

DATE ISSUED: February 4, 2004 REPORT NO. 04-026

ATTENTION: Honorable Mayor and City Council  
Docket of February 10, 2004

SUBJECT: Appeal of the Historical Designation of the Herbert Kunzel/Robert  
Mosher House

APPELLANT: Donald R. Worley on behalf of Ron and Guadalupe Cohn, owners

REFERENCE: Historical Resources Board Agenda of November 21, 2003, Item 5

SUMMARY

Issue - Should the City Council approve or deny the appeal of the Historical Resources Board (HRB) action to designate the Herbert Kunzel/Robert Mosher House as a Historical Resource Site?

Staff Recommendation - Deny the appeal and uphold the decision of the HRB to designate the Herbert Kunzel/Robert Mosher House as a Historical Resource Site.

HRB Recommendation - Designate the Herbert Kunzel/Robert Mosher House under HRB CRITERIA; A (Cultural Landscape), B (Historical Person), C (Architecture) and D (Master Architect).

Other Recommendations - None.

Fiscal Impact - None.

## BACKGROUND

This item is before the City Council as an appeal of the HRB decision of November 21, 2003, to designate the Herbert Kunzel/Robert Mosher House as a City of San Diego Historical Resource Site. The HRB voted 8-0-1 to designate the house based on HRB CRITERIA; A (Cultural Landscape), B (Historical Person), C (Architecture) and D (Master Architect). An appeal of the designation was submitted on December 3, 2003, by Attorney Donald R. Worley representing owners Ron and Guadalupe Cohn. The property is located at 3250 McCall Street in the Peninsula Community, Council District 2 (see Attachment 1).

### Property Description

The wood frame house at 3250 McCall Street is a one-story Modernist style house with oriental influences built in 1951. The house was designed by noted architect, Robert Mosher FAIAE. The home's exterior façade is clear all-heart redwood in a vertical board pattern, finished with penetrating oil at the exterior façade that has been allowed to weather naturally. The house employs red cedar shingles with redwood ridge boards at the roof. The house is L-shaped and, together with the garage/utility structure, forms a "U" enclosing a large interior courtyard that was originally a children's play yard. Sweeping roof lines exhibit an oriental flare and project above a primarily glass façade and deck facing east toward the harbor. This continuous deck serves to expand the master bedroom as well as the living, dining and family room spaces. The attached HRB staff report (P-03-190) describes the property in more detail (see Attachment 2).

### HRB Review

A historical report requesting designation was prepared and submitted by Robert Mosher FAIAE (see Attachment 5), without the consent of the property owners. In accordance with Section 123.0202(a) of the Municipal Code, any member of the public may submit a request for designation. Originally scheduled for designation consideration in July 2003, the HRB continued the hearing to October and again to November 21, 2003, at the owners' request so their consultant could prepare a rebuttal report. A rebuttal report was prepared by Larry Pierson of Brian F. Smith and Associates and submitted to the City on October 29, 2003 (final version received November 10, 2003). Mr. Pierson's report concluded the house is not architecturally or historically significant, and is attached as Attachment 6. Staff prepared a memorandum concluding no compelling evidence had been provided to alter staff's original recommendation to designate the Herbert Kunzel/Robert Mosher House (see Attachment 3). Staff's analysis was that the house is significant under four criteria as described in staff report P-03-190: HRB CRITERIA A (Cultural Landscape), B (Historical Person), C (Architecture) and D (Master Architect).

On November 21, 2003, the HRB designated the Herbert Kunzel/Robert Mosher House as a Historical Resource Site by a vote of eight votes in favor (Schwartz, Ahern, Delawie, Emme, Lynch, Marshall, Schaefer, Silvas) and one abstention (Chuang) based on the following factual information:

1. The applicant's (Robert Mosher's) historical report dated June 2003.
2. Supplemental report from the Larry Pierson dated October 20, 2003.
3. The staff report (P-03-190) dated July 17, 2003.
4. A memorandum dated November 6, 2003 supplementing staff report P-03-190.
5. A field check of the site by HRB members.
6. Photographs submitted by staff.
7. Public testimony provided by the applicant's representative, the owner and owner's representative and interested members of the public.

In acting to designate, the HRB concurred that the site is significant as: one of a group of homes exemplifying Modernist architecture (HRB CRITERIA A AND C); representative of Master Architect Robert Mosher's body of work (HRB CRITERION D); and for its association with first owner Herbert Kunzel who was a historically significant individual in San Diego's history (HRB CRITERION B).

### San Diego Municipal Code Appeal Requirements

The San Diego Municipal Code Section 123.0203 provides for appeals of an HRB decision to designate a site historical to be filed within ten business days following the HRB decision. Said decision may be appealed by an applicant, owner or interested person. The code requires the appeal to 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.

### Appellant Request

The appellant to the historical site designation of the Herbert Kunzel/Robert Mosher House has submitted an appeal claiming an error in the decision of the Board in that "...facts were brought to the attention of the HRB and completely ignored..." (see Attachment 4). In summary, the facts cited in the appeal which the HRB ignored are:

- The house is not representative of the work for which Robert Mosher achieved his reputation.
- The house is not unique among Modernist houses in San Diego.
- The house is not easily visible from the streets adjacent to it.
- Herbert Kunzel is not a significant individual in San Diego's history.

Each of these issues was discussed in the staff report to the HRB, as well as in the supplemental report prepared by Mr. Pierson. The HRB considered all of the information presented to it as indicated above before making its decision. In doing so, the HRB gave weight to compelling arguments which resulted in designation. There has been no new evidence submitted to refute the designation or to show that the information the HRB received was wrong. Therefore, staff recommends that the appeal be denied based on the fact that no material information has been provided in support of the findings that the City Council needs to make in order 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 HRB 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. Cultural Landscape Designation

Deny the appeal, and modify the designation to designate the site solely under HRB

CRITERION A (Cultural Landscape) as a reflection of the group of buildings on five lots, which demonstrate 90 years of Humanist Modern architecture. This action would require findings by the City Council that Herbert Kunzel's significance to the history of San Diego does not meet the threshold to warrant historic designation under HRB CRITERION B (Historical Person); that the house is not representative of Modernist architecture under HRB CRITERION C (Architecture); and that the house is not representative of Robert Mosher's body of work under HRB CRITERION D (Master Architect). This action could allow more flexibility in the future for any modifications the owner may wish to make to the house (including possible demolition), subject to Site Development Permit and appropriate environmental review processes.

### Overturn Designation and Require Documentation

Approve the appeal, overturn the HRB action, and require that the appellant produce a photographic survey and as-built drawings of the house and site. The site would not be acknowledged through a designation as a site reflecting the Modernist architectural history of San Diego.

Respectfully submitted,

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S. Gail Goldberg, AICP  
Planning Director

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Approved: P. Lamont Ewell  
Assistant City Manager

GOLDBERG/TD/ah

- Attachments:
1. [Location Map](#)
  2. [HRB Staff Report P-03-190 dated July 17, 2003 and November 21, 2003, Meeting Minutes](#)
  3. [HRB Staff Memorandum dated November 6, 2003](#)
  4. [Appeal Form and Letter dated November 26, 2003](#)
  5. Applicant's Historical Report provided under separate cover only to the City Council (copy available for review in the Planning Department, 4<sup>th</sup> Floor, City Administration Building)
  6. Supplemental Historical Report from Brian F. Smith and Associates provided under separate cover only to the City Council (copy available for review in the Planning Department, 4<sup>th</sup> Floor, City Administration Building)