

Draft Regulation Amendments - Potential Historic District 8/23/2016

The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

§143.0210 When Historical Resources Regulations Apply

- (a) This division applies to proposed *development* when the following *historical resources* are present on the site, whether or not a Neighborhood Development Permit or Site Development Permit is required;
- (1) *designated historical resources*;
 - (2) *historical buildings*;
 - (3) *historical districts*;
 - (4) *historical landscapes*;
 - (5) *historical objects*;
 - (6) *historical structures*;
 - (7) *important archaeological sites*; ~~and~~
 - (8) properties identified as potential contributing resources to a potential *historical district* as specified in a *land use plan* as set forth in Section 143.0255; and
 - ~~(8)~~(9) *traditional cultural properties*.
- (b) Where any portion of a *premises* contains *historical resources*, this division shall apply to the entire *premises*.
- (c) through (d) [No change]
- (e) A Neighborhood Development Permit or Site Development Permit is required for the following types of *development* proposals that do not qualify for an exemption in accordance with Section 143.0220:
- (1) Neighborhood Development Permit in accordance with Process Two.
 - (A) *Single dwelling unit residential development* on a *single dwelling unit lot* of any size when a *traditional cultural property* or *important archaeological site* is present.
 - (B) Development in accordance with Section 143.0255(c).
 - (2) through (4) and Table 143-02A [No change]

Draft Regulation Amendments - Potential Historic District 8/23/2016

The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

§143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources

The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. ~~However, in all cases~~ For the activities in Section 143.0220(a) through (j) a construction permit is required in all cases.

(a) through (j) [No change]

(k) Development on a premises identified as a potential contributing resource to a potential historical district that complies with Section 143.0255(b).

§143.0255 Development Regulations for Potential Contributing Resources to a Potential Historical District Identified in a Land Use Plan

The following regulations apply to development on a premises within a potential historical district as specified in a land use plan when the premises has been identified as a potential contributing resource to the potential historical district.

(a) The following development is exempt from Section 143.0255:

(1) non-residential development;

(2) development that is exempt from a building permit in accordance with Section 129.0203(a);

(3) designated historic resources; and

(4) historical resources identified in accordance with Section 143.0212.

(b) Once a structure is determined by historical resources staff to be a potential contributing resource to a potential historical district, proposed development activities including maintenance and repair, restoration, and modifications to that structure may be approved in accordance with a Process One construction permit where it complies with the following:

(1) Proposed development within the front two-thirds of the structure as measured from the original primary façade that is limited to:

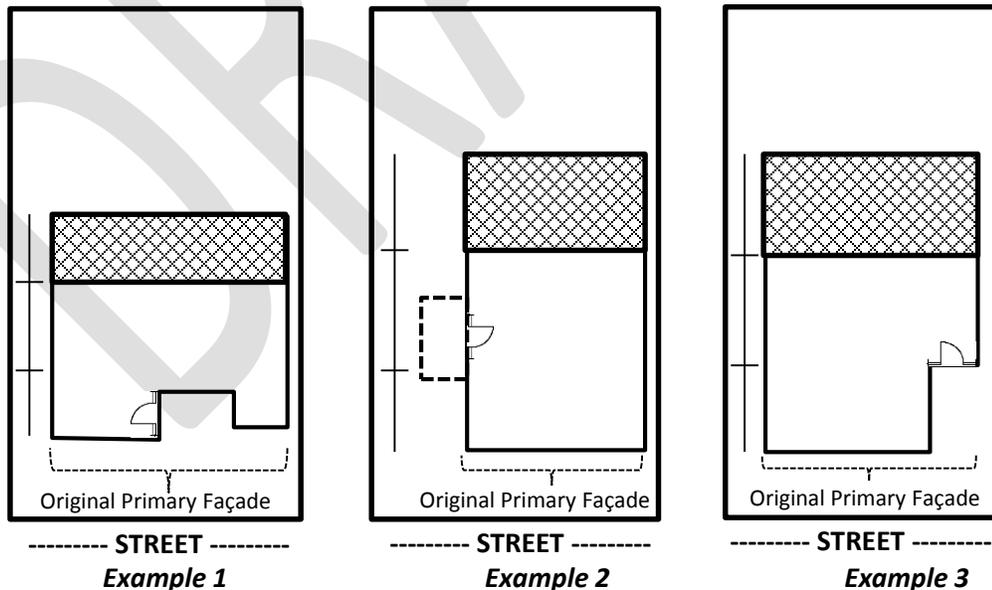
(A) Maintenance or repair of existing historic materials consistent with the U.S. Secretary of the Interior's Standards; or

Draft Regulation Amendments - Potential Historic District 8/23/2016

The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

- (B) Restoration of the *structure* to its historic appearance consistent with the U.S. Secretary of the Interior’s Standards based on photo documentation or the written opinion of a Historic Preservation Architect. The project plans shall include information demonstrating how the modification will result in the restoration of the *structure*, and a copy of the supporting photo documentation or written opinion shall be included with the application.
- (2) The original primary façade refers to the building elevation which, at the time of the original construction (as determined by Notice of Completion, building permits, water and sewer permits, Assessor’s Building Record, or other historical documentation) served as the primary public entrance and face of the building. Typically, the original primary façade will contain the highest concentration of character-defining features, such as a front porch or stoop, the primary public entry door, decorative or multi-lite window groupings, and/or decorative materials, finishes and detailing. Typically the original primary façade will front onto a public or private roadway. In instances where the entire width of the lot does not front on to a public right-of-way, the original primary façade may also relate to a driveway or private easement.
- (A) For interior lots, the original primary façade is the façade fronting the street, as illustrated in Diagram 143-02A.

Diagram 143-02A

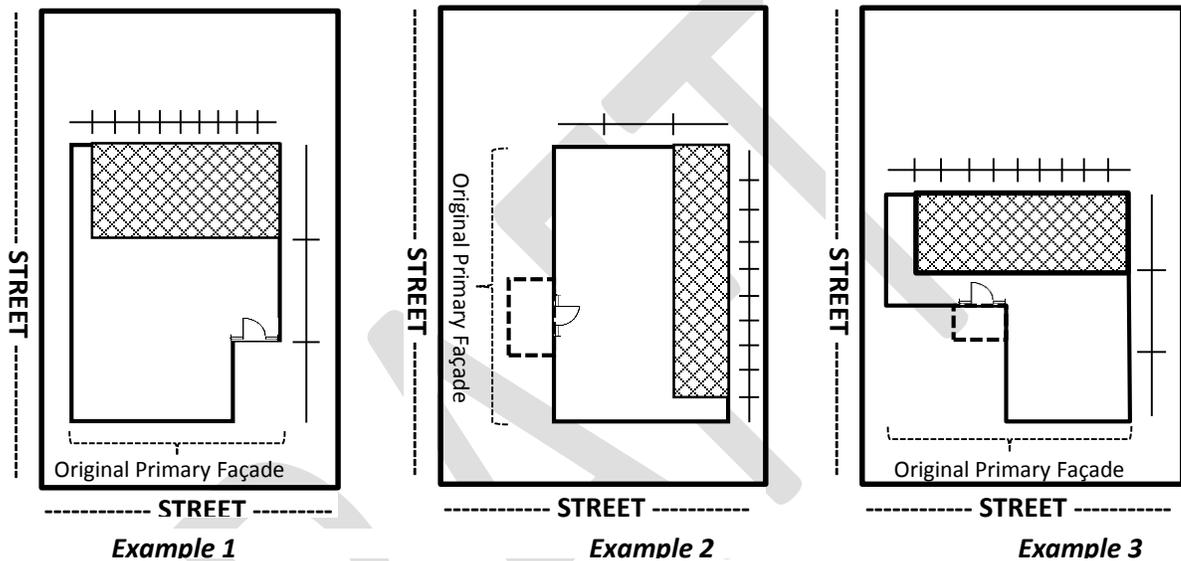


Draft Regulation Amendments - Potential Historic District 8/23/2016

The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

- (B) For corner lots, the original primary façade will typically contain the original entry door, as illustrated in Diagram 143-02B.

Diagram 143-02B

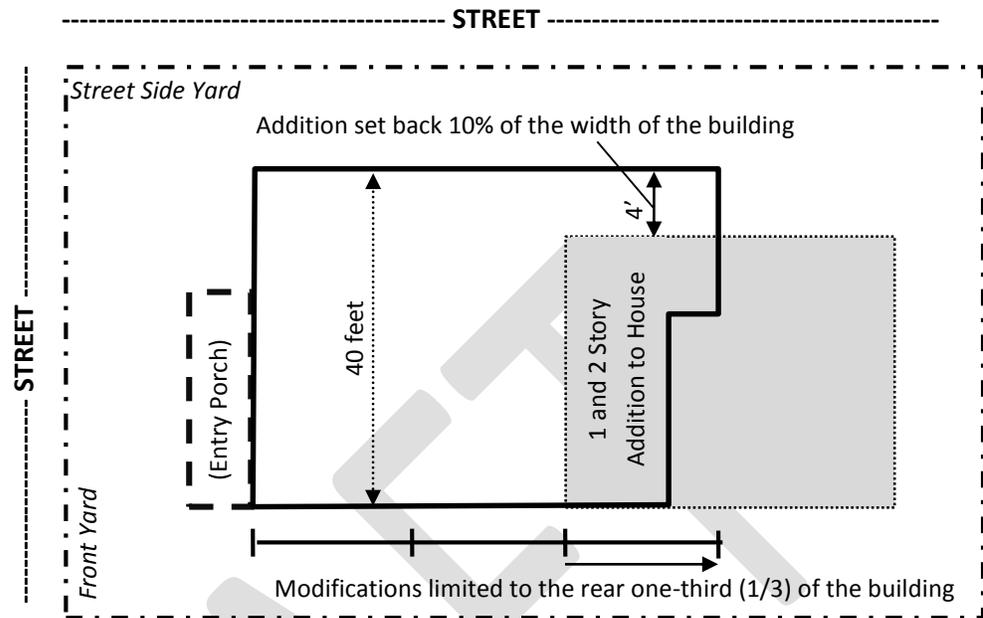


- (3) For properties located on corner lots, no modifications or demolition is permitted to the original façade fronting the street property line or street side property line as defined by SDMC Section 113.0246. In addition:
- (A) For corner lots with an existing building whose original primary façade is oriented to the front property line as defined by SDMC Section 113.0246, modifications and additions (either single or multi-story) shall be set back from the front yard façade in accordance with SDMC Section 143.0255(b)(1). In addition, along the street-side yard, modifications and additions shall also be set back from the street-side yard façade a distance not less than 10 percent (10%) of the width of the building, as illustrated in Diagram 143-02C.

Draft Regulation Amendments - Potential Historic District 8/23/2016

The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

Diagram 143-02C

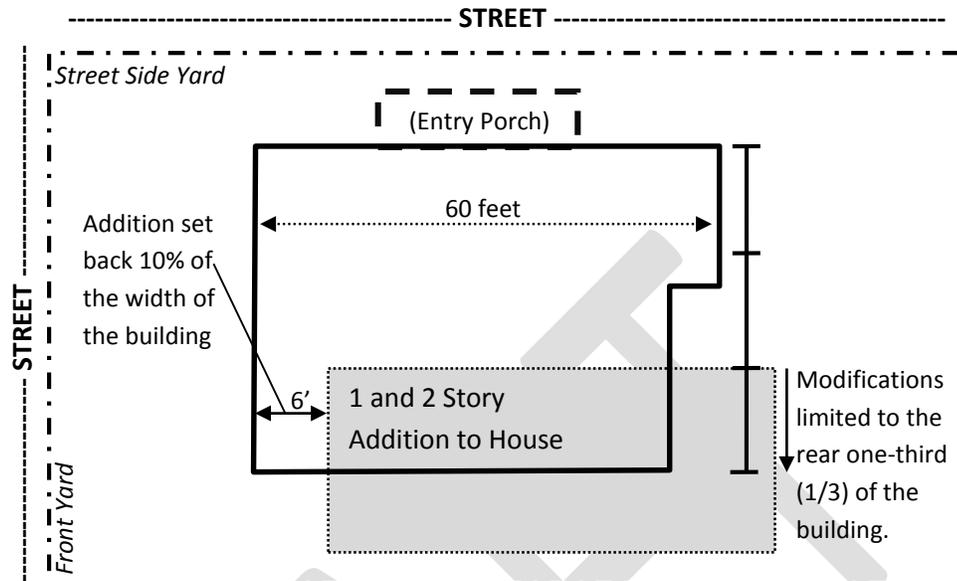


- (B) For corner lots with an existing building whose original primary facade is oriented to the street-side property line as defined by SDMC Section 113.0246, modifications and additions (either single or multi-story) shall be set back from the street-side yard façade in accordance with SDMC Section 1430255(b)(1). In addition, along the front yard, modifications and additions shall also be set back from the front façade a distance not less than 10 percent (10%) of the width of the building, as illustrated in Diagram 143-02D.

Draft Regulation Amendments - Potential Historic District 8/23/2016

The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

Diagram 143-02D



- (4) Proposed *development* beyond the protected portion of the *structure* as measured from the original primary facade in accordance with Section 143.0255(b)(1) is otherwise unlimited for a potential contributing resource.
- (c) Proposed *development* on the *premises* of a potential contributing resource that does not meet the criteria for Process One approval in accordance with Section 143.0255(b) is subject to approval of a Neighborhood Development Permit decided in accordance with Process Two. The Neighborhood Development Permit may only be approved if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *finding* in Section 126.0404(f).

§126.0402 When a Neighborhood Development Permit Is Required

(a) through (o) [No change in text.]

- (p) A Neighborhood Development Permit is required in accordance with Section 143.0255(c) for *development* on a *premises* within a potential *historical district* as specified in a *land use plan*.

§126.0404 Findings for Neighborhood Development Permit Approval

(a) through (e) [No change]

Draft Regulation Amendments - Potential Historic District 8/23/2016

The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

(f) Supplemental Finding – Potential Historical District

A Neighborhood Development Permit requested for *development* on a *premises* within a potential *historical district* as specified in a *land use plan* in accordance with Section 126.0402(p) may be approved or conditionally approved only if the decision maker makes the following supplemental *finding* in addition to the *findings* in Section 126.0404(a):

Reasonably feasible measures to protect and preserve the integrity of the potential *historical district* have been provided by the *applicant* and the proposed project will not result in a substantial loss of integrity within the potential *historical district*, which would render it ineligible for historic designation.