

Cynthia L. Eldred, APC

VIA ELECTRONIC MAIL

September 6, 2016

Historical Resources Board
c/o Kelley Stanco & Shannon Anthony
Staff and Secretary, Historical Resources Board
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Re: Historical Resources Board Meeting Date: September 20, 2016
Agenda Item: Uptown Community Plan Update

Dear Historical Resources Board Members:

We have previously written to you to express opposition to the designation of a Presidio Hills Potential Historic District, proposed to be created by adoption of the Uptown Community Plan Update. We provided you with copies of letters and petitions signed by the owners of over 59% (35 of the 59) of the homes located within the boundaries of the Presidio Hills Potential Historic District, all of whom objected to formation of a potential historic district.

City staff has written to us to state that the approval of the homeowners is not required and that, as a result, staff has not used homeowner preference as a criteria in determining whether to move forward with designation. As you may know, the City has never before proposed designation of any "potential historic district" and the City has no policies or regulations governing designation of what to date is a non-existent classification of private, residential property.

However, Section 7.a on the sixth page of your Policy 4.1, enclosed, provides that, "If the request [for designation of an historic district] is brought forth by 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." The enclosed Minutes of your Board's February 23, 2006 meeting reflect at Item 5 that your Board has historically interpreted these provisions of Policy 4.1 to require a majority of owner support to establish an historic district: "Chairman Schwartz took an informal poll of Boardmembers and there was not sufficient support to suspend the current HRB District Policy requiring majority of owner support to establish a district." Staff confirm that "all other [historic] districts processed since 2000 (Shirley Ann Place, Burlingame, Islenair, Mission Hills, Fort Stockton Line and North Park Dryden) have received support from a majority of the property owners who responded."

We respectfully request that, consistent with your policy for designation of historic districts, your Board recommend to the Planning Commission and City Council that the Presidio Hills Potential Historic District designation be removed from the Uptown Community Plan Update.

Very truly yours,



Cynthia L. Eldred, Esq.
THE LAW OFFICE OF CYNTHIA L. ELDRED, APC



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.

CITY OF SAN DIEGO HISTORICAL RESOURCES BOARD

MINUTES OF REGULAR SCHEDULED MEETING OF

FEBRUARY 23, 2006

COUNCIL COMMITTEE ROOM – 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING

The meeting was called to order by Chairperson Schwartz at 1:06 PM.

ATTENDANCE DURING THE MEETING

Chairperson	Lloyd Schwartz	Present
Vice-Chairperson	Laura Burnett	Present
Boardmember	Maria Curry	Present
Boardmember	Homer Delawie	Absent
Boardmember	Otto Emme	Absent
Boardmember	Don Harrison	Present
Boardmember	Donna Jones	Present
Boardmember	David Marshall	Present (left meeting at 2:05 PM)
Boardmember	Delores McNeely	Present
Boardmember	Timothy Murphy	Present
Boardmember	Jerry Schaefer	Present
Boardmember	Marsha Sewell	Present
Boardmember	Abel Silvas	Present

Staff to the Board in attendance:

Mike Tudury, Senior Planner/Architect
Diane Kane, Senior Planner/Historian
Cathy Winterrowd, Senior Planner
Jacqueline Lindsay, Deputy City Attorney

Diego Convention and Visitors Bureau who would take the lead in preparing the RFP. A huge funding raising commitment would be required to host this conference but if it can be pulled together it would be terrific and a huge boost to historic tourism in San Diego.

E. Requests for Continuances

None.

ITEM 4 - REQUESTS FOR ITEMS TO BE PLACED ON CONSENT AGENDA

- ITEM 6 – CARLETON & FRANCES BUNCE/LOUISE SEVERIN HOUSE
- ITEM 7 – HARRY MILLER HOUSE
- ITEM 8 – BISHOP CHARLES FRANCES BUDDY HOUSE

BOARD ACTION:

MOTION BY BOARDMAMBER HARRISON TO PLACE ITEMS 6, 7, AND 8 ON THE CONSENT AGENDA AND APPROVE PER STAFF RECOMMENDATION.

Seconded by Boardmember Marshall. Vote: 11-0-0. Motion passes.

ACTION ITEMS

ITEM 5 – WAREHOUSE THEMATIC DISTRICT

Applicant: Save Our Heritage Organisation (SOHO)

Location: Various addresses within study area boundaries, defined by mid-block Island to the north, the railroad easement along Harbor Drive, Commercial Avenue, and National Avenue to the south, the west side of Fourth Avenue to the west, and the east side of Fifteenth Street to the east, Centre City Community, Council District 2 or 8

Description: First hearing to consider the designation of the Warehouse Thematic Historic District as a Historical Resource

Today's Action: Determine whether the district application is complete and take public testimony to establish the level of owner support for district designation.

Staff Recommendation: If public testimony is favorable, direct staff to bring a district nomination forward at the March 23, 2006 HRB meeting for historical designation.

Report Number: HRB-06-007

Staff report given by Diane Kane. Updated information including a revised District boundary map, updated information on owner consent, and potential HRB Options for action were provided to the HRB at the meeting.

Testimony Received:

In support: Bruce Coons, David Swarens, Beth Montes, Welton Jones, Bob Sinclair, Mike Madigan.

In opposition: Scott Moomjian, Matt Peterson, Michael Witkin, Lee Morrison.

Public testimony was closed.

Board discussion that establishment of the larger, original district would not be consistent with the HRB district policy regarding owner consent in establishing Historical Districts. Chairman Schwartz took an informal poll of Boardmembers and there was not sufficient support to suspend the current HRB District Policy requiring majority of owner support to establish a district. Board discussion on establishing a smaller District, west of Park Boulevard, consistent with the East Village proposal that meets HRB policy. CCDC requested clarification of review process for properties located outside the smaller district boundaries (specifically for buildings identified as Survey #28 and #22). Staff responded that those properties located outside the proposed District boundaries would be treated as individual properties.

BOARD ACTION:

MOTION BY BOARDMEMBER SEWELL FOR STAFF TO PREPARE AND BRING TO A FUTURE BOARD MEETING A DISTRICT NOMINATION TO ESTABLISH A SMALLER WAREHOUSE THEMATIC HISTORIC DISTRICT PER THE EAST VILLAGE ASSOCIATION PROPOSAL, BOUNDED ON THE EAST BY PARK BOULEVARD (12TH AVENUE), EXCLUDING THE PROPERTY LOCATED AT 536 7TH AVENUE AND THE PROPERTIES WHERE THE OWNERS HAVE NOT GIVEN CONSENT (444 6TH AVENUE; 502-522 7TH AVENUE; 372 4TH AVENUE; 418 10TH AVENUE; 410 10TH AVENUE;), AND INCLUDING THOSE PROPERTIES REPORTED AS ABSTAINING IF OWNER CONSENT IS GIVEN PRIOR TO THE NEXT HEARING.

Seconded by Boardmember Jones. Vote: 10-0-0. Motion passes.

MOTION BY BOARDMEMBER BURNETT TO ADOPT THE WAREHOUSE DISTRICT HISTORICAL REPORT AS A SURVEY FOR USE IN PLANNING AND TO SUPPORT SOHO IN DISTRICT DESIGNATION AT THE STATE AND/OR FEDERAL LEVEL.

Seconded by Boardmember Sewell. Vote: 9-1 (Unknown)-0. Motion passes.

ITEM 6 – CARLETON & FRANCES BUNCE/LOUISE SEVERIN HOUSE

Applicant: Beth Montes on behalf of David P. Hess

Location: 4179 Norfolk Terrace, Kensington Community Planning Area, Council District 3