

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

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

§143.0210 When Historical Resources Regulations Apply

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

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

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

(a) through (j) [No change]

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

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

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

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

(1) non-residential *development*;

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

(3) *designated historic resources*; and

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

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

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

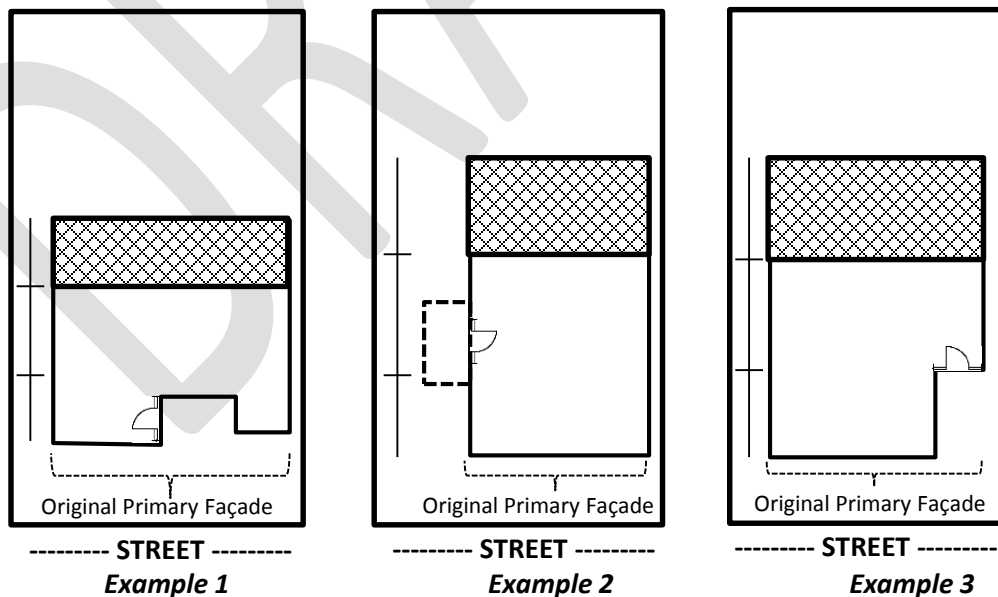
(A) Maintenance or repair of existing historic materials consistent with the U.S. Secretary of the Interior's Standards; or

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

Diagram 143-02A

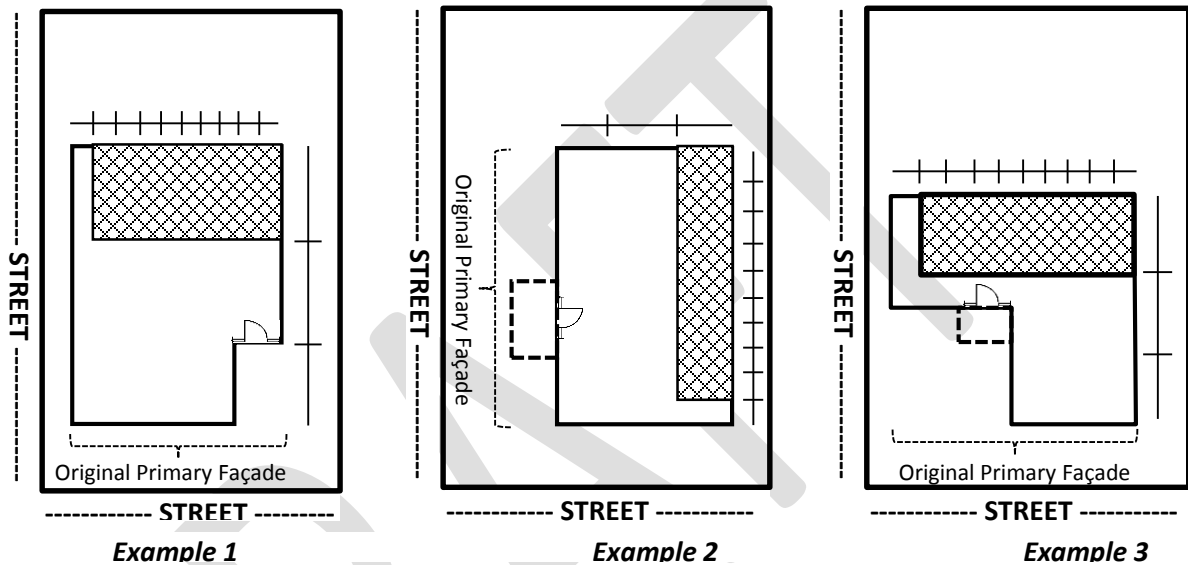


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The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

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

Diagram 143-02B

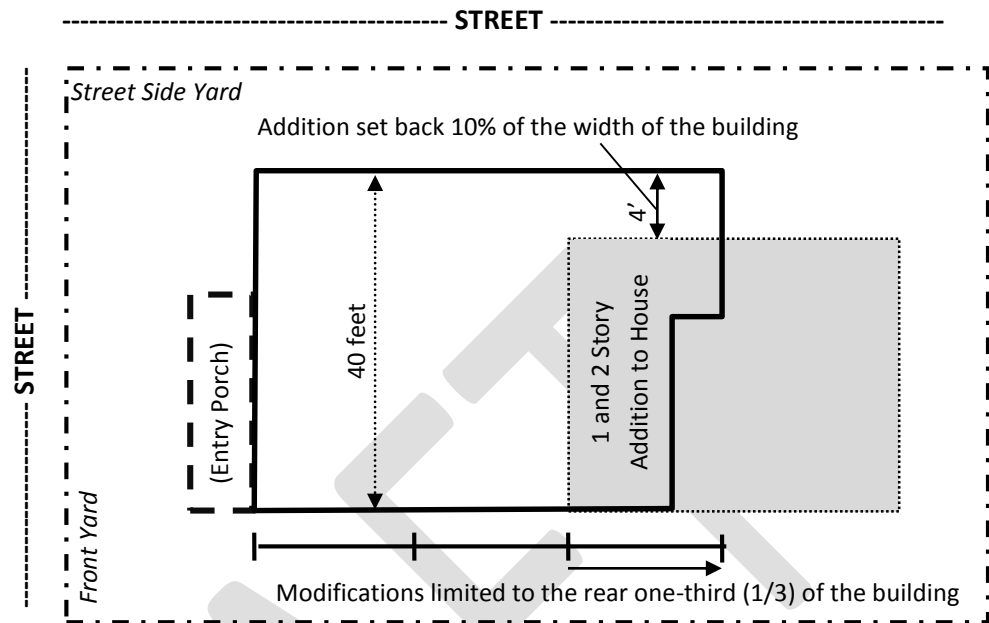


- (3) For properties located on corner lots, no modifications or demolition is permitted to the original façade fronting the street property line or street side property line as defined by SDMC Section 113.0246. In addition:
- (A) For corner lots with an existing building whose original primary façade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

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Diagram 143-02C

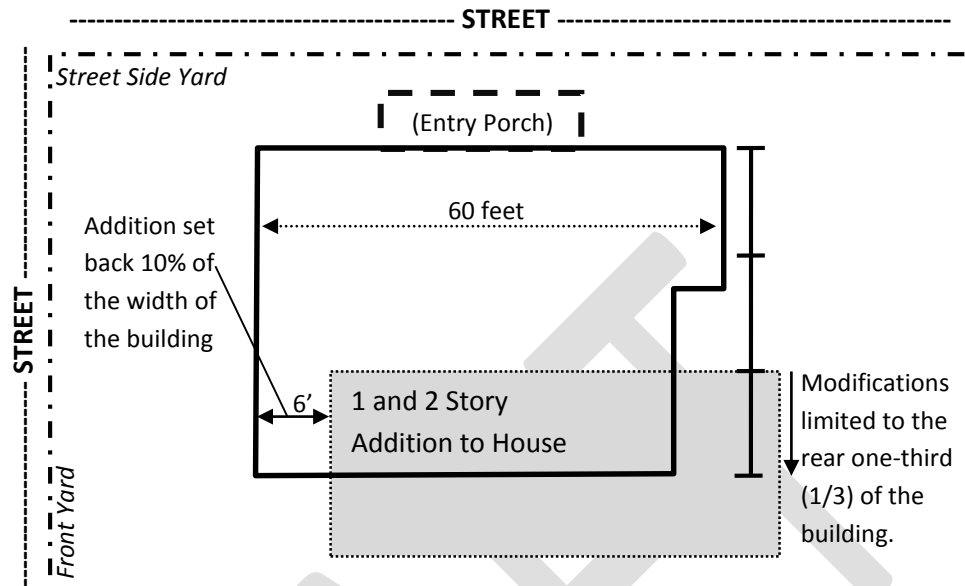


- (B) For corner lots with an existing building whose original primary facade is oriented to the street-side property line as defined by SDMC Section 113.0246, modifications and additions (either single or multi-story) shall be set back from the street-side yard façade in accordance with SDMC Section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

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Diagram 143-02D



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

§126.0402 When a Neighborhood Development Permit Is Required

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

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

§126.0404 Findings for Neighborhood Development Permit Approval

(a) through (e) [No change]

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

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

(f) Supplemental Finding – Potential Historical District

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

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

POTENTIAL HISTORIC DISTRICTS – *Uptown, North Park, and Golden Hill*

Over time, older homes in Uptown, North Park, and Golden Hill have been modified to the point where they are no longer considered historically significant as an individual building, 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 historic designation may nevertheless contribute to the significance of a potential historic district. The loss of these contributing structures could impact a potential historic district's eligibility for future historic designation. The proposed potential historic district regulations would provide supplemental protections until a more detailed historic district survey can be completed. Below is an overview of the proposed supplemental protections.

Potential Historic Districts Identified

As part of the process to update the community plans for Uptown, North Park, and Golden Hill, the City hired a historic consultant to prepare a detailed historic reconnaissance survey to identify buildings that could be historic individually or contribute to a potential historic district (PHD).

Proposed Regulations

Current potential historic resource review for individual significance (“over 45-year” review)

About 95% of the residential buildings within the PHDs are over 45 years old. Under the City's current historic regulations, buildings over 45 years old must be reviewed for individual historic significance, and not whether they may contribute to a potential historic district. If found significant, current City regulations limit the type of improvements that can be made to the structure.

Proposed PHD Regulations

The proposed PHD regulations would only apply to residential buildings. If a residential building within a PHD was determined by City staff to not be individually significant under the “over 45-year” review, the proposed PHD regulations would be used to determine if the building contributed to the PHD using the historic reconnaissance survey as a baseline for establishing historic significance. The PHD regulations would not apply if City staff determines that the building does not contribute to the PHD. If, however, the structure was found to be a contributor, the PHD regulations would limit modifications within the front 2/3rds of the original building footprint. The PHD would not place any limitations on modifications in the rear 1/3rd of the building footprint or accessory buildings.

Exceptions to the PHD Regulations

The proposed PHD regulations would not apply if the following modifications were proposed within the front 2/3rds of the original building footprint (refer to Muni Code Section 129.0203):

- Modifications that would repair existing historic materials or restore the building to its historic appearance;

- Modifications or repairs that are limited to an electrical or plumbing/mechanical permit that would not change the exterior;
- In kind roof repair and replacement;
- In kind foundation repair and replacement, except for structures with decorative block or cobblestone foundation;
- Replacement windows in existing window openings that do not require any changes to the exterior wall;
- Installation of fences that are 6 feet in height or less;
- Painting.

Discretionary Review Process

If a modification that was not exempted, was proposed in the front 2/3rds of the original building footprint, a Neighborhood Development Permit (NDP) would be required. A NDP is a discretionary process which the City would use to review the proposed project to determine whether or not the modification would result in a substantial loss of integrity within the PHD, which would render it ineligible for historic designation. A NDP can be approved by City staff.

Summary

The proposed PHD regulations would only apply to modifications that are not exempt and to residential buildings determined to contribute to the historic significance within a PHD. If a modification was not exempt and did not comply with the supplemental regulations, then a discretionary review process subject to findings could be used for City staff to allow the modification.

PHD Approval Process

The proposed PHD regulations will be considered by the Planning Commission and City Council as part of the hearing process for the Draft North Park, Golden Hill, and Uptown Community Plans and associated implementing regulations. With the approval of the City Council, the City would undertake a multi-year effort to prepare detailed historic district surveys for each PHD needed to nominate the PHDs for designation as official historical districts.

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

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

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

(a) through (j) [No change]

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

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

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

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

(1) non-residential development;

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

(3) designated historic resources; and

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

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

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

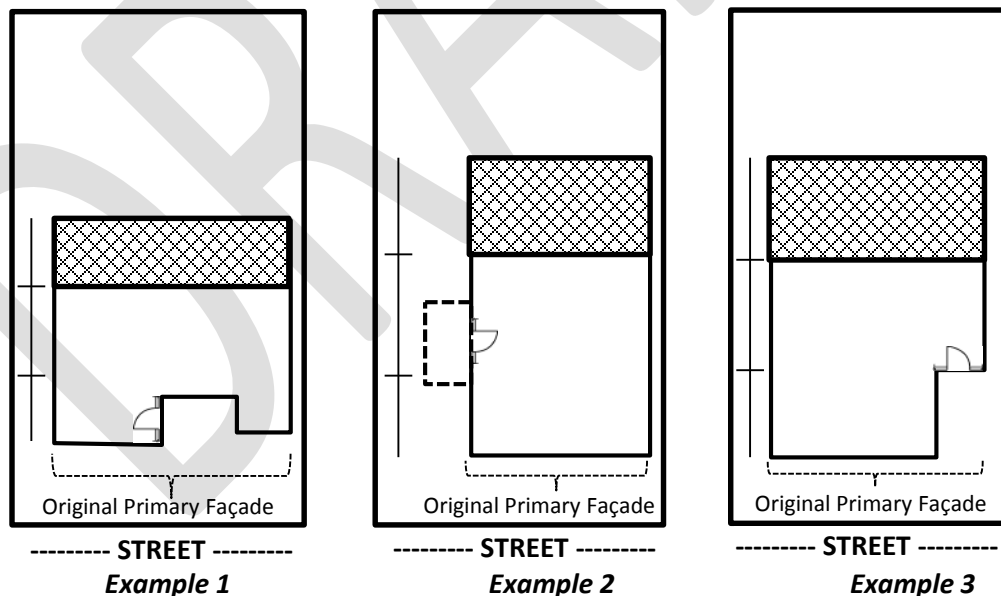
(A) Maintenance or repair of existing historic materials consistent with the U.S. Secretary of the Interior's Standards; or

(B) Restoration of the structure to its historic appearance consistent with the U.S. Secretary of the Interior's Standards based on photo documentation

or the written opinion of a Historic Preservation Architect. The project plans shall include information demonstrating how the modification will result in the restoration of the structure, and a copy of the supporting photo documentation or written opinion shall be included with the application.

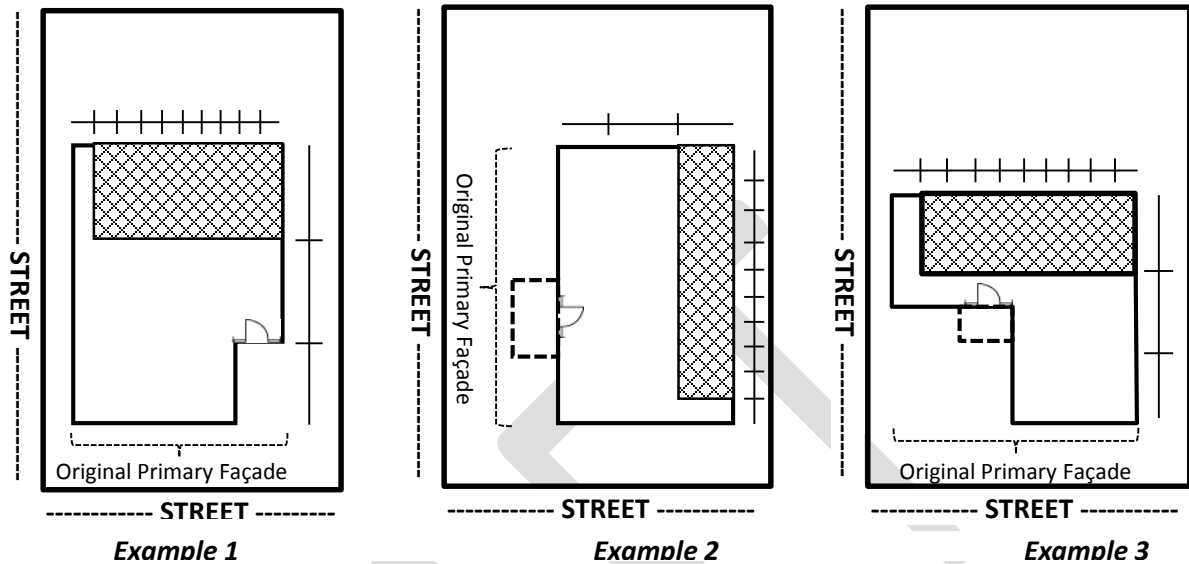
- (2) The original primary façade refers to the building elevation which, at the time of the original construction (as determined by Notice of Completion, building permits, water and sewer permits, Assessor's Building Record, or other historical documentation) served as the primary public entrance and face of the building. Typically, the original primary façade will contain the highest concentration of character-defining features, such as a front porch or stoop, the primary public entry door, decorative or multi-lite window groupings, and/or decorative materials, finishes and detailing. Typically the original primary façade will front onto a public or private roadway. In instances where the entire width of the lot does not front on to a public right-of-way, the original primary façade may also relate to a driveway or private easement.
- (A) For interior lots, the original primary façade is the façade fronting the street, as illustrated in Diagram 143-02A.

Diagram 143-02A



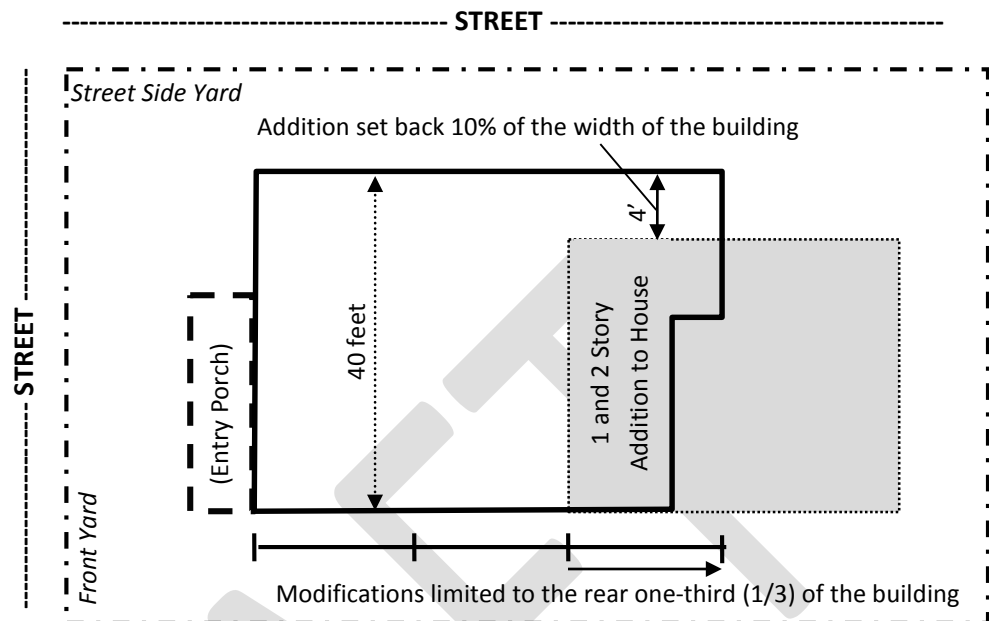
- (B) For corner lots, the original primary façade will typically contain the original entry door, as illustrated in Diagram 143-02B.

Diagram 143-02B



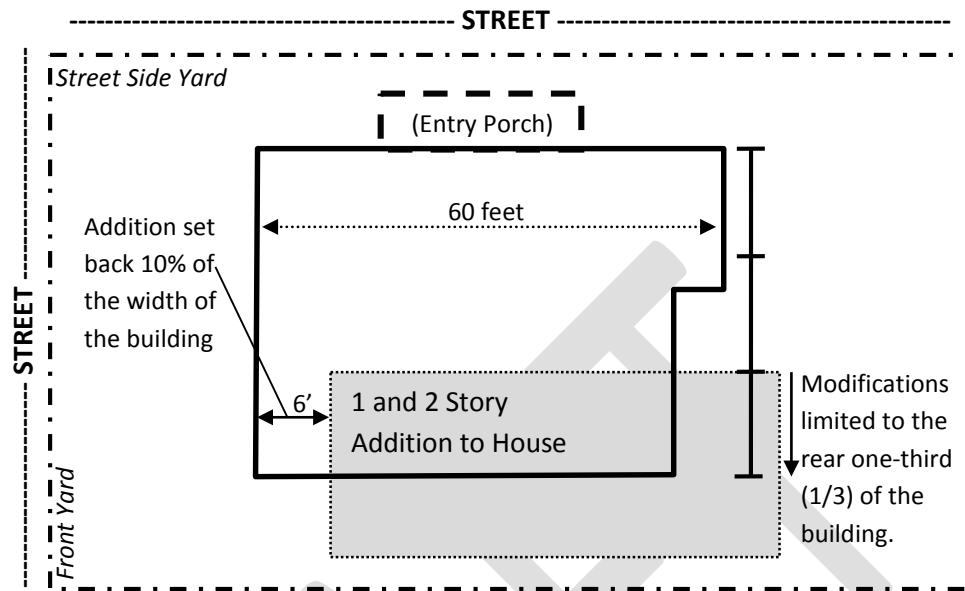
- (3) For properties located on corner lots, no modifications or demolition is permitted to the original façade fronting the street property line or street side property line as defined by SDMC Section 113.0246. In addition:
- (A) For corner lots with an existing building whose original primary facade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

Diagram 143-02C



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

Diagram 143-02D



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

§126.0402 When a Neighborhood Development Permit Is Required

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

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

§126.0404 Findings for Neighborhood Development Permit Approval

(a) through (e) [No change]

(f) Supplemental Finding – Potential Historical District

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

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

HISTORIC DISTRICT PROCESSING PRIORITIZATION FACTORS

In determining how to process the 35 potential historic districts identified within the Uptown, North Park and Golden Hill planning areas; the Planning Department developed a number of prioritization factors, weighted in order of importance, as follows:

1. Priority for Planning Group

Consider potential historic districts which the respective Community Planning Groups wish to prioritize, as well as any preferred order.

2. Survey-Identified vs. Community-Identified

Survey-identified districts have a more developed outline of potential significance, and may be the strongest candidates for designation.

3. Volunteer Effort Currently Underway

There are at least 2 efforts underway by community volunteers to prepare nominations (South Park and Inspiration Heights). Prioritization efforts should consider shifting the survey burden from the volunteers to the City.

4. Redevelopment Interest

In an effort to provide greater certainty to all parties, consider areas where interest in redevelopment is high due to underlying zoning and allowable density.

Once the potential historic districts are ranked based upon these prioritization factors, the following issues will be taken into consideration when developing the work program:

1. Program Capacity

The City's capacity to process nominations is constrained by a number of factors, including funding; staffing; consultant availability/scheduling; and of the workload placed on the Historical Resources Board, which is a volunteer board that meets monthly. Based on historical precedent and best estimates, it is likely that no more than 3 districts can be processed in a single fiscal year.

2. Equal Representation of Communities

In an effort to allow each community to have equal representation in the processing of potential districts, the City may take forward one from each planning area each year. Once all districts in a planning area are processed, the work program would alternate 2 in one planning area and 1 in the other.

3. Size of the Potential Historic District

Potential historic districts range in size from 11 properties to 458 properties. All district nominations require research; development of a narrative that includes a context statement, period of significance, statement of significance and boundary justification; and survey of each property within the boundary. Processing 3 large potential historic districts in a single year will not be feasible due to the amount of survey work required. Additionally, processing 6 small potential historic districts in a single year will not be feasible due to the amount of work required in researching the area and preparing the required narrative. Therefore, the size of the potential historic districts must be taken into consideration in order to find the right balance. Potential historic districts have been identified as small, medium and large, as follows:

- Small: Less than 50 properties
- Medium: 50-200 properties
- Large: Greater than 200 properties

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HISTORIC DISTRICT PROCESSING PRIORITIZATION

FY	DISTRICT	PLANNING AREA	SIZE
2018	South Park*	Golden Hill	LG
	Heart of Banker's Hill*	Uptown	MED
	Shirley Ann Expansion*	North Park	SM
2019	Culverwell & Taggart's	Golden Hill	LG
	Horton's Addition*	Uptown	MED
	Spalding Place*	North Park	SM
2020	Arnold & Choate's*	Uptown	LG
	Park Boulevard Apartment West & East*	Uptown/North Park	SM/SM (68 tot)
	Kalmia Place	North Park	SM
2021	Marine View*	Uptown	LG
	Valle Vista Terrace*	North Park	MED
	Second Avenue*	Uptown	SM
2022	30 th Street & University	North Park	MED
	28 th Street Residential	North Park	MED
	Marston Family*	Uptown	SM
2023	Hillcrest*	Uptown	LG
	Marston Hills*	Uptown	MED
	St. Louis Heights/Lynhurst/O'Nealls Terrace/Wallace Heights	North Park	MED
2024	Altadena/Carmel Heights/Frary Heights	North Park	LG
	Inspiration Heights	Uptown	MED
	Park Villas	North Park	SM
2025	Mission Hills Expansion	Uptown	LG
	Wabash Mesa	North Park	MED
	Robinson Place	Uptown	SM
2026	West University Heights	Uptown	LG
	Presidio Hills	Uptown	MED
	John Sherman	Uptown	SM
2027	Northwest Mission Hills	Uptown	LG
	North Florence Heights	Uptown	MED
	Dove Street	Uptown	SM
2028	Park Edge North	Uptown	MED
	Inspiration View	Uptown	SM
	Avalon Heights	Uptown	SM
	Allen Terrace	Uptown	SM

***Community Planning Group Priority**

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