the applicable provisions of the San Diego Land Development Code. For example, a Site Development Permit is required for substantial alteration within historical districts and a recommendation of the Historical Resources Board is required prior to Planning Commission decision on a Site Development Permit. Furthermore, if a deviation for demolition or removal of a contributing structure within a historical district is approved, the applicant must obtain approval for new development before the issuance of a Demolition/Removal Permit. (San Diego Land Development Code sections 126.0502, 126.0503, 143.0250, and 143.0260(c).
- c. **Mills Act:** Contributing sites within a historical district shall be eligible for the Mills Act Program provided they meet the standards of the program.

August 7, 2018 Draft

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

The action of the Historical Resources Board in the designation process 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 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~~ provide documentation in support of the grounds for appeal.

a) An appeal of the designation of a *historical resource* other than a *historical district* shall be filed with the City Clerk, to be heard by the City Council.

1) The City Council may reject designation on the basis of:

A) ~~F~~Actual errors in materials or information presented to the Board,

B) ~~V~~iolations of bylaws or hearing procedures by the Board or individual member, or

A)C) ~~P~~resentation of new information.

2) Upon the filing of the appeal, the City Clerk shall set the matter for public hearing as soon as is practicable and shall give written notice to the property owner and the appellant of the time and date set for the hearing. 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.

b) An appeal of the designation of a *historical district* shall be filed with the City Manager, to be heard by the Planning Commission.

1) When the designation of a *historical district* has the support of a majority (50 percent plus 1) of all property owners within the district, the Planning Commission may reject designation on the basis of:

A) Factual errors in materials or information presented to the Board,

B) Violations of bylaws or hearing procedures by the Board or individual member, or

C) Presentation of new information.

2) When the designation of a *historical district* does not have the support of a majority (50 percent plus 1) of all property owners within the district, the Planning Commission may reject designation of the on the basis of:



A) Factual errors in materials or information presented to the Board,

B) Violations of bylaws or hearing procedures by the Board or individual member,

C) Presentation of new information, or

D) The information provided to the Board did not support the *findings* for the designation.

3) Upon the filing of the appeal, the City Manager shall set the matter for public hearing as soon as is practicable and shall give written notice to the property owners and the appellant(s) of the time and date set for the hearing. At the public hearing on the appeal, the Planning Commission may by resolution affirm, reverse, or modify the determination of the Board and shall make written *findings* in support of its decision.

~~b)c~~) The appellant(s) may withdraw an appeal at any time prior to the commencement of the appeal hearing before the Planning Commission or City Council. The withdrawal of the appeal must be filed in writing with the City Manager. If all appellants withdraw their appeals, no appeal hearing shall be conducted. The withdrawal of the appeal does not entitle the appellant(s) to any refund of appeal-related costs or fees incurred as of the date of the withdrawal.

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

*(Amended XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)*

# Historic District Designation Process with Proposed Amendments to the Historical District Designation Procedures and SDMC Section 123.0203

