



THE CITY OF SAN DIEGO

## REPORT TO THE CITY COUNCIL

DATE ISSUED: Nov. 15, 2006 REPORT NO. 06-165

ATTENTION: Council President and City Council  
Docket of November 21, 2006

SUBJECT: Appeal of the Historical Designation of the Sanford B. Myers Spec House  
#1 located at 1619 J Street

REFERENCE: Municipal Code Sections 123.0203

### REQUESTED ACTION:

Consider the appeal of the decision of the City's Historical Resources Board to designate the Sanford B. Myers Spec House #1 located at 1619 J Street as a historical resource.

### STAFF RECOMMENDATION:

Deny the appeal and do not reject or modify the historical resource designation of the Sanford B. Myers Spec House #1 located at 1619 J Street.

### SUMMARY:

#### BACKGROUND

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision to designate the Sanford B. Myers Spec House #1 located at 1619 J Street as a historical resource (HRB #751). The item was brought before the HRB in conjunction with a proposed demolition of a structure of 45 years or more, located at 1619 J Street, pursuant to the Historical Resources Regulations as well as the Centre City Planned District Ordinance (SDMC Section 143.0212) which requires that a previously identified potential historical site be reviewed by the City's HRB prior to development (Attachments 1 and 2). The HRB voted to designate the property under HRB Criteria A and C at a noticed public hearing on May 25, 2006, with a vote of 8 in favor, 1 opposed and 0 abstention.

#### Property Description

The Sanford B. Myers Spec House #1 is a one story, asymmetrical transitional, vernacular Craftsman cottage constructed circa 1906. The house features a pyramidal roof with asphalt shingles, a narrow eave overhang and a simple boxed cornice, as well as horizontal wood shiplap siding and a concrete foundation. The entry porch, accessed by 5 concrete steps, is at the northwest corner of the building and is supported by one squared wood column on a half-height

wall at the corner. Fenestration is simple and consists of an entry door, wood-frame double hung and fixed windows, as well as casement and metal slider windows on the secondary facades. All windows and doors are accented with simple decorative wood trim. Apparent modifications to the house include a minor addition to the rear of the property evidenced by different siding and a break in the eave line, replacement of some windows on the secondary facades, replacement of the doors, and the addition of metal security bars over the doors and windows. The security bars could be easily removed and the modification reversed.

#### Historical Resources Board Review

The HRB designated the Sanford B. Myers Spec House #1 as a Historical Resource Site based on the following information:

1. *The East Village Combined Surveys 2005.*
2. Historical Resource Research Report prepared by the owner's consultant, Scott A. Moomjian.
3. Original staff report (HRB-06-015) dated April 13, 2006.
4. Rebuttal package prepared by the owner's consultant, Scott A. Moomjian.
5. A supplemental staff memorandum dated May 18, 2006 addressing information provided in the rebuttal package.
6. A field check of the site by HRB members.
7. Photographs submitted by staff and the owner's consultant.
8. A verbal staff report and public testimony provided by the owner's consultant, and interested members of the public.

During the HRB hearing, the Board considered the staff report and public testimony and discussed the merits of the designation. Boardmember Curry stated that she could support the designation under Criterion A due to the property's association with urban history. Boardmember Sewell noted that the research report, which recommended that the property was not historically or architecturally significant, did not appropriately address the history of San Diego. Boardmember Marshall stated that the key points are the date of construction of the building, the type of architecture and its integrity, and its location. He further stated that this building is a rare type in this area, the property retains integrity, and that he would support designation under both Criteria A and C. Additionally, Boardmember Marshall stated that designation would not necessarily result in preservation, but would require mitigation and a review process prior to demolition. Boardmember Emme stated that East Village is a fictional term and would prefer Sherman Heights West. He further stated that Interstate 5 (I-5) created a finite resource west of the freeway; however, the house is rare and in very good condition, it is unique and worth saving. Boardmember Harrison stated he would support designation under both Criteria A and C.

The Board ultimately moved and passed staff's recommendation in two parts, designating the Sanford B. Myers Spec House #1 under HRB Criteria A and C. The property was designated under HRB Criterion A as one of only three homes of a similar style remaining in East Village (which experienced an evolution in architectural style and land use uncommon in San Diego) and HRB Criterion C as a representative example of working class, transitional, Craftsman vernacular residential architecture during the third phase of development in East Village beginning in 1906 and ending in 1921.

## San Diego Municipal Code Requirements

The City Council may overturn the action of the Historical Resources Board (Board) to designate a historical resource under certain circumstances, consistent with the San Diego Municipal Code Section 123.0203. The Code states that the action of the Board in the designation process is final unless an appeal to the City Council is filed. An appeal shall be in writing and shall specify wherein there was error in the decision of the Board. The City Council may reject designation on the basis of:

- Factual errors in materials or information presented to the Board;
- Violations of hearing procedures by the Board or individual member; or
- Presentation of new information.

At the public hearing on the appeal, the City Council may by resolution affirm, reverse, or modify the determination of the Board and shall make written findings in support of its decision.

### DISCUSSION

The property owner properly filed an appeal of the historical designation of the house located at 1619 J Street. The appellant's written basis for the appeal, dated October 3, 2006, contends that the Board erred in designation of the subject property due to factual errors in materials and/or information which were presented to the Board and violations of bylaws and/or hearing procedures by the Board and/or individual members. In addition, the appellant contends that there is new information supporting a reversal of the designation.

#### Factual Errors

The appellant states that "*Factual errors in materials and information were made in the HRB Staff Report(s) and were presented to the HRB at the time of designation. Errors include, but are not limited to:*

1. "*the ownership, occupancy, and nature of the Property with regard to the first owner Sanford B. Myers,*"

#### *Staff Response*

Incorrect information regarding the ownership and naming of the house was provided in the original staff report due to incorrect information in the applicant's report. This was brought to staff's attention prior to the May 25, 2006 HRB hearing and was addressed in a staff memo to the Board dated May 18, 2006 which read in part, "In regard to the owner of the house and the appropriate naming of the house, staff acknowledges that the applicant's original report mistakenly identified the house as the R.B. Meyers house, when in fact the property was owned by Sanford B. Meyers. In addition, it appears that Mr. Meyers never lived at the property, and therefore, staff would recommend that, should the Board opt to designate the house, that the house be called the Sanford B. Meyers Spec House #1, in accordance with the Board's adopted naming policy." Although it has been noted that the name "Meyers" is actually spelled "Myers", this has no effect on the historicity or historical significance of the house and has been corrected.

2. *“the original date of property construction,”*

*Staff Response*

Previous evaluations, including the applicant’s report, identified the date of construction as circa 1906. This issue was raised prior to the May 25, 2006 HRB hearing and was addressed in a staff memo to the Board dated May 18, 2006 which read in part, “All evidence provided to date by previous evaluations identifies the construction date as circa 1906. Due to the rental nature of the house, it is difficult to pinpoint the date of construction without the aid of reverse City directories (which did not come into effect until the late 1920’s). Therefore, without any substantial evidence to establish a construction date contrary to the date established by two previous evaluations, and considering that Sanborn Maps illustrate that the house was on site by at least 1921, staff maintains that the house does fit within the context and period of significance” of the survey.

3. *“the nature and detail of ‘third phase East Village development’,”*

*Staff Response*

Here the appellant takes issue with a historical context statement prepared for the “*East Village Combined Historical Surveys Report 2005*” which was adopted by the HRB for use in planning, and identified several periods or phases of development within an overall historical context for development in the East Village. The property fell easily within the third phase of development (1906-1921) and is significant as one of only three or four remaining vernacular homes built in a transitional period in East Village proper that were found to retain a high enough degree of integrity to be considered for designation.

4. *“the relationship between the East Village and Sherman Heights communities,”*

*Staff Response*

There was no erroneous information provided regarding the relationship between the East Village and Sherman Heights communities. Staff noted in the original staff report that the 1619 J Street House is part of Sherman’s Addition, which originally spanned between 15<sup>th</sup> Street and 24<sup>th</sup> Street between Market and Commercial Streets and was divided in 1959 with the construction of Interstate 5 (I-5). Staff considered the issue as to whether or not the artificial border of I-5 which divided what we now know as Sherman Heights and East Village makes the remaining residential development in East Village more significant because of the transition from residential to commercial/industrial that occurred there. Staff ultimately concluded that the remaining properties in the East Village area do gain significance as the last remaining physical representations of residential development in East Village, which saw perhaps a more drastic evolution and transition than any other areas of downtown, certainly Sherman Heights, which remained primarily residential; and that the 1619 J Street house, which is very modest in its design and expression of transitional, vernacular Craftsman architecture, is particularly representative of the simple, unornamented single-family homes that were occupied by working class San Diegans, including the diverse minority population that inhabited East Village beginning around 1906.

5. *“the concept of ‘expected integrity’,”*

*Staff Response*

This issue apparently stems from a statement in the original staff report which states that the house “retains a high degree of integrity given its age of 100 years”. Integrity of a historical

resource (meaning the extent to which original features and historic fabric are present, not the condition of the resource) is always a consideration when determining whether or not it merits designation. While it is to be expected that older homes will have seen more maintenance and modifications than newer homes, sufficient integrity is always required for a property to convey its historical significance and be eligible for designation, regardless of its age. Staff identified all modifications to the resource, analyzed them, brought them to the attention of the HRB, and ultimately concluded that the modifications to the resource did not impact integrity to the extent that it could no longer convey its significance or be eligible for designation.

6. *“improper architectural classification of the Property, and the recognition of ‘Transitional Vernacular’ as an architectural style. Factual errors in materials and information were also made in oral testimony presented to the HRB at the time of designation. Such errors include, but are not limited to, remarks made in support of designation regarding the architectural style of the Property.”*

#### *Staff Response*

This was brought up prior to the May 25, 2006 HRB hearing and was addressed in a staff memo to the Board dated May 18, 2006 which read in part, “The applicant argues that “transitional vernacular” is not a recognized architectural style and that the property should not be designated as such. Staff would like to clarify that the term “transitional vernacular” was used in the East Village survey to broadly identify those properties which are vernacular and built during a period of transition from one architectural style to another. That shift during this period of development was from Victorian and neo-classical styles to simplified Craftsman styles. Staff’s intention was not to establish a “new style” per se, but to provide a terminology to help identify these structures which fall within a period of transition from one style to another and which, like most construction in San Diego, are vernacular in nature, meaning they were not designed by architects, but by builders or their owners. Staff did identify the style of the house, in several locations in the report, including the discussion of Criterion A and Criterion C, as transitional vernacular with Craftsman influences. Perhaps it would have been clearer to identify the house as a vernacular Craftsman built during a transitional period, nevertheless, staff maintains that the house is significant as a representative example of working class, vernacular craftsman residential architecture during the third phase of development in East Village beginning in 1906 and ending in 1921, and characterized by architectural styles that are transitional in nature.”

In addition, public testimony was provided offering alternative style classifications, which illustrates the transitional nature of the architecture; however this was addressed by staff at the hearing and the Board agreed with the determination made by staff.

#### Procedural Errors

The appellant also states that *“the HRB as a whole, and/or individual Board members, violated bylaws and/or hearing procedures with the following: the improper application and/or misuse of HRB Criterion A (Community Development), HRB Criterion C (Architecture), Secretary of the Interior’s Standards for the Treatment of Historic Properties, HRB and National Register Policies and/or guidelines regarding the “importance” of properties, and improper consideration of Project impacts and/or mitigation measures.”*

#### *Staff Response*

Designation under HRB Criterion A requires that a resource *“exemplify or reflect special elements of the City’s, a community’s or a neighborhood’s historical, archaeological, cultural,*

*social, economic, political, aesthetic, engineering, landscaping or architectural development*". Designation under HRB Criterion C requires that a resource "*embody distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of natural materials or craftsmanship*". The Board designated the property under both Criteria A and C, finding that the house fits within the historic context of residential development established by the *East Village Combined Historical Surveys Report 2005*; it is a representative example of working class, transitional Craftsman vernacular architecture; it retains a high degree of integrity, with no major additions or alterations; it is one of only three homes of a similar style remaining in East Village, which experienced an evolution in architectural style and land use uncommon in San Diego; and, it is a representative example of working class residential land use that occurred during the third phase of development in East Village, beginning in 1906 and ending in 1921.

There was no improper use of the U.S. Secretary of the Interior's Standard's for the Treatment of Historic Properties, nor the HRB and National Register Policies and/or guidelines regarding the "importance" of properties, and no evidence presented by the appellant to demonstrate otherwise. As to improper consideration of Project impacts and/or mitigation measures, the Board reviews resources for historical significance independent of any potential future project. In light of the owner's contention at the hearing that the designation would negatively impact the project, Boardmember Marshall, as noted previously, reminded everyone present that the project impacts and any future mitigation could be considered by the Board at a future date, should the resource be designated.

#### New Information

Finally, the appellant states that "*Since the designation, new information has been developed, including, but not limited to, a change in the ownership of the property and new project design, information bearing upon the concept "Transitional Vernacular" architecture, the fact that it is not economically feasible or practical to relocate the structure either on or off-site, the fact that it is not economically feasible or practical to incorporate the building into any development (affordable housing or otherwise), the fact that redevelopment objectives in the East Village area will be hampered by designation, and the fact that designation has caused, and continues to cause, the Property owner severe economic hardship.*"

#### *Staff Response*

With the exception of the issue related to "Transitional Vernacular" architecture, none of the "new information" raised by the appellant has any bearing or relevance to the historicity and historical significance of the resource. When considering whether or not a resource qualifies for designation under one or more HRB Criteria, the historical significance of the extant property, not the potential future use of the property or economic impacts, is the issue and action before the Board. The issue of economic hardship is appropriately addressed in the findings for the issuance of a Site Development Permit that would be required to demolish or substantially alter a designated historical resource. As to new "information bearing upon the concept 'Transitional Vernacular' architecture", the appellant has not raised any issues not brought before the Board and addressed by both staff and the Board at the time of designation.

#### CONCLUSION

The HRB considered all of the information presented to it and in doing so, gave weight to compelling arguments that resulted in designation. There has been no new evidence submitted to refute the designation, no evidence to show that the information the HRB received was wrong,

and no evidence presented as to any violations of bylaws or procedures. 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 after the issuance of this report, 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 to the HRB to consider prior to the City Council taking action on the appeal.

FISCAL CONSIDERATION:

None identified.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The Sanford B. Myers Spec House #1 located at 1619 J Street was designated as a historical resource (HRB #751) by the Historical Resources Board (HRB) at a noticed public hearing on May 25, 2006, with a vote of 8 in favor, 1 opposed and 0 abstentions.

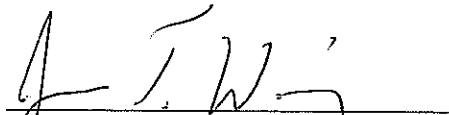
KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholder is the owner of the resource, Katalyst LLC. If designation stands, the owner would be required to process a Site Development Permit if demolition or substantial alteration of the resource were proposed.

Respectfully submitted,



William Anderson, FAICP, Director  
City Planning and Community Investment



James T. Waring, Deputy Chief  
Land Use and Economic Development

WARING/ANDERSON/MCCULLOUGH/ah

Attachments:

1. Supplemental staff memorandum dated May 18, 2006 addressing information provided in the rebuttal package with original staff report (HRB-06-015) dated April 13, 2006
2. Minutes from the HRB hearing of May 25, 2006
3. Appeal package provided by the appellant, which includes the Historical Resource Research Report prepared by the owner's consultant, Scott A. Moomjian as Appendix B and the rebuttal package prepared by the owner's consultant, Scott A. Moomjian as Appendix C (under separate cover)