

RESOLUTION NUMBER R- 311255DATE OF FINAL PASSAGE JUL 18 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL OF THE HISTORIC DESIGNATION OF THE MAY SOMERS CANDEE SPEC. HOUSE #1 LOCATED AT 3616-3618 4TH AVENUE, AND REVERSING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE.

WHEREAS, the appeal was filed by Scott Moomjian, representative for owners of the May Somers Candee Spec. House #1, located at 3616-3618 4th Avenue, San Diego, California, designated as Historical Resource No. 1183 by the Historical Resource Board (HRB); and

WHEREAS, the item was brought before the HRB by the owners in conjunction with a preliminary review application to determine whether or not the building was historically significant, consistent with San Diego Municipal Code section 123.0202; and

WHEREAS, as part of that consideration, a Historical Research Report dated April 2015 was prepared by Scoot Moomjian, which concluded that the house was not historically significant and was not eligible for historic designation under any HRB designation criteria; and

WHEREAS, staff reviewed the report and referred the property to the HRB for a formal determination, with a recommendation to designate the property as a good example of a Prairie Vernacular style house; and

WHEREAS, on July 23, 2015, following a noticed public hearing and HRB discussion, the HRB moved to designate the building under HRB Criterion C as a good example of the Prairie Vernacular style; and

WHEREAS, the decision of the HRB may be appealed by an applicant or interested person within ten (10) business days of the HRB's action to designate; and

WHEREAS, the owner filed an appeal with the City Clerk on August 3, 2015, with additional materials in support of the appeal filed on April 10, 2017; and

WHEREAS, on appeal the City Council may by resolution affirm, reverse, or modify the determination of the HRB; and

WHEREAS, on appeal the City Council may reject the HRB's designation of a property as a historical resource on the basis of factual errors in materials or information presented to the HRB, violation of the bylaws or hearing procedures by the HRB or individual member, or presentation of new information; and

WHEREAS, the matter was set for public hearing on July 18, 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council adopts the following findings with respect to the HRB designation of the May Somers Candee Spec. House #1 as a historical resource:

1. Factual Errors - The HRB erred in designating the May Somers Candee Spec. House #1 as a historic resource due to factual errors in the materials and information presented to

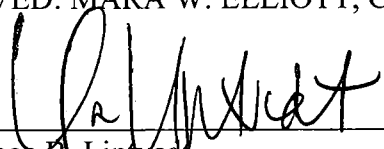
the HRB as set forth in Exhibit A, which is by this reference incorporated herein and made a part hereof.

2. New Information – New information concerning the May Somers Candee Spec. House #1 and its designation was provided as set forth in Exhibit A, which is by this reference incorporated herein and made a part hereof.

BE IT FURTHER RESOLVED, that the appeal by Scott Moomjian is granted, the decision of the HRB designating the May Somers Candee Spec. House #1 as a historical resource is reversed, and that the May Somers Candee Spec. House #1 is not designated as a historical resource.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
Inga B. Lintved  
Deputy City Attorney

IBL: mm  
July 19, 2017  
Or.Dept: DSD  
Doc. No.: 1542707\_2

Attachment(s): Exhibit A, Appeal by Scott Moomjian and supporting materials

# EXHIBIT A

RECEIVED  
CITY CLERK'S OFFICE

APPEAL FROM HISTORICAL RESOURCE BOARD DECISION  
SAN DIEGO MUNICIPAL CODE SECTION 123.0203

AUG -3 PM 12: 24

SAN DIEGO, CALIF.

TO THE HONORABLE CITY COUNCIL:

The Undersigned, Rudy Medina, Applicant, does hereby appeal to your Honorable Body from the decision of the Historical Resources Board on July 23, 2015, in approving the historical resource designation of the Property located at:

3612-3618 Fourth Avenue, San Diego, California 92103  
The north half of Lot 14, and all of Lot 15, Block 9, Brookes' Addition, Map 596  
Assessor's Parcel Number 452-285-17-00

An Appeal must specify wherein there was error in the decision of the Board.

This appeal is being made pursuant to §SDMC 123.0203(a) because the following situation(s) exist:

There was error in the decision of the Board in that there were factual errors in the materials and/or information presented to the Board;


There was error in the decision of the Board in that bylaws and/or hearing procedures were violated by the Board; and

New information exists to be presented on Appeal.


Further written information in support of this appeal will be submitted by the Appellants in advance of the City Council hearing in this matter.

An appeal from the decision of the Historical Resources Board must be filed with the City Clerk within 10 business days following action by the Historical Resources Board.

Date: 7/29/2015

  
Name: Rudy Medina  
2820 Shelter Island Drive  
San Diego, CA 92106  
(858) 776-0824

I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

  
Name: Rudy Medina, Applicant

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**ACTION ITEMS**

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**ITEM 5 – JOE KRUGER SPEC HOUSE #1**

**Continued from May 2015**

Applicant: Ferraro Family Trust represented by Legacy 106, Inc.

Location: 4366 North Talmadge Drive, 92116, Kensington-Talmadge Community, Council District 9 (1269 3-H)

Description: Consider the designation of the property located at 4366 North Talmadge Drive as a historical resource.

Today's Action: Designate the property as a historical resource under adopted designation criteria, or do not designate.

Staff Recommendation: Designate the Joe Kruger Spec House #1 located at 4366 North Talmadge Drive as a historical resource with a period of significance of 1927 under HRB Criterion C. The designation includes the interior plaster fireplace and tile hearth.

Report Number: Memo dated July 9, 2015 and HRB 15-018

**ITEM 6 – 2360-2388 LINWOOD STREET AND 4005 ARISTA STREET**

Applicant: Dean Wilson Living Trust represented by Scott A. Moomjian

Location: 2360-2388 Linwood Street and 4005 Arista Street, 92110, Old Town San Diego Community, Council District 3 (1268 5-F)

Description: Consider the designation of the property located at 2360-2388 Linwood Street and 4005 Arista Street as a historical resource.

Today's Action: Designate the property as a historical resource under adopted designation criteria, or do not designate.

Staff Recommendation: Do not designate the property located at 2360-2388 Linwood Street and 4005 Arista Street under any adopted HRB Criteria.

Report Number: HRB 15-027

**ITEM 7 – MAY SOMERS CANDEE SPEC. HOUSE #1**

Applicant: Medina Investments and Development represented by Scott A. Moomjian

Owner: Cooper Rentals LLC and Josephine E. Cooper

Location: 3612-3614 4<sup>th</sup> Avenue and 3616-3618 4<sup>th</sup> Avenue, 92103, Uptown Community, Council District 3 (1269 6-A)

Description: Consider the designation of the property located at 3616-3618 4<sup>th</sup> Avenue as a historical resource.

Today's Action: Designate the property as a historical resource under adopted designation criteria, or do not designate.

Staff Recommendation: Designate the May Somers Candee Spec. House #1 located at 3616-3618 4<sup>th</sup> Avenue as a historical resource with a period of significance of 1902 under HRB Criterion C. The building located at 3612-3614 4<sup>th</sup> Avenue and the associated detached garage is excluded from the designation.

Report Number: HRB 15-030

**ITEM 8 – 4394 42<sup>nd</sup> STREET**

Applicant: Ellen Springall represented by Scott A. Moomjian

Location: 4394 42<sup>nd</sup> Street, 92105, Kensington-Talmadge Community, Council District 9 (1269 4-H)

Description: Consider the designation of the property located at 4394 42<sup>nd</sup> Street as a historical resource.

Today's Action: Designate the property as a historical resource under adopted designation criteria, or do not designate.

Staff Recommendation: Do not designate the property located at 4394 42<sup>nd</sup> Street under any adopted HRB Criteria.

Report Number: HRB 15-031

Scott A. Moomjian  
Attorney at Law  
5173 Waring Road, #145  
San Diego, California 92120  
Telephone (619) 230-1770  
Facsimile (619) 785-3340  
smoomjian@earthlink.net

RECEIVED  
CITY CLERK'S OFFICE  
17 APR 10 AM 11:33  
SAN DIEGO, CALIF.

April 5, 2017

City Council President Myrtle Cole &  
San Diego City Council Members  
202 C Street, Tenth Floor  
San Diego, CA 92101

*Re: The "May Somers Candee Spec. House #1," 3612-3618 Fourth Avenue, San Diego, California 92103, Assessor's Parcel Number 452-285-17-00; Appeal Of July 23, 2015 HRB Designation*

Dear Council President Cole & Council Members:

I represent Mr. Rudy Medina, Appellant, on behalf of the owner of the above referenced property ("Property"), Snn Hillcrest, LLC, with respect to the appeal of the Property's historic designation.

The Property largely consists of two buildings located upon one legal parcel. The parcel is defined as the north half of Lot 14, and all of Lot 15, Block 9, Brookes' Addition, Map 596, Assessor's Parcel Number 452-285-17-00. Along the southern portion of the Property is located the first building--a two-story, Modern Minimal Traditional style, multi-family (duplex), identified as 3612-3614 4<sup>th</sup> Avenue. This structure was built in 1937 and was cleared as not historic and ineligible for local designation by City of San Diego, Historical Resources Board (HRB) Staff in May 2015.<sup>1</sup> The second building, which is the subject of the present appeal, is located along the northern portion of the Property, and is identified as 3616-3618 4<sup>th</sup> Avenue. The site on which the buildings are located consists of approximately 10,123 total square feet (0.2324 acres) and is rectangular in shape. It is located just north of the northwest intersection of Fourth and Brookes Avenue in the Uptown community.

<sup>1</sup> This building was cleared as part of City of San Diego Project Number 403595. See also City of San Diego, Historical Resources Board Staff Report, Report Number HRB-15-030, July 9, 2015, "The property at 3612-3614 4<sup>th</sup> Avenue was evaluated by staff and cleared through the Potential Historic Resource Review process" (p.2); and City of San Diego, Historical Resources Board Meeting Transcript From July 23, 2015, p.12, Lines 17-21.

On July 23, 2015, the Property was designated by the City of San Diego, Historical Resources Board (HRB) as HRB Site Number 1183. At the time, designation was not supported by Mr. Medina (Applicant), nor Cooper Rentals, LLC (then Property Owner). An appeal of the historic designation was filed with the City Clerk in a timely manner by this office on July 29, 2015, and is hereby incorporated by reference (*See Exhibit 1*).

Pursuant to San Diego Municipal Code Section 123.0203(b), we request that the City Council docket the matter as soon as possible, and please allow the material herein submitted, to constitute our appeal of the HRB designation of the Property.

## I. BACKGROUND

As previously stated, the Property under appeal contains two buildings on one legal parcel. However, only one of the buildings (3616-3618 4<sup>th</sup> Avenue) was designated by the City of San Diego, Historical Resources Board (HRB) as the "May Somers Candee Spec. House #1" and is the subject of this Appeal.

In October 2015, the Property was acquired by Snn Hillcrest, LLC. However, prior to this, in December 2014, a Single-Discipline Preliminary Review application was submitted to the City of San Diego to determine "the potential historical and/or architectural significance" of the 3612-3618 4<sup>th</sup> Avenue. At the time, the 3616-3618 4<sup>th</sup> Avenue building was described as a "vernacular structure" and was noted as having been "remodeled" in 1934 (*See Exhibit 2*). After completion of the review in January 2015, Plan-Historic Staff indicated that the Property "appears to be historically significant and a determination regarding historical significance cannot be made with the information provided. A historic research report is required" (*See Exhibit 3; First Highlight Added*).

Pursuant to the City's request for a historic report, a Historical Resource Research Report (HRRR) was prepared and completed in April 2015 (*See Exhibit 4*). This study, *Historical Resource Research Report For The 3612-3614 & 3616-3618 Fourth Avenue Buildings*, found that the 3616-3618 4<sup>th</sup> Avenue building was constructed in 1902 and was best classified as a "Prairie Vernacular style (Hipped Roof, Symmetrical, With Front Entry sub-type)" structure. The report noted that the *Draft Uptown Historic Architectural And Cultural Landscape Reconnaissance Survey* (2006) previously identified the building as a "Victorian Vernacular" structure. The report further identified several changes to the building, including the addition of a "lattice" feature along the south elevation (c.1906-1921) and its subsequent removal (c.1921-1950); the construction of a square-shaped, two-story addition along the southwest elevation (c.1906-1921)<sup>2</sup>; its conversion from single-family residential use to multi-family residential (duplex) use between 1934-1935; the introduction of a new entry opening/entrance and door along the main (east) elevation in conjunction with converted duplex use (for the 3618 Fourth

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<sup>2</sup> This addition was described in the report "in-filling" the corner of the building. Scott A. Moonjian, *Historical Resource Research Report For The 3612-3614 & 3616-3618 Fourth Avenue Buildings, San Diego, California 92103*, April 2015, p.3.



Avenue unit); the construction of rear stairs and landing leading to the second story along the west elevation (date unknown); and the removal of original stables at the northwestern property boundary, and construction of a one-story automobile garage (c.1906-1921).<sup>3</sup> This latter structure is no longer in existence today, having been removed pursuant to a demolition permit issued by the City of San Diego in January 2017.

Ultimately, the HRRR concluded that the 3612-3618 4<sup>th</sup> Avenue building was not historically and/or architecturally significant on the basis that it did not qualify under any HRB designation criteria. More specifically, the building was found not to qualify under HRB Criterion C (Architecture). While the building was found to possess "several" characteristics which supported a Prairie Vernacular architectural classification, the building failed to display several other typical elements which would denote a true, representative example of the style. The analysis utilized *A Field Guide To American Houses* by Virginia & Lee McAlester (McAlester & McAlester), as well as a number of different architectural sources related to Prairie architecture. According to the analysis,

"[i]n its current appearance, the 3616-3618 Fourth Avenue building features several physical characteristics which support a Prairie Vernacular architectural classification (specifically the Hipped Roof, Symmetrical, With Front Entry sub-type). These include its low-pitched, hipped roof with rather wide eave overhang; two story form with one-story (partial) porch; simple rectangular plan; off-center entrance; and wood double-hung windows. Aside from these characteristics, however, the building fails to possess several other typical elements which would denote a true, representative example of this style. For example, the structure lacks originally symmetry due to the construction of a two-story addition along the southwest corner of the building; a facade detailing or emphasizing horizontal lines with massive, square porch supports; broad, flat chimneys; contrasting wall materials or trim emphasizing the upper second story; horizontal rows of windows; and horizontal patterns of wall materials, emphasizing the with the top half of the second story. Further, as a vernacular expression of the style, the building lacks hipped dormers; a full-width, single-story front porch; and Mission or Italian Renaissance secondary details, such as tiled roofs or cornice-line brackets. Finally, the converted single-family residence has been altered with the introduction of a new front entrance and door (for the 3618 Fourth Avenue unit); the construction of the two-story addition along the southwest corner of the building; rear stairs along the northwest elevation; introduction and removal of lattice along the south elevation; and the removal of the original stables structure and replacement with a detached garage. As a result, the property is not architecturally significant. Finally, due to the fact that no indigenous materials went into the construction of the building, and the construction quality is average at best, the structure is not a valuable example of the use of indigenous materials

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<sup>3</sup> Historical Resource Research Report, pp.1-4, 7, 23, Attachments A.5 & A.7.

or craftsmanship. The property does not qualify under HRB Criterion C (Architecture)."<sup>4</sup>

In May 2015, the HRRR was submitted to the City of San Diego, and subsequently reviewed, whereupon it was determined that, "Staff does not concur with the report's conclusion that the building is not eligible for designation under adopted HRB Criteria. The Historical Resources Board will need to review the report and consider the property for designation...." (*See Exhibit 5; Second Highlight Added*).

On July 23, 2015, the HRB considered designation of the Property. The HRB Staff report recommended that the 3616-3618 4<sup>th</sup> Avenue building be designated under HRB Criterion C (Architecture) as a resource which,

"embodies the distinctive characteristics through the retention of character defining features of the Prairie Vernacular style and retains a good level of architectural integrity from its 1902 period of significance. Specifically, the resource maintains its low pitched hipped roof with a wide overhanging eave, horizontal lines, wood lap siding, wood tripartite double hung windows, angled bay windows, and a recessed front porch with square support columns." (*See Exhibit 6; Highlights Added*).<sup>5</sup>

The Staff Report also noted that,<sup>6</sup>

"Between 1906 and 1921 an addition was added to the rear of the house that protrudes slightly from the south side;"

"...[I]n ca. 1926 the house was converted to a duplex and likely a secondary door was added to the front porch at this time;"

"Character defining features of Prairie style architecture include low-pitched, usually hipped roofs, wide overhanging eave, and façade detailing emphasizing horizontal lines;" and

"The house continues to convey the historic significance of the Prairie Vernacular style by embodying the historic characteristics associated with the style; including low pitched hipped roof with a wide overhanging eave, horizontal lines, wood lap siding, wood tripartite double hung windows, angled bay windows, and a recessed front porch with square support columns."

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<sup>4</sup> Historical Resource Research Report, p.23.

<sup>5</sup> City of San Diego, Historical Resources Board, Staff Report, Report Number HRB-15-030, July 9, 2015, p.1.

<sup>6</sup> City of San Diego, HRB Staff Report, p.3.

At the July 23, 2015 HRB hearing, an oral Staff Report was presented by HRB Staff and a total of five (5) different photographs of the 3616-3618 4<sup>th</sup> Avenue building were presented to the Board Members. HRB Staff reiterated its position that the structure qualified under HRB Criterion C, and similar to the written Staff Report, cited some of the changes to the building, including the “south side” addition (c.1906-1921); a “circa 1926” duplex conversion date; and a “likely secondary door” addition “to the front porch at this time” [circa 1926]. Staff further stated that the building “continues to convey the historic significance of the Prairie vernacular style by embodying the historic characteristics associated with the style including...wood lapped siding, wood tripartite double hung windows, angled bay windows and a recessed front porch with square support columns.” (See *Exhibit 7*).<sup>7</sup>

During public comment, only two (2) speakers addressed the Board—myself and Mr. Medina (organized presentation). The local historic preservation community, including the Save Our Heritage Organisation (SOHO), did not comment on the Item. Our presentation first pointed out that the 3616-3618 4<sup>th</sup> Avenue building lacked several important features which would distinguish it from a true, representative example of Prairie Vernacular architecture, including a lack of symmetry; massive, square porch supports; broad, flat chimney; contrasting wall materials; horizontal rows of windows; horizontal patterns of wall materials; hipped dormers; a full-width porch; and a tiled roof with brackets at the cornice line. Second, the known changes to the building, as documented in the HRRR, were cited. These facts resulted in a “mere, marginal example of the Prairie style” (See *Exhibit 8*).<sup>8</sup>

A review of the HRB Transcript indicates that during Board deliberation, much if not all, of the Board Member discussion focused on the issue of whether the 3616-3618 4<sup>th</sup> Avenue building was a representative example of the Prairie Vernacular architectural style, with five Board Members (Berge, Silvas, Woods, Marrone, and Garbini) in favor of designation, and two Board Members (Baksh and Lemmo) uncertain of designation.<sup>9</sup> Ultimately, the HRB voted 6-1-0 (Chair Lemmo opposed) to designate the 3616-3618 4<sup>th</sup> Avenue building pursuant to the Staff Recommendation.<sup>10</sup>

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<sup>7</sup> Transcript of the City of San Diego, Historical Resources Board Meeting, July 23, 2015, Page 2, Lines 16-23.

<sup>8</sup> Scott A. Moomjian, PowerPoint Presentation before the Historical Resources Board, July 23, 2015.

<sup>9</sup> Toward the end of Board Member deliberation, Board Member Baksh stated, “Yes, I am leaning on the fence, here. Originally I was in support of staff’s recommendation and then after consultant’s discussion of modifications I was kind of leaning against it, and now I am right back in the middle (HRB Transcript, Page 11, Lines 16-19). Chair Lemmo stated, “I was generally in support of staff’s recommendation. I thought the consultant’s presentation was good, and I kind of like Mike and I am flip flopping on it...” (HRB Transcript, Page 11, Lines 24-26).

<sup>10</sup> HRB Minutes, July 23, 2015, p.5.

**II. THE HRB ERRED IN DESIGNATING THE PROPERTY DUE TO  
FACTUAL ERRORS IN MATERIALS AND/OR INFORMATION  
WHICH WERE PRESENTED TO THE BOARD**

Factual errors in materials and information were made in the HRB Staff Report and/or in information submitted to the HRB at the time of designation. The HRB relied upon such errors, either in whole, or in part, in arriving at its decision to designate the Property. Such errors in material and information include, but are not limited to:

**1. "...[I]n ca. 1926 the house was converted to a duplex and likely a secondary door was added to the front porch at this time."**

The HRB Staff Report stated that, "...[I]n ca. 1926 the house was converted to a duplex and likely a secondary door was added to the front porch at this time."<sup>11</sup> This statement was reiterated during the oral Staff Report made to the Board at the time of hearing. However, these statements are factually incorrect. Historic evidence demonstrates that the building was converted into a duplex between 1934-1935, and the second entry and door, located along the main (east) elevation, was in fact, added to the structure at this time (see Section III. New Information below). Therefore, the statements regarding the building conversion and secondary entry door installation, constitute and clear factual errors in material and/or information which were presented to the Board.

**2. "The resource embodies the distinctive characteristics through the retention of character defining features of the Prairie Vernacular style and retains a good level of architectural integrity from its 1902 period of significance. Specifically, the resource maintains its...wood lap siding, wood tripartite double hung windows, angled bay windows, and a recessed front porch with square support columns."**

The HRB Staff Report stated that, "[t]he resource embodies the distinctive characteristics through the retention of character defining features of the Prairie Vernacular style and retains a good level of architectural integrity from its 1902 period of significance. Specifically, the resource maintains its...wood lap siding, wood tripartite double hung windows, angled bay windows, and a recessed front porch with square support columns."<sup>12</sup> However, this statement is factually incorrect. The physical elements cited by Staff, which are present in the building, are neither specifically indicative of Prairie or Prairie Vernacular architecture, nor are they "character-defining features" of the Prairie or Prairie Vernacular architectural style. Recognized, authoritative sources on Prairie architecture fail to cite these types of siding, windows, or porch elements as "character defining" elements of Prairie architecture. Therefore, the statement made by Staff with respect to the cited character-defining features of the Prairie style constitute a clear

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<sup>11</sup> HRB Staff Report, p.3; HRB Transcript, p.2, Lines 16-18.

<sup>12</sup> HRB Staff Report, p.1.

factual error in material and/or information which was presented to the Board.<sup>13</sup>

3. "The house continues to convey the historic significance of the Prairie Vernacular style by embodying the historic characteristics associated with the style; including...wood lap siding, wood tripartite double hung windows, angled bay windows, and a recessed front porch with square support columns."

The HRB Staff Report stated that, "[t]he house continues to convey the historic significance of the Prairie Vernacular style by embodying the historic characteristics associated with the style; including...wood lap siding, wood tripartite double hung windows, angled bay windows, and a recessed front porch with square support columns."<sup>14</sup> This statement was reiterated during the oral Staff Report made to the Board at the time of hearing.<sup>15</sup> However, these statements are factually incorrect. The physical elements cited by Staff, which are present in the building, are neither specifically indicative of Prairie or Prairie Vernacular architecture, nor are they "character-defining features" of the Prairie or Prairie Vernacular architectural style. Recognized, authoritative sources on Prairie architecture fail to cite these types of siding, windows, or porch elements as "character defining" elements of Prairie architecture. Therefore, the statements made by Staff with respect to the cited character-defining features of the Prairie style constitute clear factual errors in material and/or information which were presented to the Board.

4..."[I]t is recommended that...3616-3618 4<sup>th</sup> Avenue be designated with a period of significance of 1902 under HRB Criterion C as a good example of a Prairie Vernacular style house."

The HRB Staff Report stated that, "[i]t is recommended that...3616-3618 4<sup>th</sup> Avenue be designated with a period of significance of 1902 under HRB Criterion C as a good example of a Prairie Vernacular style house."<sup>16</sup> After the Property was designated on July 23, 2015, Mr. David Marshall, AIA, was contacted to express an opinion as to whether the 3616-3618 4<sup>th</sup> Avenue building was properly classified in the Prairie Vernacular style. Mr. Marshall is a principal with Heritage Architecture & Planning. He has been a preservation architect in San Diego since 1994 and qualified as a Historic Architect under the Secretary of the Interior's professional qualification standards. Moreover, he is a former member of the City of San Diego, Historical Resources Board and is currently serving as President of the California Preservation

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<sup>13</sup> It should be noted that the Staff Report also stated that, "[c]haracter defining features of Prairie style architecture include low-pitched, usually hipped roofs, wide overhanging eaves, and façade detailing emphasizing horizontal lines." HRB Staff Report, p.3. This statement, while true, cites only very few character-defining features related to Prairie architecture, and then only those related to the 3616-3618 4<sup>th</sup> Avenue building. Such a statement is, therefore, both misleading and prejudicial. While this statement does not appear to be actionable within the context of this Appeal, it is certainly objectionable.

<sup>14</sup> HRB Staff Report, p.3.

<sup>15</sup> HRB Transcript, P.2, Lines 18-24.

<sup>16</sup> HRB Staff Report, p.4.

Foundation Board of Trustees. Mr. Marshall is without question an expert in the field of architectural history, and an expert qualified to render an architectural opinion on the Property.

After a site visit on March 6, 2017, Mr. Marshall prepared a letter detailing his findings on March 9, 2017 (*See Exhibit 10*). Mr. Marshall's letter is included, and is herein incorporated by reference. According to Mr. Marshall, while Heritage Architecture & Planning, "agrees that the building is an example of a vernacular design, given its simplicity and lack of detail...we do not agree with HRB staff's identification of the style of architecture as "Prairie Vernacular." More specifically, Mr. Marshall in utilizing McAlester & McAlester ("[o]ne of the best, most recognized sources in identifying house styles..."), indicates that two of the most prominent features on the primary, street-facing façade, include the angled bay window and the recessed front porch—neither of which are characteristic of Prairie style design. In addition, Mr. Marshall notes that in addition to the bay window and porch, the following features which exist in the building are not consistent with the Prairie style: lower flared (curved) walls; non-horizontal windows; and slender porch posts (rather than "massive" and "square"). Further, he notes that the building is missing several features which are common Prairie style features, including: the use of masonry walls; one-story wings; decorative details or half-timbering; and window boxes or pedestal urns. Finally, Mr. Marshall concludes that given the date of construction for the structure (1902), the fact that most Prairie style homes were built between 1905-1915, and the fact that the style did not migrate to California until years later via literature and print, "[i]n our professional opinion, [the building] most closely resembles the Craftsman style of architecture, which is much more common than the Prairie style—especially in San Diego." Mr. Marshall's expert opinion clearly contradicts the factual assertion that the Property is a good example of a Prairie Vernacular style house, and therefore, the statement made by Staff with respect to the style of the building constitutes a factual error in material and/or information which was presented to the Board.

### **III. NEW INFORMATION IS HEREBY PRESENTED TO REVERSE THE DESIGNATION**

Since designation, new information has been developed and is herein presented. Such new information includes, but is not limited to:

#### **1. Presentation Of New Expert Opinion—Stosh Podeswik, AIA**

After the Property was designated on July 23, 2015, Mr. Stosh Podeswik, AIA, of Stosh Thomas Architects, PC, was contacted to investigate, analyze, and document the physical changes that occurred to the 3616-3618 4<sup>th</sup> Avenue building after its original construction in 1902. Mr. Podeswik is a licensed architect, and has had experience in undertaking similar forensic projects and working with historic properties. He is, therefore, an expert qualified to prepare and submit his forensic integrity analysis and opinions regarding the documented changes to the Property.

Mr. Podeswik undertook several site visits to the Property in May 2016. During these site visits, he had the opportunity to inspect several exposed, interior wall sections. His findings were noted and photographed, and the information was "compiled into drawings and colored exhibits into a comprehensive report of floor plans and exterior elevations presented as exhibits in [his] report on pages A1-0 to A1-3" (*See Exhibit 11*). Mr. Podeswik's letter and plans are included, and are herein incorporated by reference.

Mr. Podeswik's findings have confirmed two (2) of the changes that were known, and presented, to the HRB at the time of hearing. These include (1) the two-story addition at the southwest elevation (built between 1906-1921), and (2) the introduction of a new entry opening/entrance and door along the main (east) elevation, undertaken in conjunction with converted duplex use (1934-1935). However, what was not known or presented to the HRB at the time of hearing, thus constituting new information, is the fact that that two-story addition along the southwest elevation also included a new door, concrete stoop, and railing at this location; and the original entry to the building was located at the 3618 4<sup>th</sup> Avenue unit location, rather than the 3616 4<sup>th</sup> Avenue unit location (as previously believed). Therefore, the 3616 4<sup>th</sup> Avenue opening to the building is not original.

In addition, Mr. Podeswik identified a number of additional, substantial changes to the Property that were not previously known or presented to the HRB at the time of hearing, thus constituting new information, accordingly:

- The existing front, concrete stairs are not original. The original stairs were most likely composed of wood and were replaced when the building was converted into duplex use (1934-1935);
- The construction of the two-story addition, built along the southwest elevation (1906-1921), eliminated an original window to allow for a doorway between the addition and the building;
- An original, rectangular-shaped porch along the east elevation, was enclosed --- and a new window added (date unknown);
- A pantry was added to the exterior of the building, near the northwest elevation (date unknown); and
- In the former, original kitchen area, a new window was installed along the west elevation, and a window was moved at the north elevation (date unknown).

In sum, based upon documented changes to the Property, Mr. Podeswik has estimated that approximately 40% of the 3616-3618 4<sup>th</sup> Avenue building has been modified. These changes are documented graphically as part of Exhibit Numbers A1-0 to A1-3. According to Mr. Podeswik, the "floor plans have been changed and greatly enlarged along the east, west, and parts of the south elevations. It is my opinion that the only original floor plan areas include the central living

room and sitting room on the first floor and the 2 bedrooms and sitting room on the second floor.” Given the substantial changes and modifications to the Property, all of which bear directly upon the issue of original integrity (or lack thereof), the documentation presented and the professional opinion expressed in Mr. Podeswik’s letter and exhibits, herein constitute new information which was not presented to the HRB at the time of hearing.<sup>17</sup>

## **2. Presentation Of New Expert Opinion—David Marshall, AIA**

As stated previously in Section II(4) above, Mr. David Marshall rendered his professional opinion that the 3616-3618 4<sup>th</sup> Avenue building is not an example of “Prairie Vernacular.” Mr. Marshall’s opinion is based upon the fact that the Property’s two most prominent features on its primary, street-facing façade (angled bay window and recessed front porch) are not characteristic elements of the Prairie style. Further, Mr. Marshall notes that the Property has several other features which are inconsistent with the Prairie style, including lower flared (curved) walls; non-horizontal windows; and slender porch posts (rather than “massive” and “square”). Further, he notes that the building is missing several features which are common Prairie style features, including: the use of masonry walls; one-story wings; decorative details or half-timbering; and window boxes or pedestal urns. Finally, Mr. Marshall concludes that given the date of construction for the structure (1902), the fact that most Prairie style homes were built between 1905-1915, and the fact that the style did not migrate to California until years later via literature and print, “[i]n our professional opinion, [the building] most closely resembles the Craftsman style of architecture, which is much more common than the Prairie style—especially in San Diego.” Mr. Marshall’s opinion, which was not presented to the Board at the time of hearing, constitutes new information in support of the appeal.

In addition, Mr. Marshall has indicated as part of his March 9, 2017 letter that he has reviewed the forensic integrity analysis undertaken by Mr. Stosh Podeswik of Stosh Thomas Architects, and agrees with the conclusions that there have been several alterations to the exterior of the building, including the two-story addition; removal of the west porch; second front door opening with new door; and new stairs at the front and rear facades (all of which occurred during the 1920s and 1930s). Further, he notes that while some of the alterations “were either known or assumed at the time of the designation hearing, others were not and only came to light after the designation through Stosh’s investigations.” Mr. Marshall’s endorsement of Mr. Podeswik’s forensic integrity analysis, which was not presented to the Board at the time of hearing, constitutes new information in support of the appeal.

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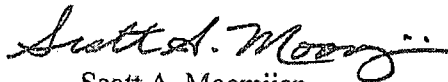
<sup>17</sup> It is important to note that the HRB designated the Property by a vote of 6-1-0. Although Board Member Baksh ultimately voted in favor of designation, he expressed clear ambivalence about doing so prior to the vote, based upon the “discussion of modifications” to the Property. Had the documentation prepared by Mr. Podeswik been undertaken and presented to the Board at the time of hearing, it is highly likely that Board Member Baksh would not have voted in favor of designation, and the Property would have not been designated.



#### IV. CONCLUSION

Based upon the above information, which conclusively establishes that the HRB erred in designating the Property due to factual errors in written documentation and/or oral testimony in materials and/or information which were presented to the HRB at the time of designation; and the presentation of new information, we would urge you to overturn the HRBs' designation of the Property.

Respectfully Submitted,



Scott A. Moomjian  
Attorney at Law

February 13, 2017

Mr. Scott Moomjian  
Attorney at Law  
5173 Waring Road, Ste 145  
San Diego, Ca. 92120

**RE: 3616 – 3618 4<sup>TH</sup> AVE. DOCUMENTED MODIFICATIONS AND ALTERATIONS**

Dear Mr. Moomjian:

Stosh Thomas Architects PC has completed our investigation and analysis of the existing 2-story residential structure located at 3616 – 3618 Fourth Avenue in the City of San Diego. The scope of work was provided to document the physical changes that have occurred after the original building construction.

Based upon our research and documentation provided herein, it has been determined that the property, over time, has incurred *substantial* alterations and modifications to the existing structure that, ultimately, has changed the appearance of the structure from its original construction. This report provides documentation, including floor plans and colored photographs in support of our findings.

**PROJECT SCOPE**

Stosh Thomas Architects PC conducted several visits between May 5<sup>th</sup> and May 25<sup>th</sup>, 2016. During our investigation, we reviewed all elements of the current building and documented our discoveries with notes and photographs. The information gathered was compiled into drawings and colored exhibits into a comprehensive report of floor plans and exterior elevations presented as exhibits in this report on pages A1-0 to A1-3.

**PROPERTY DETAILS**

The Property consists of a two-story, originally a single-family residence that is presently vacant. We understand that the residence was built in 1902 as a single-family residence with a detached garage. Around 1934-1935, the structure was converted into a multi-family residence. A front door was added to the front facade to allow for a separate entrance to the upper floor.

**FINDINGS / CHANGES TO PROPERTY (PLEASE REFER TO SHEETS A1-0 –A1-3)**

During our visit to the property, the interior structure was in the process of providing electrical and plumbing upgrades to the units. Several interiors walls were opened up to

*How was  
date established  
of est. prior.*

perform the upgrades. During this process, we discovered additional alterations that would have never been known if kept intact. As your historic report noted, a square shaped two story addition was added between 1906 – 1921 (see sheets A1-0, photos 1 -5 and sheet A1-1 photos 1,2,5, 6, and 8). Subsequently, during the building's conversion into multi-family use, a new front door was added along with new concrete stairs on the front façade and the east facade. The front stairs were most likely wood construction at the time. Additionally, we discovered that there was an exterior porch, which was closed in to provide a new kitchen (See sheet A1-1, photos 1, 2, and 9). These photos show the original exterior wood siding that was covered at some point during the addition. This would have been the original back porch leading to the rear yard. In the same area, a pantry was added off the new kitchen (See sheet A1-1, photo 11). The floor plan indicates windows that were added as a result of the addition (See elevations on sheet A1-3). During the transformation to the multi-family residence, it is obvious that there was only one front door (See photo 10 on sheet A1-1). As you can see, the original stair was open to most likely an entry parlor. We discovered that the original stair had an open balustrade with a raised panel wood veneer that was ultimately covered up. Other alterations are shown on the first floor plan, indicated with hatched walls (See sheet A1-1 first floor plan).

## CONCLUSION

Based upon our investigation and documentation, including photographs and plans, as well as a review of your historic report of the Property, it is clear that the Property has been substantially modified and altered from that of its original state.

Based upon documented changes to the Property, approximately 40% of the building has been modified. These changes are documented graphically as part of Exhibit Numbers A1-0 to A1-3. With respect to these Exhibits, the original Property floor plans have been changed and greatly enlarged along the east, west, and parts of the south elevations. It is my opinion that the only original floor plan areas include the central living room and sitting room on the first floor and the 2 bedrooms and sitting room on the second floor (See sheets A1-1 and A1-2). As a result of this, the elevations have been changed as well. We would refer you again to the graphics that include the red highlighting of non-original construction, materials and modifications that speak for themselves in terms of the changes to this structure.

Should you have any questions, or if we can offer any follow-up information or clarification, please do not hesitate to contact our office.

Sincerely,



Stosh Podeswik A.I.A.  
STOSH THOMAS ARCHITECTS PC

HERITAGE  
ARCHITECTURE & PLANNING



March 9, 2017

Mr. Scott Moomjian  
Attorney at Law  
5173 Waring Road, Suite 145  
San Diego, CA 92120

Subject: May Somers Candee Spec House #1  
Historic Analysis

HAP #17018

Dear Scott:

Thank you for inviting Heritage Architecture & Planning to review the building assessment conducted by Stosh Thomas Architects on the May Somers Candee Spec House #1 at 3616-3618 4<sup>th</sup> Avenue in San Diego. The May Somers Candee House was designated historic under Criterion C in 2015 by the City's Historical Resources Board (HRB).

This letter is not intended to address the issue of whether the May Somers Candee House should or should not retain its historic listing. This letter will only address two issues: 1) previous exterior alterations to the building, and 2) the classification of the building's architectural style.

Regarding my qualifications, I've been a preservation architect in San Diego since 1994 and I'm qualified as a Historic Architect under the Secretary of the Interior's professional qualification standards. I'm a former board member of the Historical Resources Board and I'm currently President of the California Preservation Foundation board of trustees.

### **Previous Alterations**

I have reviewed the forensic integrity analysis of the May Somers Candee House dated February 13, 2017 conducted by Stosh Podeswik AIA of Stosh Thomas Architects. I agree with Stosh's conclusions that there have been several alterations to the exterior of the structure, including a two-story addition, removal of a south porch, a second front door opening with door, and new stairs at the front and rear facades. These changes occurred in the 1920's and 1930's.

It should be noted that the changes to the building are primarily at the side and rear facades and have minimal impact to the primary, street-facing facade. In addition, while some of the alterations were either known or assumed at the time of the designation hearing, others were not and only came to light after the designation through Stosh's investigations. Refer to the following photographs.

### **Architectural Style**

The Historical Resources Board staff report dated July 9, 2015 was written to provide guidance to the Historical Resources Board for their consideration of the May Somers Candee Spec House #1 for historical designation. In the report, HRB staff identified the style of architecture as "Prairie Vernacular," stating that the building "embodies the distinctive characteristics through the retention

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of character defining features of the Prairie Vernacular style.” The term vernacular refers to a design not completed by an architect.

Heritage Architecture & Planning agrees that the building is an example of a vernacular design, given its simplicity and lack of detail. However, we do not agree with HRB staff's identification of the style of architecture as “Prairie Vernacular.”

One of the best, most recognized sources in identifying house styles is the book *A Field Guide to American Houses* written by Virginia and Lee McAlester. In the book, 14 pages are devoted to defining the Prairie style, including several drawings and 31 photographs. Refer to the illustrations at the end of this letter.

When evaluating the architectural style of a building, one should focus on the most prominent, character-defining exterior features -- especially on the primary façade(s). Looking at the primary, street-facing façade of the May Somers Candee Spec House #1, two of the most prominent features are the angled bay window and the recessed front porch. Neither of these features are characteristic of Prairie style design. Regarding the bay window, not a single Prairie style drawing or photograph in the McAlester book shows a bay window. Regarding the recessed front porch, in the McAlester book every example of a Prairie style porch is a one-story projecting feature. There are no examples of a completely recessed porch below a two-story volume.

In addition to the angled bay window and the recessed front porch, the following features of the May Somers Candee Spec House #1 are not consistent with the Prairie style. All quotes are from the McAlester book:

- The lower walls are flared (curved) which is a common Craftsman style feature.
- The windows are not arranged in “horizontal rows.”
- The porch posts are slender. Prairie style homes often have “massive, square porch supports.”

The May Somers Candee Spec House #1 is missing these common Prairie style features. All quotes are from the McAlester book:

- There is no use of masonry. “Most [Prairie style homes] have masonry walls.”
- There are no “one-story wings.”
- There are no “decorative details” or “half-timbering.”
- There are no “window boxes” or “pedestal urns.”

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Another important issue described in *A Field Guide to American Houses* is that “Most [Prairie style homes] were built between 1905 and 1915.” The May Somers Candee Spec House #1 was completed in 1902. While the first examples of the Prairie style were built earlier than 1902, it was an East Coast style that didn’t migrate to California until years later, via “pattern books and popular magazines.”

While we agree that the “low pitched hipped roof with a wide overhanging eave” is characteristic of the Prairie style, this type of roof is also common to Craftsman style houses. In our professional opinion, the May Somers Candee Spec House #1 most closely resembles the Craftsman style of architecture, which is much more common than the Prairie style – especially in San Diego.



View of the primary, street-facing façade of 3616-3618 4th Avenue. Note the prominent bay window.

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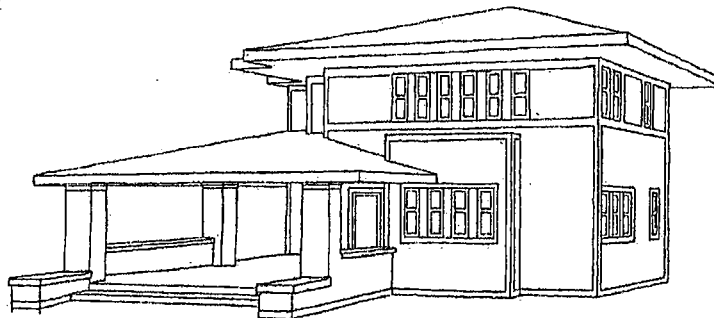


View of the south façade of 3616-3618 4th Avenue. The two-story addition is behind the lattice fence.

low-pitched roof  
with widely  
overhanging eaves

two stories with  
one-story porches  
or wings

massive square  
porch supports



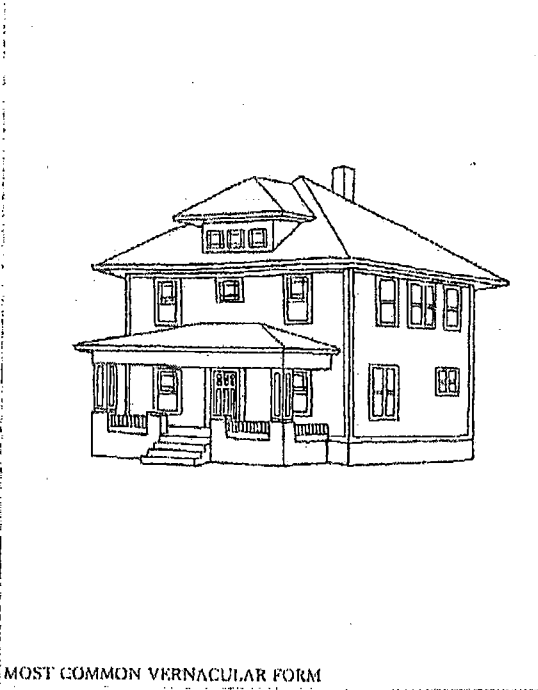
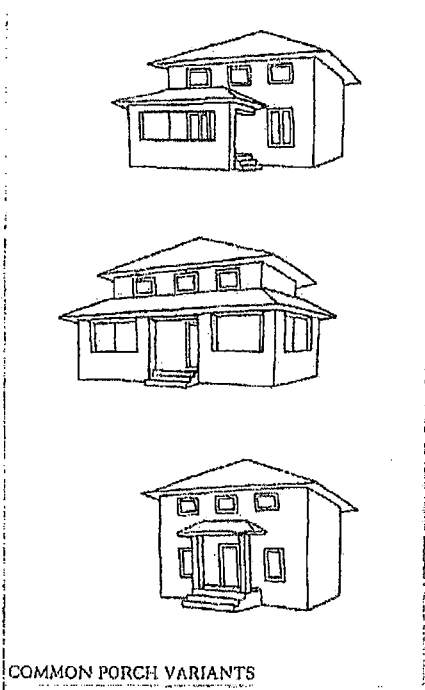
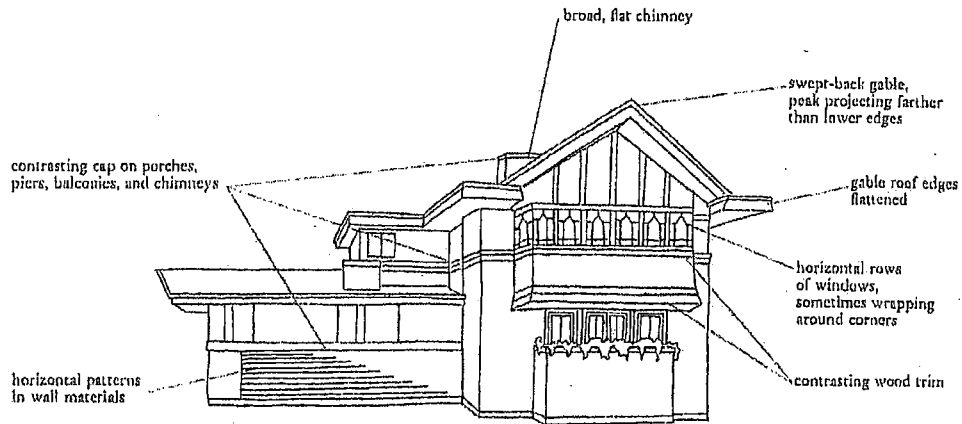
detail emphasizing  
horizontal lines

An example of Prairie style home from *A Field Guide to American Houses*.

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More examples of Prairie style homes from *A Field Guide to American Houses*.



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In conclusion, while a house's style alone doesn't dictate whether it has historic value, the style does speak to the rarity (or not) of its design. If the May Somers Candee Spec House #1 was indeed a Prairie style house -- which we do not believe it is -- it would be much more rare in San Diego than a Craftsman style house.

If you have any questions or require additional information, please feel free to contact my office at 619.239.7888. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Marshall'. The signature is fluid and cursive, written over a light blue horizontal line.

David Marshall, AIA, NCARB  
President  
C24785

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Passed by the Council of The City of San Diego on JUL 18 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 18 2017.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By *Stacy Meady*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311255