

DATE ISSUED: April 23, 2003 REPORT NO. 03-073

ATTENTION: Honorable Mayor and City Council
Docket of April 29, 2003

SUBJECT: Appeal of the Historical Designation of the 1431-1463 J Street Properties

APPELLANT: Rainey Tharpe, owner

REFERENCE: Historical Resources Board Agenda of December 20, 2002, Item # 6

SUMMARY

Issue - Should the City Council approve or deny the appeal of the Historical Resources Board (HRB) action to designate the 1431-1463 J Street Properties as a Historical Resource Site?

Staff Recommendation - Deny the appeal and uphold the decision of the Historical Resources Board to designate the 1431-1463 J Street Properties as a Historical Resource Site as follows:

1. The sites at 1431-1463 J Street as significant historical resources under CRITERION A (Community History, Archaeology); and
2. The buildings at 1431-1433, 1435-1437 and 1463 J Street as significant historical resources under CRITERION C (Architecture).

Historical Resources Board Recommendation - Designate the 1431-1463 J Street Properties as a Historical Resource Site as follows:

1. The buildings at 1431- 1463 J Street as significant historical resources under CRITERION A (Community History, Archaeology); and

2. The buildings at 1431-1433, 1435-1437 and 1463 J Street as significant historical resources under CRITERION C (Architecture).

Other Recommendations - None.

Fiscal Impact - None.

BACKGROUND

This item is before the City Council as an appeal of the Historical Resources Board decision of December 20, 2002, to designate the J Street Properties as a City of San Diego Historical Resource Site. Rainey Tharpe, one of the owners of the site, submitted the appeal on January 7, 2003. The property is located on three lots at 1431-1463 J Street in Centre City-East Village, Council District 2 (See attachment 1). The site is developed with five buildings on two of the lots while the intervening third lot is now vacant (the former structure on the site was demolished in 1997).

Property Description

The J Street Properties comprise three parcels, one with two buildings (1431-1433 and 1435-1437 J Street), one with three buildings (1451-1453, 1455-1457 and 1463 J Street) and a third vacant site (formerly 1439 J Street). The attached HRB staff report describes the properties in more detail (See attachment 2).

There are two buildings located at 1431-1437 J Street, identified as 1431-1433 J Street and 1435-1437 J Street connected by a stairway and deck. The 1431-1433 J Street was originally a one-story dwelling, built prior to 1906 with a second story, rear porch and second-floor porch added and the original rear porch enclosed prior to 1921. In approximately 1909, the 1435-1437 J Street building appeared on the property, likely moved onto the site and connected to 1431-1433 J Street with the central exterior staircase. A second-story deck, which still existed on the site until recently, was built across the front of both buildings. The ornate deck posts are currently stored under the exterior staircase. (See attachments 1 and 2 to October 16, 2002 HRB Staff Report, attachment 2).

The 1439 J Street building was constructed prior to 1906, and the 1989 Lia/Brandes study suggested that: "This structure attains significance as a good and increasingly rare example of early 20th century California ranch house, with an open front porch" (See attachment 3). This building was demolished in 1997, without benefit of review by the Historical Site Board. The site is currently a vacant 50' by 100' lot.

In 1951, the two concrete block cottages (1451 and 1453 J Street) were constructed for Lillian Grant. These cottages still exist and have not undergone major modifications. There has been no prior historical evaluation of the buildings, or suggestion that they may be significant in any way. The buildings are in fair condition and are occupied.

The cottage at 1463 J Street is a circa 1900 vernacular structure with Colonial Revival influences, constructed prior to 1906 as a one-story, single-family residence over a basement. Since the time of construction, the building has undergone few modifications, the most notable being the addition of a rear porch. This site has not been identified in any prior historical studies.

Historical Resources Board Review

The J Street Properties came to the attention of the Historical Resources Board (HRB) as a result of the Centre City Planned District Ordinance, Section 103.1600 et seq., of the City Municipal Code, which requires that the City's HRB review previously identified potential historical properties prior to development. A development project for 60+ apartments is proposed for this site. Some of the properties have been identified as potentially significant in prior historical studies (1980 and 1989; see attachment 3). A more current historical report was prepared by the office of Marie Burke Lia, Attorney-at-Law, which concludes that none of the buildings are historically or architecturally significant (See attachment 6). The HRB also had the benefit of a supplemental report prepared by the Black Historical Society (See attachment 7) which concluded that the site is significant historically as a cultural landscape (Community History), representing the last of African American settlement in the downtown; for its architecture; and for events/persons due to the site's association with the era of segregation and Ocie and Lillian Grant's ownership.

Staff's analysis was that the site and the remaining buildings thereon are significant in two ways, under HRB CRITERIA A (Community History, Archaeology) and C (Architecture).

First, the entire site encompassed by the addresses 1431-1433, 1435-1437, 1439, 1451-1453, and 1463 J Street is significant under HRB CRITERION A (Community History, Archaeology) as a reflection of San Diego's diverse social, cultural and economic history of the late 19th and early to mid 20th centuries. The era of significance encompasses the period from 1890 through 1953. The properties are also significant in that they potentially yield important archaeological information about San Diego's African American settlement patterns, and the cultural history of this section of downtown San Diego.

Second, the buildings at 1431-1433, 1435-1437 and 1463 J Street are significant under HRB CRITERION C (Architecture) as a type of early 20th century vernacular, affordable housing reflective of early 20th century San Diego history. The architectural significance of the property is in its simple Vernacular Folk Victorian and Colonial Revival style influences in the building's visual character and method of construction. Vernacular buildings are those constructed by and

for the working class in a manner responsive to their environment and use readily available materials. Vernacular designs often are inspired in a much-simplified high architectural style of the times devoid of expensive decoration. The buildings at 1431-1437 and 1463 J Street meet this definition. Furthermore, the manner in which some of the buildings came to be, as additions to an existing house (1431-1433 J Street), or a move-on structure in the case of 1435-1437 J Street, also reflect a vernacular approach to development.

The initial HRB meeting was held on October 24, 2002, to consider designation (See HRB staff reports and minutes in attachment 2). The HRB granted a request by Karen Huff, Black Historical Society, to continue the hearing to the December 20, 2002, meeting. The continuance was to allow time for the Black Historical Society to provide additional information regarding the significance of the site to African American settlement patterns, and specifically the tenure of Lillian and Ocie Grant who began ownership of the J Street Properties in the mid-1900s. Ms. Huff provided the report on December 2, 2002 (See attachment 7). Staff did not receive the report in time to include an analysis in the written staff report for the December 20 HRB meeting. However, staff's review of the document prior to the meeting indicated that there was additional compelling information in the report to support designation under CRITERIA A (Community History), but no sufficient and compelling evidence to support designation under CRITERION B. Therefore, staff's recommendation remained unchanged at the HRB meeting.

On December 20, 2002, the HRB designated the J Street Properties as a Historical Resource Site by a vote of nine votes in favor (Christenson, Ahern, Burnett, Delawie, Edwards, Malone, McNeely, Sherr, Ulloa), one opposed (Schwartz) and one abstention (Marshall) based on the following factual information:

1. The applicant's historical report dated September 2002.
2. Supplemental report from the Black Historical Society dated December 2002.
3. The staff report (P-02-179) dated October 10, 2002.
4. A field check of the site by HRB members.
5. Photographs submitted by staff, the applicant's historical consultant, and the Black Historical Society.
6. Public testimony provided by the applicant's representative, the developer and interested members of the public.

In acting to designate, the HRB felt that the entire site comprising 1431-1463 J Street was significant for its reflection of early 20th century development and information potential regarding patterns of African American settlement in San Diego. In addition, the HRB felt that the buildings at 1431-1437 and 1463 J Street were significant for their vernacular architecture and construction.

San Diego Municipal Code Appeal Requirements

The San Diego Municipal Code Section 123.0203 provides for appeals of a Historical Resources Board (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 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; or
- Presentation of new information.

Based on the City Council’s evaluation under the above criteria, the Council may by resolution affirm, reverse, or modify the determination of the HRB and make written findings in support of its decision. The appeal filed by Ms. Tharpe is based on the first of the above three criteria, so this report addresses the first criteria and not the other two.

Appellant Request

The appellant to the historical site designation of the J Street Properties, Ms. Rainey Tharpe, has submitted an appeal claiming “There was an error in the decision of the Board in that the property does not merit historical designation under either Criterion A (Community History, Archaeology) or under Criterion C (Architecture).” The appeal does not provide specific citations about the error to make the argument. The only information included with the appeal is the original cover letter previously submitted to the Historical Resources Board (HRB) with the applicant’s historical report (See attachment 4). The cover letter summarizes the applicant’s original conclusions that the J Street Properties is not a historically or architecturally significant site.

Because no factual information has been submitted specifying what errors the HRB made in designating the J Street Properties, staff cannot provide an analysis of the appeal’s arguments. Staff recommends that the appeal be denied based on the fact that no material information has been provided to overturn the decision of the HRB.

In the event the appellant submits additional information before the City Council hearing date, staff recommends that the City Council refer the information to the Historical Resources Board for consideration. This will allow staff to review the information and make appropriate recommendations for the HRB to consider prior to the City Council taking action on the appeal.

ALTERNATIVES

1. Site and Building Façade Designation
Deny the appeal, and modify the designation to designate the entire site under HRB CRITERION A, designate only the street facades of 1431-1437 and 1463 J Street under

HRB CRITERION C, and require the applicant produce a photographic survey and as-built drawings of the complex with a substantially expanded historical report addressing early history of the area and early property transactions, with a detailed description and analysis of the African American settlement in the area and, specifically, on this block. Archaeological monitoring and mitigation should also be required, given the site's information potential. This would allow the applicant to proceed with the project, modifying it accordingly to be able to incorporate the facades, and the action would simplify the environmental review process.

2. Site Only Designation

Deny the appeal, and modify the designation to designate the entire site solely under HRB CRITERION A and require the applicant to produce a photographic survey and as-built drawings of the complex with a substantially expanded historical report addressing early history of the area and early property transactions, with a detailed description and analysis of the African American settlement in the area and, specifically, on this block. Archaeological monitoring and mitigation should also be required, given the site's information potential. This would allow the applicant to proceed with the project as planned, with appropriate environmental review under the California Environmental Quality Act (CEQA) [which may include an Environmental Impact Report (EIR)] and consideration by the State Office of Historic Preservation (SHPO) of the National Register eligibility status. This alternative would still provide documentation and monitoring to mitigate the impacts of the development, provide a record for historians and future generations, and have a public and perpetual record of the site's importance to African American history in San Diego.

3. Overturn Designation and Require Documentation

Approve the appeal, overturn the HRB action, and require that the applicant produce a photographic survey and as-built drawings of the complex with a substantially expanded historical report addressing early history of the area and early property transactions, with a detailed description and analysis of the African American settlement in the area and, specifically, on this block. Archaeological monitoring and mitigation should also be required, given the site's information potential. The site would not be acknowledged through a designation as a site of importance to African American history in San Diego. This option would require appropriate review under CEQA, potentially requiring an EIR, and would become operational after the SHPO has received the comprehensive area study that would allow them to remove the National Register eligibility status for 1431-1437 J Street.

4. Overturn Designation

Approve the appeal and overturn the HRB designation. This alternative would result in the demolition of an identified community and architectural resource without preserving a historical and architectural record for the study of historians and future generations. This

option would also require appropriate review under CEQA, potentially requiring an EIR, and would become operational only after the SHPO has received the comprehensive area study that would allow them to remove the National Register eligibility status for 1431-1437 J Street.

Respectfully submitted,

S. Gail Goldberg, AICP
Planning Director

Approved: P. Lamont Ewell
Assistant City Manager

GOLDBERG/TD

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. HRB Staff Reports dated October 16, 2002 and December 6, 2002, and December 20, 2002 Meeting Minutes
 3. Previous Historical Studies (1980, 1989, 2001)
 4. Applicant's Appeal Letter
 5. Letter from the State Office of Historic Preservation, October 15, 2002
 6. Applicant's Historical Report and cover letter provided under separate cover only to the City Council (copy available for review in the Planning Department, 4th Floor, City Administration Building)
 7. Supplemental Historical Report from Black Historical Society provided under separate cover only to the City Council (copy available for review in the Planning Department, 4th Floor, City Administration Building)