

DATE ISSUED: January 9, 2002

REPORT NO. 02-001

ATTENTION: Honorable Mayor and City Council  
Docket of January 15, 2002

SUBJECT: Appeal of the Historical Resources Board decision to designate  
4976 Muir Avenue.

APPELLANT: Andrea Savage, owner

REFERENCE: Historical Resources Board Agenda of July 26, 2001, Item #5

SUMMARY:

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Issue - Should the City Council approve or deny the appeal to the Historical Resources Board action to designate the Beach Cottage located at 4976 Muir Avenue in Ocean Beach as a historical site?

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Staff Recommendation - Approve the appeal based on the fact that, under the Emerging District Program, sites are volunteered for designation.

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Historical Resources Board Recommendation - Designate the original Beach Cottage as a historical contributing site to the Ocean Beach Emerging Historical District.

Other Recommendations - None.

Fiscal Impact - None.

BACKGROUND

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of July 26, 2001, to designate the 4976 Muir Avenue Beach Cottage site as a contributor historical site within the Ocean Beach Emerging Historical District. The appeal has been submitted by the owner of the site who no longer wishes to have the designation per the advice of local real estate professionals. The property is located at 4976 Muir Avenue, in the Ocean Beach Community, Council District 2 (see Attachment 1).

San Diego Municipal Code Appeal Requirements

The San Diego Municipal Code Section 123.0203 provides for appeals to an HRB decision to designate a site historical within 10 business days following the HRB decision. Said decision may be appealed by an applicant, owner or interested person. The Code requires that the appeal be in writing, specifying wherein there was error in the decision of the HRB. The City Council may reject historical site designation based on:

Factual errors in materials of information presented to the HRB.  
Violations of bylaws or hearing procedures.  
Presentation of new information.

Based on the Council's evaluation under the above criteria, the City Council may by resolution affirm, reverse, or modify the determination of the HRB and make written findings in support of its decision.

### Appellant Request

The appellant to the historical site designation of the 4976 Muir Avenue site has submitted an appeal based on the fact that *"the owner no longer desires to designate this property as historic at the advice of two real estate professionals. They recommend the new owner apply."*

### DISCUSSION

The discussion that follows addresses the appellant's information and the staff's evaluation of the appeal. The appeal has not been submitted based on any of the appeal standards established by the Code. However, the Historical Resources Board (HRB) Policy on Emerging Districts establishes a voluntary program of designations.

The Ocean Beach Emerging District is made up of 60 properties which have been volunteered for designation. At the time of the HRB hearing on this item, the owner of the 4976 Muir Avenue site had in fact volunteered the site, and it was hours after its designation that she decided to withdraw the site from designation. Had the owner appeared before the Board at the designation hearing to indicate her desire to withdraw the site, it would not have been designated.

The appeal submitted has not identified any additional information that was not available at the HRB hearing, other than hearsay information from two real estate professionals who believe that designation would be detrimental to the property's marketing. This issue is often subject to divergent opinions, because there are real estate professionals on both sides of the issue. The real outcome depends on what the owner is willing to do with the property. An issue identified by the owner relates to the perceived limitations on the type of surface material that may be available to restore the building by future owners. This concern relates to the use of U.S. Secretary of Interior Standards. These standards are in fact rather flexible and would not require owners to restore buildings with materials that are no longer available, but may require owners to use similar materials and colors in any restoration.

### Historical Resources Board Designation

At the Historical Resources Board hearing, the site was designated as a historic site by a vote of 13 votes in favor and zero opposed, based on the following factual information:

1. The applicant's historical report dated June 2001 and prepared by the Ocean Beach

- Historical Society (Attachment 2).
2. The staff report dated July 2001 (Attachment 3).
  3. A field check of the property.
  4. Photographs submitted by both staff and the owner/developer's historical consultant.
  5. Public testimony by representatives of Ocean Beach Planning Board and Historical Society.
  6. Public testimony from other members of the public.
  7. All owners were issued notices of the upcoming hearing as required by the Code.

The HRB (13 members) majority voted in support of the designation based on their evaluation of the above and the lack of opposition from any persons, including the owner of the property in question.

### CONCLUSION

It is the staff's conclusion that the site is an excellent example of Craftsman Beach Cottage architectural style, built 60 years ago. The building has weathered its age well, and is in good condition. The Emerging District provisions establishing that only volunteered sites be considered and designated by the Board during the district's evolution stage, dictate that the designation be lifted, since the owner no longer supports designation.

### ALTERNATIVE

Do not approve the appeal and affirm the Historical Resources Board action. This alternative would not be supportive of the volunteer driven concept of the Emerging District. If the Council were to act in this manner, staff and HRB would work with the owner and real estate interests in the fair and reasonable application of U.S. Secretary of Interior's Standards for any modifications to the site.

Respectfully submitted,

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S. Gail Goldberg, A.I.C.P.  
Planning Director

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Approved: P. Lamont Ewell  
Assistant City Manager

GOLDBERG/ALA

Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

- Attachments:
1. Location Map
  2. Designation Form
  3. HRB Staff Report