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--A community organization dedicated to preserving the character, charm and historical resources of the Mission Hills neighborhood.

April 10, 2025

Kelley Stanco, Deputy Director
City Planning Dept.
City of San Diego
9485 Aero Drive, MS 413
San Diego, CA 92123
Email: KStanco@sandiego.gov

Re: Preliminary Comments to Preservation and Progress Initiative – Historic Districts

Dear Ms. Stanco,

Enclosed is Mission Hills Heritage's preliminary response to the outline of potential updates to the city's heritage preservation program delineated in city staff's February 21, 2025, memorandum (Memorandum) to the Historic Resources Board (HRB). These initial comments primarily relate to historic district policies and are summarized as follows: (1) postpone any potential changes until completion of the pending PlaceEconomics study; (2) combine for consideration Packages A and B; (3) streamline listing of national/state register districts; (4) retain Criterion E; and (5) extend Mills Act eligibility to historic resources listed on the national/state registers.

(1) Postpone Any Potential Changes

The Memorandum wrongly assumes sufficient information has been gathered to guide the proposed changes. To date, the support for staff's proposed course of action appears to be staff's "collective knowledge," public comment, conversations with the California Office of Historic Preservation, and staff's new benchmarking study. While we applaud staff's efforts to collect relevant information, the data collected does not account for how the existing historic preservation regulations impact San Diego's affordable housing, equity, and climate goals.

The preservation community, however, has commissioned such an independent study by PlaceEconomics that will analyze in-depth the effects of San Diego's current historic regulations.

We strongly urge the city to delay any proposed updates or amendments until the results of this study can be reviewed and incorporated. We anticipate the study will be completed by the end of September. Moving forward without this critical analysis risks weakening and denigrating many of the most important and beneficial aspects of the historic resource regulations that provide significant public benefits.

(2) Combine Packages A and B

The Memorandum proposes two preliminary separate timelines for proposed changes named in Packages A and B, concluding respectively at the end of 2025 and the summer of 2026. Yet, the interplay between proposed changes in Package A and Package B makes it problematic to consider them separately, especially with nearly a year between their review. For example, proposed changes to the Mills Act program (Package A) are directly related to adjustments in permit processes and incentives for preservation and adaptive reuse (Package B). These interconnected policies should be evaluated together to ensure a holistic and effective approach.

(3) Streamline Listing of National/State Register Districts

Package A (if Packages A and B are not combined) should include amendments allowing for the streamlined listing of national/state register districts on San Diego's local register of historic resources. MHH encourages staff to consider the proposed amendments to the HRB's Policy 4.1 and its procedures that MHH presented in July 2023, which allow for a streamlined process for local listing of national and state register historic districts (See Attachment A).¹ MHH is aware that amendments allowing for the local listing of national register districts must comply with both due process and the home rule doctrine and we believe the proposed amendments comply with these requirements. These amendments are minor procedural changes to HRB policy and procedure consistent with HRB policy and practice,² as opposed to substantive regulatory changes that require City Council approval.

(4) Retain Criterion E

The Memorandum suggests that Criterion E is being considered for elimination. City staff previously opined in a memorandum issued on February 3, 2021, that Criterion E provides a simplified path to local designation for National Register resources and no additional analysis of the property's significance is required. This makes sense because the criteria for national/state register nominations are substantially similar to local criteria and the report standards are arguably

¹ These amendments were brought before the HRB Policy Subcommittee on March 11, 2024. Board member Carla Farley requested legal analysis of the proposed amendments for further discussion, but staff provided none and the amendments were not brought before the subcommittee again. Staff's oft cited reason for not bringing the amendments forward was the upcoming instant Preservation and Progress Initiative. The proposed amendments, therefore, are now ripe for consideration.

² See staff's February 3, 2021, memorandum; Criterion E of the City's "Guidelines for the Application of Historical Resources Board Designation Criteria," (2011), p 33. As an example of the streamlined processing of a National Register district, the HRB approved the local listing of the University Heights Water Storage and Pumping Station Historic District (HRB Site #1177) on April 23, 2015, with only one meeting and no other action.

higher than local standards. Staff has presented no valid justification to require re-evaluation of National and State Register properties under other designation criteria. The mere comparison to the criteria of a sampling of other jurisdictions does not provide such justification. Criterion E is an efficient way to locally list resources that have already been vetted and listed under national/state Register criteria.³

(5) Extend Mills Act to National Register Resources

Consistent with points (1) and (2), a comprehensive evaluation of the Mills Act program is required before any changes to the program are considered and, therefore, any updates to the Mills Act program should occur in Package B if Packages A and B are not combined. Under the current program, only locally designated properties are eligible for the Mills Act. Equitable principles require that the benefits of the program be extended to national and state register resources. Expanding eligibility would allow for a balance of the burden of regulations applicable to such resources and the incentives to benefit historic preservation within the city.⁴ This change would broaden the impact of the program and allow for contributors to national/state register districts to utilize the program's incentives.

We appreciate your consideration of these comments and look forward to working with city staff to strengthen the city's heritage preservation program.

Sincerely,

Mission Hills Heritage



By: Robert Jassoy, President

³ We are aware that staff also intends to consider whether greater alignment with national register criteria is desirable and that divergence from national criteria could obviate the usefulness of criterion E. MHH encourages alignment with national register criteria because of the substantial advantages and efficiencies that would arise. For example, because national register criteria are considered in CEQA and Section 106 evaluations, local criteria that match the federal standard are more likely to be relevant for environmental reviews. See Technical Assistance Bulletin #14: Drafting Effective Historic Preservation Ordinance,” (Revised June 2005), p 27, available at <https://ohp.parks.ca.gov/pages/1069/files/14_hp_ordinances.pdf>.

⁴ This reasoning is explained in the City of Los Angeles' recent in-depth study of their Mills Act program. See City of Los Angeles Mills Act Assessment & Equity Analysis, (June 2022), p 27, available at <https://planning.lacity.gov/odocument/72d6c65d-b7bd-4499-bb07-d91813ebc5b6/Mills_Act_Program_Assessment_Report.pdf>.

ATTACHMENT A

Proposed Amendments to HRB Policy 4.1

Proposed Amendments to HRB Procedures

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
AMENDED BY HRB ON _____ 2023

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

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, B, C, D, and F. A historical district under Criterion E is presumed significant, subject to the procedures in Section 8 of this Policy. Contributing resources within a Criterion E district are designated under Criterion E. Contributing resources within Criteria A, B, C, D, and F districts 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, except as provided in Section 8 of this Policy. 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, except as provided in Section 8 of this Policy.

- 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.
- c. **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.
- d. **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.
- e. **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.

- f. **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.

- g. **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.

8. **HISTORICAL DISTRICTS LISTED OR DETERMINED ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES AND/OR THE STATE REGISTER OF HISTORIC PLACES**

- a. **Criterion E.** A historical district that 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, is presumed significant and is eligible for designation by the City of San Diego Historic Resources Board and inclusion in the City of San Diego Historical Resources Board Register.

- b. **Documentation.** The following documentation shall be deemed to satisfy the information requirements in Section 6 of this Policy:

- i. For a historical district listed on the National Register of Historic Places or the State Register of Historical Resources,

A. Copy of the National or California Register of Historic Places nomination; and,

B. If applicable, a Continuation Sheet noting any changes to the material condition or integrity of the resource since the National or California Register listing.

- ii. For a historical district determined to be eligible for listing on the National Register of Historic Places or the State Register of Historical Resources,

A. Official documentation from the Keeper of the National Register of Historic Places or the State Office of Historic Preservation identifying the resource's determination of eligibility; and

B. If applicable, a Continuation Sheet noting any changes to the material condition or integrity of the resource since the Determination

of Eligibility.

- c. **Board Action.** The following actions are required for the City of San Diego Historical Resources Board to designate and include a Criterion E historical district in the City of San Diego Historical Resources Board Register:
- i. **Local Designation Request.** Requests to designate and include a Criterion E historical district in the City of San Diego Historical Resources Board Register, may originate from the Historical Resources Board, the City Manager, the City Council, or any member of the public, including an organization.
 - ii. **Historical Report.** The local designation request for a Criterion E historical district to be designated shall include the relevant documentation in Section 8(b) of this Policy.
 - iii. **Board Review & Hearing.** Upon receipt of the documentation filed in connection with the local designation request, the Historical Resources Board staff shall schedule the item for review by the Board at a public hearing. At this regularly scheduled meeting, the Board shall evaluate the submitted documentation, hear relevant public testimony, and take appropriate action to designate the historical district and include it in the City of San Diego Historical Resources Board Register unless substantial evidence exists that the district is not significant. The action of the Board to designate and include such a historical district on the City of San Diego Historical Resources Board Register may be appealed to the City Council as established by the San Diego Land Development Code Section 123.0203.
 - iv. **Notice.** Notices will be mailed as required by the San Diego Land Development Code Section 123.0202(b) to all affected property owners, and community groups, neighborhood associations, historical societies, and other interested parties.
 - v. **Site Visit.** Historical Resources Board members are required to physically visit the historical district and view the sites within the district's boundary before taking any action.
 - vi. **Implementation.** Upon Board designation and inclusion in the City of San Diego Historical Resources Board Register of a criterion E 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 requests 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 resources within a historical district designated by the Historical Resources Board under Criterion E and included in the City of San Diego Historical Resource Board Register shall be eligible for the Mills Act Program provided they meet the standards of the program.

DRAFT

HISTORICAL RESOURCES BOARD PROCEDURES

Adopted October, 28, 2004

Revised September 28, 2006; January 24, 2008; September 25, 2008; April 22, 2010; February 24, 2011; January 24, 2013; March 27, 2014; February 23, 2017; _____, 2023

* * *

II. Business of the Board

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E. Processing of Historical District Nominations

The process of the district nomination shall comply with the Historical Resources Board Policy 4.1, Historical Districts, and all applicable provisions of the Land Development Code and Land Development Manual.

For historical district nominations processed under Historical Resources Board Criteria A, B, C, D, and F, before any historical district may be established, staff shall review the draft district documents and determine that they are complete. The complete draft district documents shall be scheduled for a Historical Resources Board Policy Subcommittee meeting to introduce the district materials. A second meeting (and additional meetings if necessary) shall be scheduled after the Subcommittee members have reviewed the draft district materials in order to obtain Subcommittee input. Once the Policy Subcommittee's review is complete and they concur that the draft district materials are ready for Board consideration, staff shall include the district nomination on the next available Historical Resources Board agenda. ~~The process of the district nomination shall comply with the Historical Resources Board Policy 4.1, Historical Districts, and all applicable provisions of the Land Development Code and Land Development Manual.~~

For historical district nominations processed under Historical Resources Board Criterion E, which are already listed on or eligible for listing on the National Register of Historic Places or the State Register of Historical Resources, staff shall include the district nomination on the next available Historical Resources Board agenda upon staff's concurrence that the district's nomination documents are complete.