

Land Use & Housing Committee

“Historic Preservation Day”

Wednesday, September 23, 2009

Land Use and Housing Committee

- Historical Resources Staff and Management
 - Bennur Koksuz, Deputy Director of Urban Form
 - Cathy Winterrowd, Principal Planner
 - Jodie Brown, Senior Planner
 - Kelley Saunders, Senior Planner
 - Tricia Olsen, Associate Planner
- Development Services Management
 - Cecilia Gallardo, Assistant Deputy Director for Land Development Review
 - Robert Vacchi, Deputy Director for Code Enforcement

Land Use and Housing Committee

- Discussion and Action Items
 - Update on the Mills Act Program
 - Conservation of Community and Neighborhood Character
 - General Plan Incentives
 - Permit Review Process
 - Land Development Code Revisions
 - Historic Districts Status Update and Burlingame Fee and Application Deadline

Land Use and Housing Committee

Item-2: Implementation of Recent Council
Adopted Reforms to the Mills Act Program

Adopted Mills Act Reforms

- Reforms to Council Policy 700-46 were approved by the City Council in December 2008
- Reforms included:
 - Threshold for number of applications approved
 - Fees
 - Limited application period (January 1 to March 31)
 - Allowed for tailored agreements
 - Modified reporting period from calendar to fiscal year basis

FY 2009 Applications

- 12 applications received
 - Reduced from 61 requests the previous fiscal year
- Applications received from:
 - 1—Greater Golden Hill
 - 1—Southeastern San Diego
 - 1—La Jolla
 - 3—Greater North Park
 - 6—Uptown

FY 2009 Fiscal Impacts

- Range of savings from \$533 to \$16,600
- Two owners saving less than \$1,000/year
- Four owners saving more than \$10,000/year
- Average tax savings is \$6,000
- Approximate \$15,000 impact to the City's General Fund, below the \$200,000 threshold

FY 2010 Anticipated Applications

		FY 2009		FY 2010		FY 2011
		July 1–Dec. 31, 2008	Jan. 1–June 30, 2009	July 1– Dec. 31, 2009	Jan. 1–June 30, 2010	July 1–Dec. 31, 2010
<u>Applications</u>		61 (actual)	12 (actual)	n/a	60 (expected)	n/a
<u>Recorded</u>		96 (recorded)	n/a	12 (actual)	n/a	60 (expected)

Monitoring

- Comprehensive inspection program
- Oldest 200 properties notified
- \$492 Monitoring Fee
- Approximately half have remitted payment
- Longer periods of time to pay and low income waivers
- Individual appointments to view sites
- Remaining site visits scheduled

Monitoring Evaluation

- Staff will be evaluating properties for three main areas
 1. Visibility of the resource
 2. General maintenance of resource
 3. Alterations that did not receive prior approval from the City.
- Any necessary follow-up will occur once all of the properties are inspected.

Mills Act Property



Mills Act Program

Staff Recommendation:

- Accept the information on the status of the Mills Act Program and provide input to the Mayor's office, as warranted

Land Use and Housing Committee

Item-3: Conservation of Community and Neighborhood Character (Conservation Areas)

Conservation areas :

- Distinct physical characteristics that merit special attention
- Possess form, character, and visual qualities
- May overlap with historic areas
- Create neighborhood identity and image of stability



General Plan Addresses Conservation Areas in

- **Historic Preservation Element**
 - Integrate the historical and cultural resources in the planning process and use Conservation Areas as tools to complement community character
- **Urban Design Element**
 - Create design guidelines as an implementation tool to review projects within conservation areas.

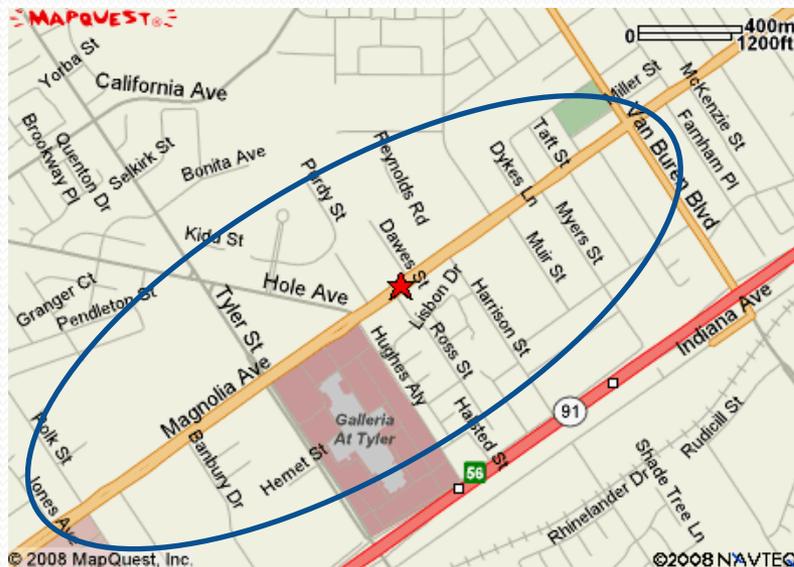


Conservation Areas are different than Historic Districts

- Time and age are not considerations
- Historical integrity is not a concern, neighborhood character is
- Secretary of the Interior's Standards are not applied, values of the citizens are
- Boundaries may be drawn by surveys and are supported by community consensus
- Common identity elements are important but their originality is not

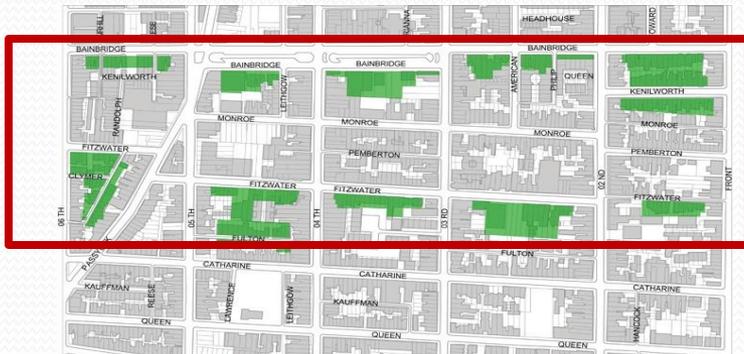
Success depends on:

- Their size
- Process of nomination
- Implementation process



Implementation:

- Documentation of existing conditions (survey)
- Criteria for establishment
- Nomination process
- Administration
- Administrative tools



Criteria for Establishing Conservation Areas:

- A distinctive or unique character
- Has identifiable attributes
- Stable or stabilizing
- Unique function of a city that is reflected in the character



Nomination Process:

COMMUNITY GROUPS

- By Planning or Historic Preservation Departments
- By community groups
- By Planning Department and the community groups together



City Planning & Community Investment Department, Urban Form
Division

Administered by:

- Planning - Zoning Departments with BINDING REVIEW
- Planning - Zoning Departments with ADVISORY REVIEW
- Preservation Agency with BINDING REVIEW
- Preservation Agency with ADVISORY REVIEW

Activities regulated:

- Major alterations to the building and new construction
- Use change and new construction:
- New construction:



Pro's

- Tool to protect established neighborhoods for neighbors
- Tool for economic development
- Visibility increased
- A comprehensive solution through adoption of development and design controls
- An assistance tool for local governments to balance neighborhood character and development pressures

Con's

- Requires a high level of neighborhood support
- Requires high level of consensus
- Brings another layer of regulations
- Takes time, energy, and right qualifications to accomplish anticipated results
- Could cause displacement of existing residents

Conservation Areas

Staff Recommendation:

- Request the Mayor's office continue to work to develop conservation areas as a tool to address conservation of community and neighborhood character as part of the community plan update process

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Item-4: General Plan Incentives to
Protect Historic Resources

General Plan Incentives

- Incentives
 - Encourage use of local, state and federal tax incentives
 - Flexibility of State Historic Building Code
 - Transfer of Development Rights (TDR)
 - CUP and NDP processes to support adaptive re-use of historical resources
 - Architectural and design assistance services
- Incentives Subcommittee of the HRB
 - HRB and public members
 - Developing a comprehensive incentives program

General Plan Incentives

- Preservation Fund (General Plan)
- Monetary source for local preservation incentives
 - Architectural assistance program
 - Archaeological site protection
- Fund may be supported through grants, private or public donations, or other sources

General Plan Incentives

- City Council established fund July 2009
- Expenditures must be approved by Council through the budget process
- Staff will return to Council with a programmatic approach for expenditures
 - Rehabilitation assistance for low and moderate income owners
 - Assistance to improve energy efficiency
 - CLG training requirements
 - Improved technology

General Plan Incentives

Staff Recommendation:

- Request the Mayor's office continue working with the Incentives Subcommittee of the Historical Resources Board to develop appropriate historic preservation incentives program consistent with the General Plan

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Item-5: Permit Review Process for
Potentially Historic Properties

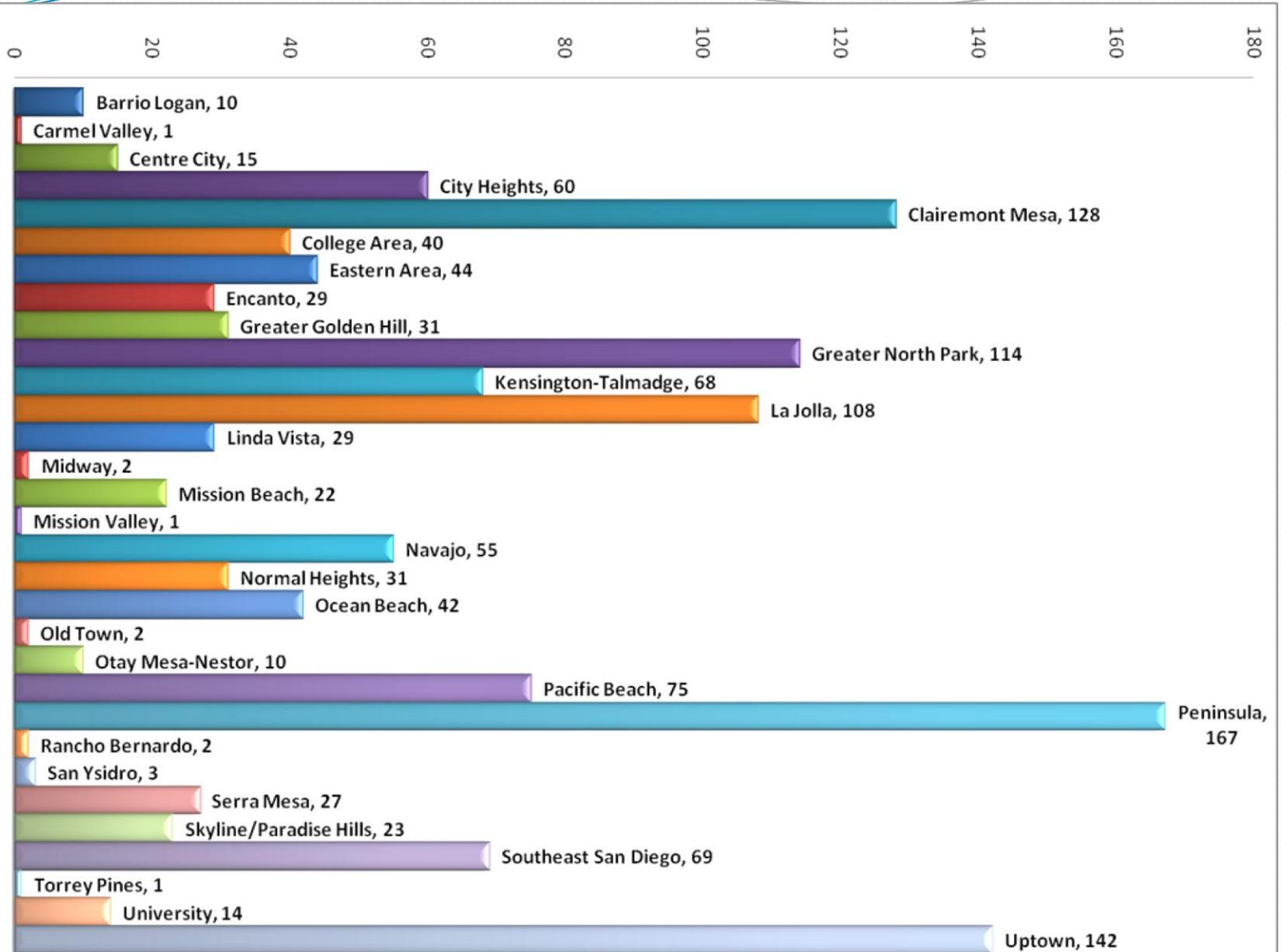
Permit Review Process

- Public Input Group
- Number of reviews of Potentially Historic Properties
- Reviews by Community Planning Area
- Reviews by Council District
- Outcome of reviews
 - Cleared non-historic
 - Approved historic
 - Report required

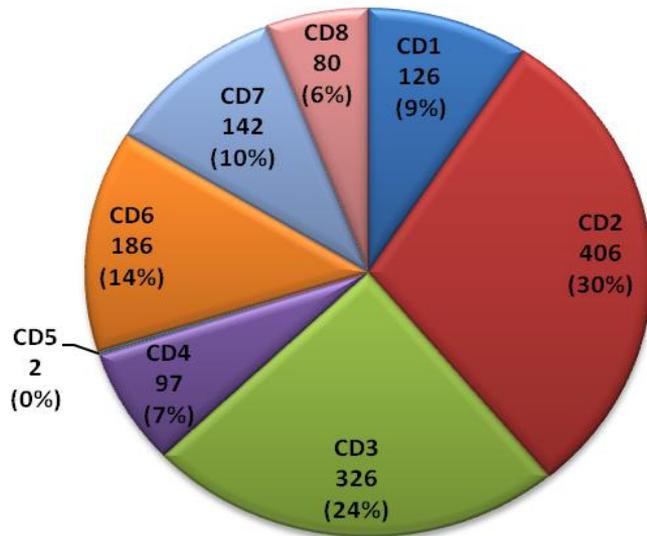
Public Input Process

- 19 CPGs and 10 Historical Organizations
- Email notification for projects submitted in their area
- Approximately one week to respond
- Digital photographs now required by Information Bulletin 580
- Working group meets periodically to address issues
 - Last meeting was June 2009

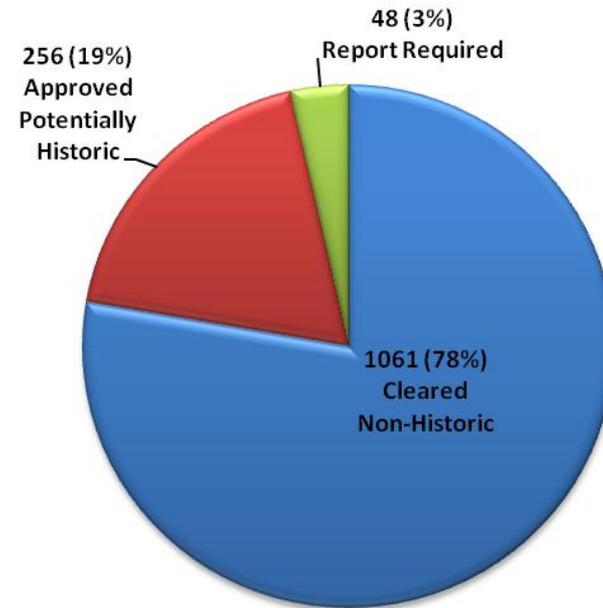
Reviews by Community Plan Area



Reviews by Council District



HR Staff Determination



Cleared Non-Historic – Property does not appear to be individually significant.

Approved Potentially Historic – Property is potentially individually significant, project is approved as consistent with the Standards. This number includes projects revised to be consistent with the Standards after a report was initially required.

Report Required – Property is potentially individually significant, project is not consistent with the Secretary of the Interiors Standards. Of these, 8 have gone to the HRB, 40 have never been received by staff.

Permit Review Process

- Uptown Planners Concerns and Proposed Solutions
- Noticing
 - On site posting of permit application
 - Web-based listing of pending demolition and building permits
 - Timing and Staffing to Implement

Permit Review Process

- Penalties
 - Code enforcement actions should include fines and penalties for violations that would deter violations by others
 - Preservation Fund now available
 - Substantial fine has been levied

Permit Review Process

- Preliminary reviews
 - Issue of notification to public input group and length of time for review
 - Very limited number
 - Have started including notification to public input group
 - Will add standard comment that additional historical review would be required if substantial new information is made available

Permit Review Process

- Applicability of CEQA
 - City Attorney's Office is reviewing the issues related to CEQA review of projects involving potentially historic properties

Permit Review Process

Staff Recommendation:

- Request the Mayor's office continue to work with the public input working group to address outstanding issues related to the permit review process for potentially historic properties

Land Use and Housing Committee

Item-6: Land Development Code
Revisions Pertaining to Historical
Resources

Land Development Code Revisions

- Archaeology site buffer
 - Remove 100' requirement
 - Sufficient protections through regulation and guidelines
- 45 Year Permit Review
 - Exempt plumbing, mechanical, electrical and other interior only building permits

Land Development Code Revisions

- Floor Area Ratio – Incentive for designated historical resource
 - Increase allowable FAR retain height and setback requirements
- Variance Findings – Incentive for designated historical resource
 - Establish separate findings to allow new development to retain non-conforming aspects with preservation of historical resource

Code Revisions

Staff Recommendation:

- Approve in concept the proposed revisions to the Land Development Code and Request the Mayor's office continue to process the recommended amendments and proceed through the typical process

Land Use and Housing Committee

Item-7: Current Effort to Process Three New Historic Districts and Potential Action on Mills Act Application Fees and Deadline for Property Owners within the Burlingame Historic District

Historic Districts

- Nominations
 - Dryden District (North Park)
 - Kensington Manor Unit No. 2 District
 - Mission Hills District, Phase II (Uptown)
- LU&H/Council Action
 - Burlingame Historic District Mills Act Applications (North Park)

Dryden District

- Submitted May 2007 By North Park Historical Society
- Reviewed by Staff June 2008
- Issues Identified
 - District Boundary
 - Historic Context and Statement of Significance
 - Period of Significance
 - Applicable Designation Criteria
 - Classification of Contributing and Non-Contributing Resources

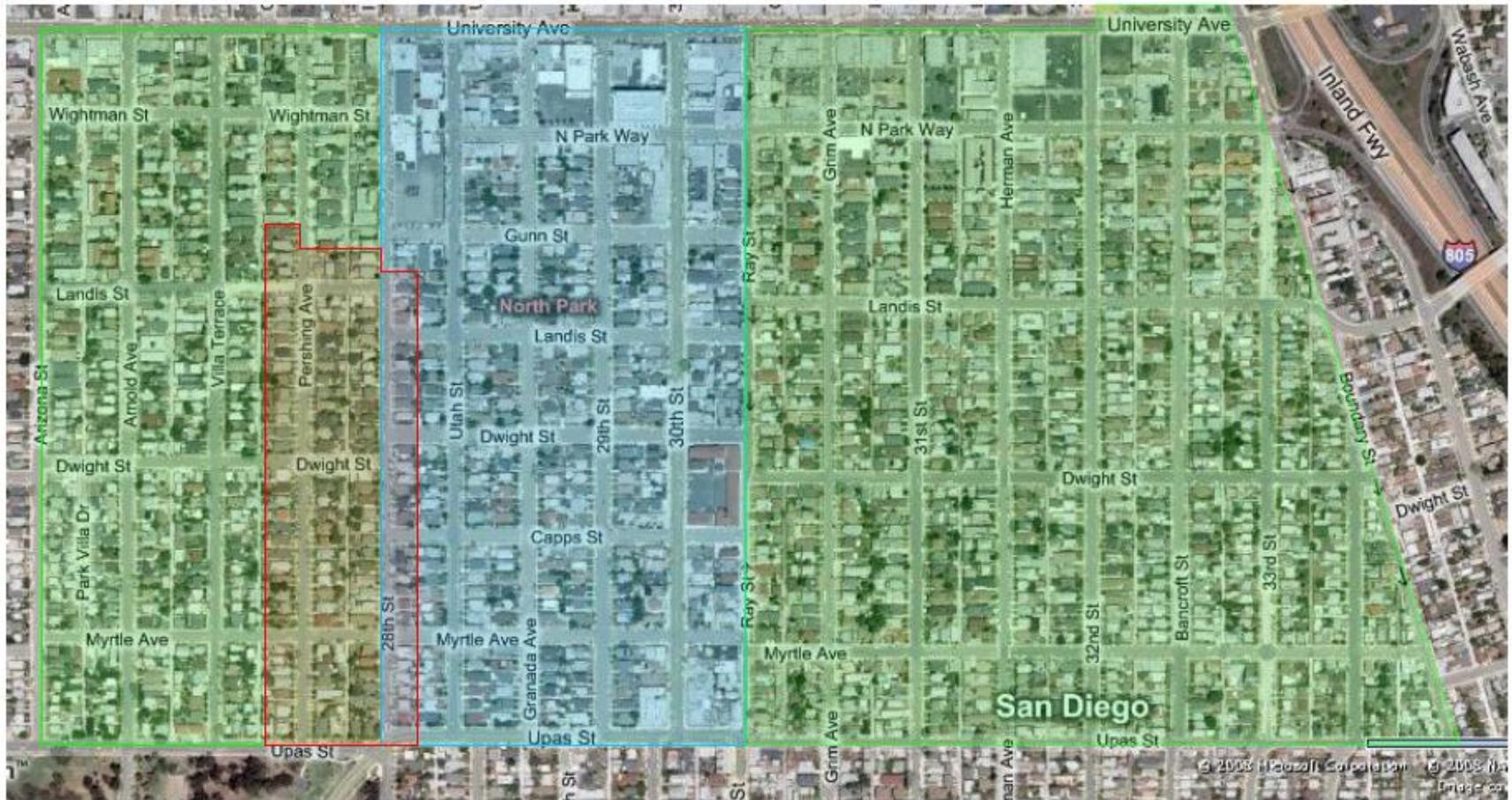
Dryden District

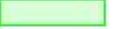
- Applicant Submitted Supplemental Material in January 2009
- Selection of Historic Consultant for North Park Survey Underway
- Consultant Contracted in July 2009, Reviewed Dryden Nomination in August 2009
- Issues Raised By Consultant Consistent with Those Raised by Staff

Dryden District

- Issues
 - Reorganize and Refine Context and Statement of Significance
 - Revise the Period of Significance
 - Only 7 Out of 134 Properties Built After 1926
 - Revise Classification of Contributing and Non-Contributing Resources
 - Address the District Boundary

Dryden District Boundary



-  Proposed Dryden District Boundary
-  Park Villas, Map 438 (Surveyed May 1879, Filed Oct 14, 1887)
-  West End Subdivision, Map 590 (Surveyed Nov 1872, Filed May 17, 1873)

Dryden District

- Processing Timeline
 - Completion of North Park Context Statement in Late Fall 2009
 - Work With Applicant On Context Revisions
 - Final Field Work By Staff
 - Completion of North Park Survey Work in Spring 2010
 - Work With Applicant On District Boundary and Statement of Significance
 - Process The Final Nomination By Late 2010
 - Property Owner Workshop
 - Policy Subcommittee Meeting
 - Two Publically-Noticed HRB Hearings

Kensington Manor Unit No. 2

- Submitted September 2007
- Reviewed by Staff Early 2009
- District Boundary Reflects Underlying Subdivision



Kensington Manor Unit No. 2

- Noticed Property Owner Workshop April 2009
 - Questions Raised
 - Involuntary Nature of District
 - Allowable Modifications
- Conflict of Interest Issue Raised
 - Applicant Appointed To HRB
 - Nomination Cannot Be Processed While Applicant Sits On The Board
- Processing Will Resume No Sooner Than March 2011
 - Additional Property Owner Workshops

Mission Hills District, Phase II

- Mission Hills District Designated 2007
 - Three Expansion Areas Identified
- Volunteers Approached Staff Late Summer 2008

Mission Hills District, Phase II

- Petition Cards Mailed September 2008
 - 59 of 99 Property Owners Responded
 - 49% Support
 - 32% Opposed
 - 19% Wanted Additional Information
- Applicants Continue To Work On Nomination
- Process The Final Nomination By Late 2010
 - Property Owner Workshop
 - Policy Subcommittee Meeting
 - Two Publically-Noticed HRB Hearings

Burlingame Historic District

- Established 2002 As Voluntary District
- Amended 2007 As Traditional District
- Appealed By Three Property Owners 2007
- Appeal Withdrawn 2009
- Appellants Applied for Mills Act Agreements
 - Request To Apply Pre-2009 Fees
 - Requires Council Action

Historic Districts

Staff Recommendation:

- Accept the information on the status update of the current effort to process three new historic districts and Refer to the full Council the issue related to Mills Act application fees and deadline for property owners within the Burlingame Historic District