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August 7, 2016

Mr. Kurtis Steinert
Senior Environmental Planner
City of San Diego Planning Department
1010 Second Avenue, MS 413
San Diego CA 92101

Re: Uptown Community Plan Update, Project No. 380611/SCH No. *Pending*; and North Park Community Plan Update and Golden Hill Community Plan Update

Dear Mr. Steinert:

This letter is intended to provide my comments regarding the adequacy of the Draft Program Environmental Impact Report for the Uptown Community Plan Update, Project No. 380611, with reference to the topic of Historical Resources. However, the proposed Uptown Community Plan Update is partnered with the pending North Park Community Plan Update and the Golden Hill Community Plan Update, which will have similar impacts with reference to this topic, and therefore my comments are intended to address the consequences of all three proposed Updates.

The purpose of this letter to express my strong opposition to the creation of “potential historical districts,” which are not now permitted by the Municipal Code, and which would be created without notice to the thousands of affected property owners under the guise of a community plan update.

My opposition is centered on three major factors and a series of unanswered questions. The major factors are:

- The proposed restrictions on the property rights of the affected property owners,
- The fact that these restrictions will be imposed without notice to the property owners once these Community Plan Updates are adopted, and
- The fact that these restrictions will remain in place for several decades before the City will be able to make an up or down decision on whether an individual restriction should be made permanent.

The adoption of these three Updates would establish a Potential Historic District Overlay Zone (PHDOZ) in order to provide “interim protection” to the privately owned residential properties within such Potential Historic Districts (PHDs). The adoption would also amend the Municipal Code to allow such Potential Historical Districts. These properties would be “protected” from their owners’ exercise of the rights that other private property owners possess under the Municipal Code. Those rights are to modify or redevelop their properties as they deem necessary after complying with the City’s current “Over 45 Potential Historical Review” process and other land use regulations. The properties that would be protected from the exercise of these rights are located in the 36 Potential Historical Districts to be included in the PHDOZ. These districts contain 4843 privately owned residential parcels. Our documentation of the number of parcels affected by these proposed restrictions is based on the Tables contained in these three Plan Updates as set forth in Exhibit A to this letter.

In making these comments, I am relying on my thirty-four years of experience in representing public and private property owners of older properties within the City and my review of these proposed Updates and their supporting documents. Since the 1980s, I have noticed that the Planning Department is bifurcated, with one segment devoted to slowing or preventing change in the City and another segment devoted to managing change in the City. Somehow the two segments have continued to co-exist all these years and both contain dedicated public servants.

I will begin with an explanation of the City current regulatory process for addressing modifications proposed for properties with structures more than 45 years of age. It is necessary to understand how the current system works in order to understand the impact of the restrictions that will be imposed on the “protected” Potential Historical District properties.

The Current “Over 45 Potential Historical Review” System

The current system is governed by the Municipal Code’s Historical Resources Regulations in Chapter 14 and the City’s Information Bulletin 580. Whenever a property owner applies for a building permit, City staff determines whether the affected structure is more than 45 years of age and, if so, whether it is a potential historical resource. If City staff requires more information on this topic, the property owner can participate in a Single Discipline Preliminary Review process under Information Bulletin 580 during which the Historical Resources Board (HRB) staff can review and possibly clear the property as not a Potential Historical Resource. At that point, this clearance is good for five years and the property owners are free to exercise their property rights. Since the current system went into place, HRB staff has documented these Preliminary Review clearances and their clearance rates have often been in the 70% range. This process has allowed

property owners to exercise of their property rights in a fairly reasonable fashion and thereby increase the amount and quality of in-fill housing allowed in the City's older neighborhoods.

If the HRB staff cannot resolve the Potential Historical Resource issue through this Preliminary Review process, they will offer the property owner two options. One option is to revise their development proposal so that it meets the Secretary of the Interior's Standards for Rehabilitation, which are intended to guide rehabilitation projects for already designated properties. The other option is for the property owner to prepare and submit a Historical Resources Research Report on the property that complies with the City's Guidelines for such Reports. After the full Report is submitted, HRB staff may clear the property as not a Potential Historical Resource and, again, that clearance is good for five years. If Staff cannot clear the property, and the owners still wishes to proceed with their development, the property can be referred to the HRB for a designation consideration. If the HRB votes not to designate, the property owners are free to proceed with their development. If the HRB votes to designate, the property owner can appeal that decision to the City Council under specific grounds for appeal in the Municipal Code, or the property owner can apply for a Site Development Permit to either relocate the structure or demolish the structure. A Site Development Permit for either option can be issued if the findings required by Chapter 14 of the Municipal Code can be made by the Planning Commission. Those findings are, primarily, based upon the economic infeasibility of retention of the structure on site in its current form.

As the result of the pre-2000 and post-2000 "Potential Historical Review" systems, dating back to 1967, the City of San Diego has designated approximately 2,798 historical resources.¹ This number includes resources designated as contributing structures to 17 established Historical Districts, the establishment of which will be discussed below. Local historical designation is desirable because it can result in a substantial reduction in property taxes. Consequently, under the current system there will be no shortage of voluntary designations in the future.

In November of 2014, the City adopted a new Historic Resource Designation Process, under which the HRB will consider 4 voluntary designation nominations per month and, since the Board meets 11 months per year, the maximum number of voluntary designations per year is 44. Between June of 2015 and June of 2016, the Board designated 42 properties in response to the owners' requests; therefore, the new process is working. The other items heard by the Board include the involuntary designation applications related to permit applications, National and State Register recommendations, historic district designations and other items within the Board's jurisdiction. Because of the great demand for property tax relief, it is reasonable to assume that

¹ This number was determined by reviewing the City's Historical Resources Board records and CHRID.

the Board will continue to hear approximately 44 voluntary designation applications in each of the coming years. And, because of the great demand for new housing and in-fill development in the City, it is also reasonable to assume that the Board's agendas will also include a comparable number of involuntary designation actions in instances where new development is proposed for the sites.

These factors pertaining to the Board's current work load are relevant when considering the new work load that would be created with the adoption of the Potential Historic District Overlay Zone (PHDOZ), discussed below.

The role of Historic Reconnaissance Surveys

Within the last two decades, a number of historic reconnaissance surveys have been conducted by consultants to the City in each of these three Community Plan areas. These surveys include drive-bys and additional research to identify "potential individual historical resources" and "potential historical districts" to "inform" the city-wide community planning process. Although these surveys are public documents, and identify thousands of potential historical properties, few property owners are aware of them.

These Surveys, some of which date to 2006, are the basis for these proposed Community Plan Updates, which will amend the Municipal Code and create new regulatory procedures to restrict development in 36 Potential Historical Districts (PHDs) containing 4843 parcels.

These Community Plan Updates also reference other surveyed properties that are treated under a new category for San Diego as "Multiple Property Listings" and include Victorian Era Resources, Bungalow and Apartment Courts and properties associated with Kate Sessions. These properties are not referenced in this letter because they will continue to be regulated by the existing Potential Historical Review system and they are not impacted by the PHDs.

Potential Historical Review System proposed by these new Community Plan Updates

As acknowledged in the Planning Department's Fact Sheet on these Potential Historical Districts, attached as Exhibit B, about 95% of the residential buildings within these 36 PHDs are over 45 years old. Under the City's current historic regulations, buildings over 45 years of age must be reviewed for individual historic significance and if they do not meet the City's criteria for designation, they can be cleared and are no longer subject to historical regulatory restrictions. The "slow change" Planning Department's concern is that while a building may not be individually significant today, sometime in the future interest may develop to create a historic district in the neighborhood. Contributors to historic districts are properties that may not be

significant in their own right but may collectively convey significance for a district designation. The City has created 17 historic districts under their existing programs. However, these districts were created with the consent of a majority of the “contributors” in advance.² The “slow change” Planning Department is afraid that standard historical districts could not be created today because property owners are aware of the City’s housing shortage that has resulted in increased property values throughout the City, and the fact that the “manage change” Planning Department has been supporting in-fill density in the older neighborhoods that are close to job opportunities. These Potential Historical Districts are the “slow change” Planning Department’s pre-emptive strike to prevent new development in these neighborhoods.

The entire reason for creating these Potential Historical Districts is to restrict the property rights of owners of structures that today do not merit local historical designation, on the chance that a historic district *might* be proposed in the neighborhood in the future, and that these non-significant structures *might* be found to be potential contributors to such a district. These proposed restrictions will go in effect when these Community Plans are adopted, before any actual historic districts are created and before any of these 4843 individual structures are evaluated as potential contributors to such actual districts.

During the time frame that these restrictions are in place, from the adoption of the Community Plans until a property is designated as a contributor to one of the actual historical districts, the affected property owners will only be allowed to make improvements to the rear one third of their homes, if they are able to obtain a Neighborhood Use Permit for that purpose. During the time frame that these restrictions are in place, the properties cannot be sold because buyers could not be assured of what the future “designation” status of the property would be and no one could be assured if or when any of the properties would qualify for the Mills Act property tax benefits. The property owners’ rights will be frozen, they cannot make the improvements they want to meet their family’s needs and they cannot sell the property. Their only real option would be to turn the property into an Airbnb or Vacation Rental by Owner, to earn enough money to buy a home elsewhere where they will have standard property rights.

Time Frame: How long would the affected property owners’ rights be restricted?

In the Planning Department’s Power Point on this topic dated March 2016 and credited to Kelley Stanco, Senior Planner and HRB Liaison, attached as Exhibit C, it is estimated that the Intensive

² The current system for designating historic districts is discussed as one of the Unanswered Questions below in this letter.

Survey Work and Processing required to convert these Potential Historic Districts into actual Historic Districts would be two years per District at a cost of \$85,000 each.

Uptown Community Plan Update

19 + 4 Proposed Historic Districts = 23 x 2 years = 46 years

23 Proposed Historic Districts x \$85,000 = \$1,955,000

North Park Community Plan Update

6 + 5 Proposed Historic Districts = 11 x 2 = 22 years

11 Proposed Historic x \$85,000 = \$935,000

Greater Golden Hill Plan Update

2 Proposed Historic Districts = 2 x 2 years = 4 years

2 Proposed Historic Districts x \$85,000 = \$170,000

Total costs to the City = \$3,060,000. Total Time Frame: 46 + 22 + 4 = 72 years

However, this time frame doesn't take into consideration the fact that the Historical Resources Board can only process a specific number of voluntary and involuntary designation actions per year, not including these 36 PHDs. In order to stick to the 72 year schedule, additional staff and a second Historical Resources Board could be required.

Series of Unanswered Questions

Lack of Notice

It is important to understand that the relatively simple action of adopting these three Community Plan Updates will restrict the property rights of the owners of 4843 residential properties for decades to come. It is unclear whether these owners will be notified of this action or its consequences in advance. As far as we know, no comprehensive notice of what is proposed has been distributed to the 4843 property owners to date. Because of the great number of parcels that would be restricted under this proposal, notice to the individual property owners may not be required. Instead, a Legal Notice would be published in the local newspaper. This lack of notice may be legally justified under other land use processes, such as zoning changes, when all like properties in a specific zone, such as single family residential uses, are identically treated. But this lack of notice may be questionable when only certain properties within a given zone will be impacted.

If the City Attorney's Office has opined that this lack of notice is permissible in this situation, the Council Members from the impacted Council Districts may want to take a second look at this issue, as they will be the ones receiving the angry phone calls from their constituents.

Beyond the legality of this proposed lack of notice to the 4843 property owners, this proposal does not appear to meet the principle of "transparency" in local government that we have heard so much about in recent years.

Compliance with existing Historical Resources Board's Policies

The Historical Resources Board Policy 4.1, Procedure on Establishing Historic Districts, last amended on October 27, 2011 reads as follows.

Designation Request: "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."

This Policy Statement is attached as Exhibit D and illustrates the inconsistency of the proposed Potential Historical Districts with the current regulations in effect. This issue is also addressed in Exhibit E, which is from the current Historical Resources Board website under Frequently Asked Questions:

"What if some of my neighbors object to being a part of a historical district?"

"If the district criteria are met and a majority of contributors consent to designation, the Board can establish the district, despite minor objections."

Under Policy 4.1, historic districts can only be created by the Historical Resources Board and only after staff has solicited the level of support and opposition from property owners within the proposed district boundary. In this case, that would mean the property owners within the proposed 36 district boundaries. Is it legally possible to create 36 historic districts without complying with this procedure and soliciting the level of support and opposition from affected property owners?

How did the Historical Resources Board lose their Municipal Code authority to establish Historical Districts?

According to Chapter 12: Land Development Reviews, Article: Zoning, Division 2: Designation of Historical Resources Procedures, Section 123.0201 through 123.0206, only the Historical Resources Board is authorized to review and “make a decision on whether to designate a historical resource,” including a historical district, “based on the criteria specified in and consistent with the procedures of the Historical Resources Guidelines of the Land Development Manual.” See Exhibit F.

I appreciate this opportunity to participate in the City’s consideration of these Community Plan Updates that would impact so many owners of older residences in these Plan Areas. I realize that my comments are only tangentially related to the adequacy of these Draft PEIRs, but I wanted to raise these historical resource issues at the earliest possible opportunity in the public review of these Plan Updates to ensure that these issues are addressed in the public dialogue that will follow.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marie Burke Lia", written in a cursive style.

Marie Burke Lia
Attorney at Law

EXHIBIT A

Exhibit A

This estimate is based on the information contained in each Community Plan Update as cited below.

Uptown Community Plan area:

- 1) This Plan area includes 340 parcels with already designated local historical resources subject to the benefits and burdens of local designation. (Plan Table 10-2) These parcels are not included in our total count of affected properties.
- 2) The Uptown Plan proposes 19 potential historic districts that contain a total of 2821 parcels. (Plan Table 10-3)
- 3) This Plan proposes to include Bungalow and Apartments Courts in a single Multiple Property Listing containing 150 parcels. (Plan Table 10-4)
- 4) Properties associated with Kate Olivia Sessions are to be included in a single Multiple Property Listing containing an unknown number of parcels. No list of such properties is included in this data base so there is no way of knowing how many parcels will be affected for category. (Plan Table 10-5)
- 5) Victorian Era Resources within this Plan area, that were identified in the 2006 Survey, are to be included in a single Multiple Property Listing containing 458 parcels (Plan Table 10-6)
- 6) Public Outreach has resulted in 27 parcels being identified as potentially significant individual resources for designation. (Plan Table 10-7)
- 7) Public Outreach as also resulted in 4 additional Potential Historic Districts being identified, containing 354 parcels. (Plan Table 10-8)

North Park Community Plan area:

- 1) This Plan area includes 105 parcels with already designated local historical resources subject to the benefits and burdens of local designation. (Plan Table 10-2) These parcels are not included in our total count of affected properties.
- 2) This Plan has identified 47 new potentially individually significant resources. (Plan Table 10-3)

- 3) This Plan has identified 6 new potential historic districts containing 269 parcels. (Plan Table 10-4)
- 4) This Plan has proposed a new MPL for Residential Courts, containing 92 parcels. (Plan Table 10-5)
- 5) Public Outreach has identified 21 potentially significant individual resources in this area. (Plan Table 10-6)
- 6) Public Research has identified 5 additions to the Potential Residential Courts to be included in the MPL for this category. (Plan Table 10-7)
- 7) Public Outreach has identified 5 additional Potential Historic districts, containing 754 parcels. (Plan Table 10-8)

Greater Golden Hill Community Plan Area:

- 1) This Plan area includes 77 parcels with already designated local historical resources subject to the benefits and burdens of local designation. (Plan Table 10-1) These parcels are not included in our total count of affected properties.
- 2) This Plan has identified new potentially individually significant resources in this area affecting 52 parcels. (Plan Table 10-2)
- 3) This Plan has proposed a new MPL for Residential Courts, containing 11 parcels. (Plan Table 10-3)
- 4) Public Research has identified additional potentially significant individual resources, affecting 7 parcels. (Plan Table 10-4)
- 5) Public Outreach has identified 2 additional Potential Historic districts, containing 645 parcels. (Plan Table 10-5)

The above list of parcels to be restricted in all three districts results in a total of **4,843** parcels.

EXHIBIT B



POTENTIAL HISTORIC DISTRICTS

Communities of Uptown, North Park & Golden Hill

Potential Issue of Concern

Over time, homes of historic importance have been modified or improved to the point where they are no longer 'individually significant,' but still may 'contribute' to the significance of a potential historic district. Additionally, homes which may not be distinctive enough to meet criteria for individual designation may nevertheless contribute to the significance of a potential historic district. The loss of these potential contributing structures could significantly and adversely impact the district's eligibility for future historic designation.



Potential Historic Districts Identified

In support of the CPU process, a detailed reconnaissance survey was completed that identified 26 potential historic districts (PHD) in the three communities (19 in Uptown, 6 in North Park and 1 in Golden Hill). The analysis included a basis for the PHDs potential significance and identification of potential contributing and non-contributing resources. Additionally, a historic survey completed in 1996 identified a PHD in South Park and in west Golden Hill (Culverwell & Taggart's Addition). These identified PHDs will be subject to the supplemental regulations identified below.

Eleven additional PHDs were identified by community members (4 in Uptown and 5 in North Park) based on a cursory windshield survey. However, a detailed reconnaissance survey would need to occur in order to properly identify potential contributing and non-contributing resources. Until further analysis can be completed, these additional PHDs are not being considered for further regulations as part of the CPU process.

- The LGBTQ Historic Context Statement is currently underway and will verify the presence of a potential historic district within Hillcrest. Future intensive level survey work can build off of the results of the LGBTQ Historic Context Statement.

(Continue to page 2)



- Additionally, the San Diego Normal School/San Diego City Schools Education Complex Historic District, which is institutional in use, was identified by the community through survey evaluation by an independent consultant. The San Diego Normal School/San Diego City Schools Education Complex Historic District is owned by the San Diego Unified School District and is not subject to the City's zoning and overlay requirements.

Proposed Supplemental Regulations Identified

- **45-year review**

An estimated 95% of the structures within the PHDs are currently subject to review for 'individual significance' under the City's Historic Ordinance and new development for potentially significant structures is reviewed for consistency with the US Secretary of the Interior Standards. No changes are proposed to the current ordinance.

- **Applicable to residential structures only**

It is estimated that over 93% of the structures within the PHDs are low-density residential properties. Conversely, an estimated 95% of the proposed new growth is focused in commercial areas and higher density residential.

The draft Supplemental Regulations will only apply to single and multi-family residential structures within the PHDs that are currently subject to 45-year review. Commercial properties will not be subject to the Supplemental Regulations, but will continue to be subject to the 45-year review. In terms of impact, there are an estimated 2,700 residential structures in the consultant identified PHDs. Since 2003, less than 400 building permits were issued in those areas.

- **Supplemental Regulations**

Residential structures that are not individually significant, but are potential contributors (pursuant to the criterion described in the historic survey) will be subject to the following requirements.

- No modifications allowed to the front 2/3 of the original building footprint unless the modification will repair existing historic materials or restore the building to its historic appearance.
 - Exception: Improvements exempt from building permits pursuant to SDMC 129.0203, as well as improvements identified in SDMC 143.0212(a)(1)-(4) (same standard as applied to 45-year review).
 - Exception: Deviation may be approved through a Process 2 Neighborhood Development Permit. Projects will be reviewed for consistency with the US Secretary of the Interior Standards (similar to 45-year review) and the following findings must be made.
 - ✓ All feasible measures to protect and preserve the integrity of the potential historic district have been provided; and,
 - ✓ The proposed deviation is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for any impacts to the potential historic district have been provided; and,
 - ✓ The proposed project will not result in a loss of integrity within the potential historic district which would render it ineligible for historic designation.

EXHIBIT C

Planning Department

Interim Protections for Potential Historic Districts

March 2016

Kelley Stanco, Senior Planner & HRB Liaison

How Will the Interim Protection Measures Work?

Policy Considerations

Significance Not Yet Established

- Intensive Survey Work and Processing Required to Designate
 - 1-2 Years & Approx \$85,000 Per District
- Inequitable to Hold Potential Resources to Designated Resource Standard

Regulatory Balance

- Clarity & Certainty for Public
 - Quantitative Requirements
 - Easy to Understand
- Work within Building Permit Process for Compliant Projects
- Provide Discretionary Process for Deviations

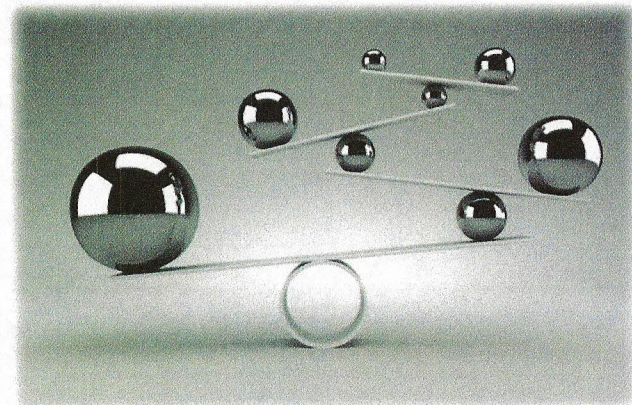


EXHIBIT D



THE CITY OF SAN DIEGO

Historical Resources Board

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

PROCEDURE ON ESTABLISHING HISTORIC DISTRICTS

1. PURPOSE AND INTENT

This policy is intended to guide the designation of historical districts within the City of San Diego. A *Historical District* is 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. 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.

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

6. DOCUMENTATION

The following information is required to designate a historical district. These requirements are discussed in greater detail in the District Nomination Guidelines.

Geographic Boundaries: Specific geographic boundaries are established to encompass the historically significant area, sites and features.

A 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 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.](#)

Site Surveys: All properties within the district boundaries are evaluated and identified as contributing to the historical significance of the district, or as non-contributing sites. State of California Department of Parks and Recreation Forms (DPR-523 Forms) are provided for all properties within the District boundaries.

Contributing Sites: Contributing sites are those that 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.

Non-contributing Sites: Non-contributing sites are those that 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 benefits resulting from historical designation, except if the owner subsequently 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.

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 applicable historical district's approved development guidelines.

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.

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.

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 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.”*

7. BOARD ACTION

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

- a. **Designation request:** Any organization, or individual can bring forth a request for historical district designation, as detailed in the 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.
- b. **Historical Report:** The request shall include a Historical Report with information about the proposed historical district, including a Methods section, Context, Statement of Significance, Period of Significance, boundaries or area of effect, DPR-523 Forms, and Development Guidelines as needed. Information will be submitted to staff of the Historical Resources Board for review.
- d. **Board Review:** Two meetings of the Board are required to establish a historical district. Upon receipt of a complete historical district designation package, the Historical Resources Board staff shall schedule the item for review by the Board. 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.

- e. **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.
- f. **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.
- g. **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.
- h. **Implementation:** Upon Board designation of a historical district the boundaries of said district shall be transmitted to all affected City departments 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. Additionally, contributing sites within a historical district shall be eligible for the Mills Act Program provided they meet the standards of the program.

EXHIBIT E

Frequently Asked Questions

What is a historical district?

A historical district is 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 represent one or more architectural periods or style in the history and development of the city as defined in San Diego Municipal Code Section [113.0103](#) .

What if some of my neighbors object to being part of a historical district?

As the Historical Survey Report is being prepared, those developing the district should be establishing local support for designation. Widespread public support is most critical to establish a Geographic/Traditional District because the designation applies to ALL of the properties within the district boundaries. If significant controversy is noted at the public hearing, the Board may recommend that further public support be solicited prior to establishing the district. If district criteria are met and a majority of contributors consent to designation, the Board can establish the district, despite minor objections. Finally, historical district designations are always subject to City Council appeal, per section [123.0203](#) of the San Diego Municipal Code.

How long does it take to get a district designated?

Forming a district could take as much as one to two years after the documentation is submitted to the City, depending upon how many properties are included, whether professionals or volunteers are doing the work, the availability of Historical Resources Board staff for technical assistance and final review and processing, local controversy, and the Historical Resources Board docket schedule.

What are Development Guidelines?

All designated contributors to historical districts adhere to the [Secretary of the Interior's Standards for Preservation, Rehabilitation, Restoration, and Reconstruction](#) (link is external). Developed by the [National Parks Service](#) (link is external), these are well-recognized standards for the treatment of historical properties. Broadly written, they afford the widest possible scope for continuing neighborhood vitality through private renewal and architectural creativity.

Per the [Historical District Policy](#) , more restrictive guidelines may be developed if the property owners so desire or if the Historical Resources Board determines that development guidelines are appropriate. The guidelines may include standards on plantings or objects (sidewalks, lighting fixtures, street trees, etc.) within public right of way, or fencing or other aspects of the front yard on private property visible from the street. Exterior paint colors and materials can be

<https://www.sandiego.gov/planning/programs/historical/faq>

regulated, as well as the scale and location of new additions on both contributors and non-contributors. Finally, development guidelines may regulate the size, scale, design and use of new infill on existing vacant lots, or where demolition of non-contributors has occurred.

Example Guidelines:

- Sherman Heights & Grant Hill Park Historic Districts:
 - [Design Criteria and Guidelines](#)

EXHIBIT F

Article 3: Zoning

Division 2: Designation of Historical Resources Procedures

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

§123.0201 Purpose of Historical Resource Designation Procedures

The purpose of these procedures is to establish a process to identify and designate for preservation those *historical resources* that embody the special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritages.

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

§123.0202 Designation Process for Historical Resources

- (a) **Nominations.** Nominations of a *historical resource* to become a *designated historical resource* may originate from the Historical Resources Board, the City Manager, the City Council, or any member of the public including the property owner by submitting a research report or similar documentation, as identified in the Historical Resources Guidelines of the Land Development Manual, to the Board's administrative staff for consideration by the Board. Nominations from the City Manager may originate as a result of a site-specific survey required for the purpose of obtaining a construction or *development permit* consistent with Section 143.0212.
- (b) **Public Notice to Owner.** The owner of a property being considered for designation by the Historical Resources Board shall be notified at least 10 *business days* before the Board hearing. Notice to the owner shall contain information about the potential impacts of designation and a request to contact the Board's administrative staff regarding information for making a presentation to the Board on the proposed designation. No action shall be taken by the Board to designate a *historical resource* except at a public hearing that provides all interested parties an opportunity to be heard.
- (c) **Adequacy of Research Report.** The decision on whether or not to designate a *historical resource* shall be based on the information in a research report, as specified in the Historical Resources Guidelines of the Land Development Manual. If the Board determines, either by public testimony or other documentary evidence presented to it, that the research report is not adequate to assess the significance of the *historical resource*, the Board may continue its consideration of the property for up to two regular meetings and direct that a research report be prepared by the applicant with specific direction from staff as to the inadequacies of the original report. The revised research report

may be prepared by City staff or volunteers, with a copy provided to the owner at least 10 *business days* before the next Board meeting at which the designation will be considered. If a final decision is not made within 90 calendar days of receipt of a nomination for designation, the consideration of the property by the Board shall terminate unless a continuance has been granted at the request of the property owner.

- (d) Continuation. At the request of the property owner, the Historical Resources Board shall grant a continuance of one scheduled Board meeting after the motion has been made to designate a *historical resource*.
- (e) Historical Resources Board Decision. The Historical Resources Board shall review the Research Report and shall make a decision on whether to designate a *historical resource* based on the criteria specified in, and consistent with the procedures of the Historical Resources Guidelines of the Land Development Manual. The action to designate shall require the affirmative vote by six members of the Board.
- (f) Findings. The decision to designate a *historical resource* shall be based on written *findings* describing the historical significance of the property.
- (g) Re-initiation of Designation Proceedings. Designation procedures may not be re-initiated within 5 years without owner consent, absent significant new information.

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

(Amended 12-15-2006 by O-19557 N.S.; effective 1-14-2007.)

§123.0203 Appeal From Historical Resources Board Decision

- (a) 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. The City Council may reject designation on the basis of factual errors in materials or information presented to the Board, violations of bylaws or hearing procedures by the Board or individual member, or presentation of new information.

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- (b) 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.

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

§123.0204 Recordation of Designated Historical Resources

No later than 90 calendar days following the final decision to designate a *historical resource*, the City Manager shall record the designation with the County Recorder.

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

§123.0205 Amendment or Recision of Historical Resource Designation

The Historical Resources Board may amend or rescind any designation of a *historical resource* in the same manner and procedure as was followed in the original designation. This action may be taken only if there is new information, the discovery of earlier misinformation, or a change in circumstances surrounding the original designation.

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

§123.0206 State and National Register

The City Council shall consider endorsing the nomination of a *historical resource* for inclusion in the California Register of Historic Resources and the National Register of Historic Places upon recommendation of the Historical Resources Board.

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