

Article 21 H Historic Overlay District (Citywide)

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2101 Specific Purposes

The specific purposes of the H Historic Overlay District are to:

- A. Implement the City's General Plan and Chapter 14-A of the Oceanside City Code.
- B. Deter demolition, destruction, alteration, misuse, or neglect of historic or architecturally significant buildings that form an important link to Oceanside's past.
- C. Promote the conservation, preservation, protection, and enhancement of each historic district.
- D. Stimulate the economic health and visual quality of the community and stabilize and enhance the value of property.
- E. Encourage development tailored to the character and significance of each historic district through a Conservation Plan that includes goals, objectives, and design guidelines and development criteria.
- F. Provide a mechanism to resolve conflicts in an orderly fashion between goals of historic preservation and alternative land uses.

2102 Definitions

In this Article, unless the context indicates otherwise, the following words shall have the meanings set out in this section:

- A. "Alteration" means any change or modification, through public or private actions, of any historical site or of any property located within a historic district including, but not limited to, changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other landscape features, disturbance of archaeological sites or areas, and the placement or removal of any objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape features affecting the visual qualities of the property.
- B. "Architectural feature" means the architectural elements embodying style, design, proportions, general arrangement and components of all surfaces of an improvement, including but not limited to, the kind, color or texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.
- C. "Improvement" means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.
- D. "Landscape feature" means any grade, body of water, stream, rock, plant, shrub, tree, path, walkway, road, plaza, fountain, sculpture or other form of natural or artificial landscaping.
- E. "Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature moveable.
- F. "Ordinary repairs and maintenance" means any:
 - 1. Work done on any improvement or landscape feature for which a permit is not needed pursuant to this Article.
 - 2. Replacement of any part of an improvement or landscape feature; for which a permit issued by the Building Division is not required by law or by this Article where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such improvement or landscape feature or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.
- G. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of historical areas and sites.

2103 Applicability and Zoning Map Designator

The H Historic Overlay District may be combined with any zoning district. Each H Overlay District shall be shown on the zoning map by adding a "-H" designator to the base district designation followed by the number of the district based on the order of adoption.

2104 Land Use and Development Regulations

The land-use and development regulations applicable in an H district shall be as prescribed for the base district with which it is combined unless modified by another overlay district, provided that the requirements of the district Conservation Plan shall govern where conflicts arise.

A. Exceptions for Historic and Architecturally Significant Structures

The City Planner may grant a use permit for an exception to the land use regulations of the base district when an H district is combined when such an exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site.

Applications for such use permits shall be filed with the on a form provided. The City Planner shall refer all applications for an exception under this section to the Historic Preservation Advisory Commission for a report and recommendation. In making a decision, the City Planner shall make a written finding that shall specify the facts relied upon in rendering his decision. A copy of this written finding, together with all evidence presented to the City Planner, shall be filed in the Planning Division. The written finding and decision shall be mailed to the applicant and shall be subject to appeal to the Planning Commission. Decision-making authority on such use permits may be deferred to the Planning Commission or Community Development Commission, as the case may be, at the option of the City Planner. An appeal of the Planning Commission's decision may be made to the City Council.

2105 Criteria for Establishment of H District

A portion of a base district shall be eligible for inclusion in an H district if one or more of the following criteria, rigorously applied and supported by findings of historical significance, are met:

- A. The area possesses character, interest, or value as part of the heritage of the city.
- B. The area is the location of a significant historical event.
- C. The area is identified with a person or group that contributed significantly to the culture and development of the city.

- D. Structures within the area exemplify a particular architectural style or way of life important to the city or are the best remaining examples of an architectural style in a neighborhood.
- E. The area or its structures are identified as the work of a person or group whose work has influenced the heritage of the city, the state or the United States.
- F. The area is related to a designated historic building or district in such a way that its preservation is essential to the integrity of the building or district.
- G. The area has potential for yielding information of archaeological interest.

Portions of a base zoning district that do not meet the above criteria may be included in an H district if inclusion is found to be essential to the integrity of the district.

2106 Criteria for Designating Historical Sites

Individual buildings and sites may be designated as historic or architecturally significant landmarks if one or more of the criteria set forth in Section 2105 are met. A historical site so designated shall be eligible for the same review procedures as buildings and structures within an H district.

2107 Conservation Plan Required

Prior to filing an application for an H district, the applicant shall prepare a Historic District Conservation Plan with the assistance of the Planning Division. Each Conservation Plan shall contain:

- A. A map and description of the proposed district, including boundaries; the age, setting, and character of structures; urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved.
- B. A statement of the architectural or historical significance of the proposed district.
- C. A list of specific alterations that should be subject to design review in order to protect the architectural or historical character of the proposed district.
- D. A set of specific performance guidelines for new construction and alterations necessary to preserve the character of the proposed district.
- E. Proposed rules and regulations for design review.

2108 Application Requirements

- A. Filing of Petition. An application for an H district or historical site designation may be initiated by the Historic Preservation Advisory Commission, the Planning Commission, or City Council, or by filing a petition requesting establishment of the district with the City Planner. If initiated by petition, the application shall include:

1. The proposed Conservation Plan for the district as prescribed by subsection (B) above; and
 2. A form bearing the signatures of the owners of 51 percent of the land area within the proposed district.
- B. Application Contents. An application for a historical site designation shall contain:
1. A map showing the location of the building or structure and building plans or photographs of the building exterior;
 2. A statement of the architectural or historical significance of the proposed building and description of the particular features that should be preserved; and
 3. The consent of the owner or authorized agent to the proposed designation. For purposes of this section, each condominium owners' association shall be deemed the property owner of common areas. Prior to accepting the application as complete, the City Planner may request additional information, plans or materials deemed necessary to support the application. A Planning Commission public hearing on the petition shall be held within 90 days of the date the petition is accepted as complete.

2109 Review and Approval

- A. Preliminary Review. The Historical Preservation Advisory Commission shall conduct a study of the proposed designation and make a preliminary determination based on such documentation as it may require, as to its appropriateness for consideration. If the Commission makes a favorable determination, it shall conduct a neighborhood workshop in the proposed district to explain the proposal and the amendment process to neighborhood residents. Notice of the workshop shall be given in the same manner prescribed for zoning map amendments by Section 4504. After the workshop, the Commission shall forward a report containing its findings and recommendations to the Planning Commission.
- B. Notice and Public Hearing. After the Historic Preservation Advisory Commission has recommended adopting an H district, the proposed district shall be the subject of public hearings before the Planning Commission and the City Council. The hearings shall be set, noticed, and conducted as prescribed by Article 45.
- C. Contents of Public Notice. In addition to the information prescribed by Article 45, notice of a public hearing for the establishment of an H district or designation of a landmark shall include a statement that original petitioners have the right to withdraw their support of the district at any time prior to the hearing, and that property owners who have not signed the petition have the right to do so prior to the date of the hearing.

- D. Effect on Projects Initiated Prior to Effective Date. No provision of this Article shall apply to projects initiated prior to the effective date of an ordinance establishing an H district or designating a historical site. Such projects shall be considered nonconforming uses, subject to the provisions of Article 35. For the purposes of this subsection, a project shall be deemed initiated if an application, plans, and materials for concept or development plan review have been filed and accepted as complete.

2110 Establishment of H Districts and Historical Site Designation

- A. Required Findings. In addition to the findings required by Article 45, the Planning Commission and City Council shall find that the proposed district or historical site has a significant architectural or historical character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscaping.
- B. Adoption of Conservation Plan. An ordinance establishing an H district shall include a Historic District Conservation Plan, in the form submitted or as revised by the Historic Preservation Advisory Commission, the Planning Commission or City Council. The Plan's performance guidelines may modify the land-use and development regulations of the base-zoning district, but shall not significantly alter the regulations. In addition, for any conservation plans located in the Coastal Zone, such modifications must be found consistent with all applicable policies of the certified Land Use Plan. A performance guideline shall be found to be a significant alteration of base district regulations if it substantially prevents property from being used in accord with the provisions of the base district, or creates a substantial number of nonconforming uses or structures.
- C. Amendments to Adopted Conservation Plans. Procedures for an amendment to an adopted Conservation Plan shall be initiated in the same manner as an application for a zoning map amendment (Article 45).

2111 Demolition and Design Review Procedures

- A. In General. Except as modified by an adopted Conservation Plan, development plan review in an H district or of a proposed alteration, enlargement or demolition of a designated historical site shall be conducted as prescribed by Article 43.

The Building Official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated historical site without the prior approval of the Historic Preservation Advisory Commission. Prior approval of the Historic Preservation Advisory Commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons or for ordinary repairs and maintenance.

- B. Criteria. In addition to the requirements of Article 43, the Historic Preservation Advisory Commission shall consider the proposed demolition, new construction, or

alteration in the context of the adopted Conservation Plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building siting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures.

- C. Required Findings. No demolition permit shall be issued for demolition of any structure within an H district or for demolition of a designated historical site without prior review and approval by the Historic Preservation Advisory Commission. To assist in this evaluation, the City Planner shall submit a report and recommendation to the Commission.

1. For Demolitions.

- a. If, after review of the request for a demolition permit, the Historic Preservation Advisory Commission determines that the structure itself has historical, architectural or cultural interest or value, the Commission may withhold approval for demolition for 180 days (from the date of Commission action) or until environmental review is completed, whichever occurs later.

During the 180 days, the Commission may direct the Planning Division to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one or more structures or other features, and take any other reasonable measures.

At the end of the 180-day period, the demolition permit shall be issued if environmental review determines there will not be a significant impact on the environment and all requirements of the zoning ordinance are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

- b. If, after review of the request for a demolition permit, the Historic Preservation Advisory Commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a building permit for demolition may be issued.

2. For New Construction or Alterations. The Historic Preservation Advisory Commission shall not grant design approval for new construction or alterations unless it finds that the proposed new construction or alteration will be compatible with and help achieve the purposes of the H district.

2. For Removal or Alteration of Certain Landscape Materials. The City Planner's or Commission's approval shall be required for removal or alteration of landscape materials identified as significant resources by the Historic District Conservation Plan. Removal or alteration of such landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the H district, or that the safety or persons or property requires the removal or alteration. No provision of this subsection shall be construed as restricting routine maintenance of landscape materials.
- D. Economic Hardship Waiver. If an applicant for design approval presents evidence or inability to meet the cost of complying with a condition of approval, the Historic Preservation Advisory Commission may grant the approval with the requirement that all conditions be met within a period of up to five years. If such conditions are not met within five years, the property owner shall be subject to the enforcement provisions of Article 47.
- E. Effective Date; Appeals. Decisions of the Historic Preservation Advisory Commission shall be final on the tenth day after the date of the decision, unless appealed in accord with Article 46. Appeals of decisions on demolition permits shall be heard by the City Council.

2112 Existing Improvements

All repairs, alterations, reconstructions, restorations or changes in use of existing improvements shall conform to the requirements of the California Historical Building Code.

2113 Maintenance of Structures and Premises

All property owners in H districts and owners of designated historical sites shall have the obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material variance in apparent condition from surrounding structures in compliance with the provisions of this chapter. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises.