



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: December 14, 2013 REPORT NO. 13-02
ATTENTION: Council President and City Council
Docket of
SUBJECT: Appeal of the Historical Designation of the Luscomb Building located at
1797 San Diego Avenue
REFERENCE: Historical Resources Board Hearing of March 22, 2012 and April 26, 2012

REQUESTED ACTION:

Should the City Council grant the appeal and reverse the April 26, 2012 historical resource designation of the Luscomb Building, located at 1797 San Diego Avenue in the Uptown Community, by the City of San Diego's Historical Resources Board?

STAFF RECOMMENDATION:

Deny the appeal and do not reverse or modify the historical resource designation of the Luscomb Building, located at 1797 San Diego Avenue.

SUMMARY:

BACKGROUND

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision to designate the Luscomb Building located at 1797 San Diego Avenue as a historical resource (HRB #1047). The item was brought before the HRB in conjunction with a proposed building modification or demolition of a structure of 45 years or more, consistent with San Diego Municipal Code Section 143.0212 (Attachment 1).

A Historical Resource Research Report was prepared by the Office of Marie Burke Lia, which concluded that the building was not eligible for designation under any criteria. Staff disagreed with the conclusions of the report and referred the property to the City's Historical Resources Board for a formal determination. The item was first docketed for review by the Board at a noticed public hearing on February 23, 2012; however, items on that agenda were trailed to the March meeting due to lack of a quorum. At a noticed public hearing on March 22, 2012 staff recommended designation of 1797 San Diego Avenue under HRB Criterion A within the context of the highly distinctive Programmatic architecture which reached its creative and popular peak in the 1920s and 1930s (Attachment 2). Following public testimony and Board discussion, the HRB moved to designate the building per the staff recommendation. After the motion was made, Scott Moomjian, representing the owner, asked for a 30-day continuance pursuant to Municipal Code

Section 123.0202d (Attachment 3). At the following noticed public hearing on April 26, 2012 staff continued to recommend designation of 1797 San Diego Avenue under HRB Criterion A. Following public testimony and Board discussion, the HRB moved to designate the building per the staff recommendation. That motion passed with a vote of 6 in favor, 4 opposed and 0 abstentions (Attachment 4).

DISCUSSION

The City Council may overturn the action of the HRB to designate a historical resource under certain circumstances, consistent with the San Diego Municipal Code Section 123.0203 (Attachment 5). 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.

The materials in support of the appeal filed by the office of Scott A. Moomjian on behalf of the owner states four grounds for appeal, including two grounds under “factual errors” and two grounds under “new information” (Attachment 6).

Factual Errors:

1. In the materials submitted in support of the appeal, the appellant presents the following finding: “Based upon the fact that at least two other, similarly-designed, intact buildings exist from the same era, featuring similar characteristics found in the Property, with apparently higher degrees of integrity, the statement made by HRB Staff that the Property is ‘the only known Programmatic building with a castle motif’ is not accurate. The characterization of the Property as the only one of its kind in the City of San Diego, therefore, constitutes a clear factual error in material and/or information which was presented to the Board at the time of the hearing.”

Staff Response

In the staff report to the Board, staff stated that the subject property was the only known Programmatic building with a castle motif, but did not state that the subject property was the only building with a castle motif. The subsequent discovery following designation of two other buildings that reflect a limited castle motif does not diminish the rarity of the subject building. In addition, there is no requirement in the Board’s designation criteria that a resource be the only extant resource that reflects its context in a significant way. Therefore, the statement that the subject building was the only known Programmatic building with a castle motif was not a factual error; and staff does not agree that a finding can be made to uphold the appeal on this ground.

2. In the materials submitted in support of the appeal, the appellant presents the following finding: “The characterization and classification of the property as an example of ‘programmatic architecture’ constitutes a factual error in materials and information at the time of the hearing.”

Staff Response

The appellant presents written communication from three historic preservation professionals, Jim Heimann, Bruce Judd, and Wendy Tinsley-Becker, who each state that they believe the subject building is not an example of Programmatic architecture. Heimann states that the building would be considered “Period Revival” and is “a standard 1920s structure.” “Period Revival” is a very general term that can apply to a wide range of styles. Additionally, to state that the building is a standard 1920s structure is not true based on the City’s existing stock of designated historic resources. The building is unlike any other designated resource, and at the time of designation was the only building known to display a castle motif. Since then, only two others have been identified as reflecting some degree of a castle motif. To characterize this building as a standard 1920s structure is not accurate.

Judd and Tinsley-Becker stated that Programmatic architecture is defined as a building that reflects the product sold inside, such as an orange juice stand shaped as an orange. However, this is only true of direct Programmatic architecture. Indirect Programmatic architecture, which was discussed in the staff report to the Board and at the Board hearing, is not a direct reflection of the product or service sold, but is rather a fanciful building meant to attract attention. An example of indirect Programmatic architecture, Lucy the Elephant, was provided in the Judd letter. This 65-foot tall building constructed in 1881 in the shape of an elephant was used to sell real estate.

Both Judd and Tinsley-Becker also incorrectly characterize the property as Spanish Eclectic Revival, and as part of a larger complex of buildings utilized as a motor court. When originally constructed in 1927, the building was designed with a castle motif and was used as a warehouse. The Spanish Eclectic Revival influences cited in the letters, primarily the projecting shed roof elements with Spanish tile and supporting brackets, were added to the building when it was converted to a motor court use circa 1932, and have since been removed. They were not part of the original Programmatic design. The building was designated as a 1927 Programmatic building with a castle motif, not as a 1932 motor court. Therefore, the characterization of this building as Spanish Eclectic Revival or as a motor court is incorrect.

Lastly, the Judd and Tinsley-Becker letters suggest that a more appropriate classification might be “Novelty architecture” or “Roadside architecture”. In literature reviewed, the terms Novelty architecture, Roadside architecture and Programmatic architecture are often used interchangeably to describe the highly fanciful architecture of the 1920s and 1930s which could take a number of forms, from objects, to food, to whimsical interpretations of exotic locations and periods of history. The interchangeable nature of these terms was addressed in the staff report to the Board.

The classification of the subject building as an example of Programmatic architecture was addressed at length in the materials and information presented to the Board, which included the applicant’s research report, the staff report, the applicant’s presentation to the Board, by public testimony and through Board deliberation. The Board, which includes professionals in fields such as history, architecture and architectural history, considered and discussed this information and concluded that the building is appropriately classified as Programmatic architecture, and is significant within that context. Therefore, the classification of the building as Programmatic architecture was not a factual error; and staff does not agree that a finding can be made to uphold the appeal on this ground.

New Information:

1. In the materials submitted in support of the appeal, the appellant presents the following finding: “Based upon the fact that at least two other, similarly-designed, intact buildings exist from the same era, featuring similar characteristics found in the Property, with apparently higher degrees of integrity, the statement made by HRB Staff that the Property is ‘the only known Programmatic building with a castle motif’ is not accurate. This constitutes new information which was not presented to the HRB at the time of the hearing.”

Staff Response

The subsequent discovery following designation of two other buildings that reflect a limited castle motif, while constituting new information, does not diminish the rarity of the subject building. The new information presented is not significant in that only two other, limited examples of buildings with a castle motif were identified. In addition, there is no requirement in the Board’s designation criteria that a resource be the only extant resource that reflects its context in a significant way. Therefore, the identification of two additional buildings with a limited castle motif does not constitute significant new information that would materially impact the staff recommendation or Board action; and staff does not agree that a finding can be made to uphold the appeal on this ground.

2. In the materials submitted in support of the appeal, the appellant presents the following finding: “Three independent historic property experts have provided written opinions that the Property is simply not an example of Programmatic Architecture. The information contained in the written material prepared by the historic property experts, thereby constitutes new information which was not presented to the HRB at the time of the hearing.”

Staff Response

The classification of the subject building as an example of Programmatic architecture was addressed at length in the materials and information presented to the Board, which included the applicant’s research report, the staff report, the applicant’s presentation to the Board, by public testimony and through Board deliberation. The Board, which includes professionals in fields such as history, architecture and architectural history, considered and discussed this information and concluded that the building is appropriately classified as Programmatic architecture, and is significant within that context. The information provided in the letters by Heimann, Judd and Tinsley-Becker do not provide new information or arguments not previously considered by the Board. Therefore, the contention and the substantive arguments identified in the letters that the subject building does not reflect Programmatic architecture does not constitute new information; and staff does not agree that a finding can be made to uphold the appeal on this ground.

CONCLUSION

The San Diego Municipal Code limits the findings for an appeal to the following:

1. *“factual errors in materials or information presented to the Board”*
2. *“violations of hearing procedures by the Board or individual member”*
3. *“presentation of new information”*

The required findings for the appeal cannot be made. No factual errors in material or information presented to the Board have been identified; no violations of hearing procedures by the Board or individual member occurred; and no new information relevant to the designation of the property

has been provided. The designation was processed in accordance with the Municipal Code regulations for Designation of Historical Resources (Chapter 12, Article 3, Division 2). Therefore, staff recommends that the City Council deny the appeal and not reverse or modify the historical resource designation of the Luscomb Building, located at 1797 San Diego Avenue.

ALTERNATIVES

Grant the appeal and reverse the designation of the Luscomb Building, located at 1797 San Diego Avenue. This alternative would remove the historical designation from the property, which would no longer be subject to the Historical Resources Regulations of the Municipal Code.

FISCAL CONSIDERATIONS:

None identified.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

A noticed public hearing was held on March 22, 2012 and April 26, 2012. Notices of Public Hearing were sent to the property owner and their representative prior to the hearings before the Historical Resources Board, consistent with Municipal Code requirements. Notices were also sent to interested parties including Uptown Planners, Council District 2, the San Diego History Center, the Black Historical Society, and SOHO. In addition, the agenda of the HRB meeting was posted on the City's website.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

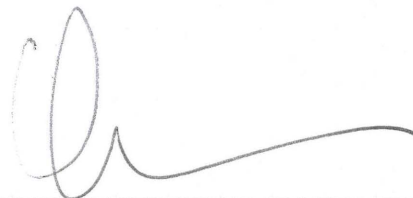
The key stakeholder is the owner of the property, 1769 Las Fuentes LLC. The owner has hired an attorney, Scott A. Moomjian, to represent them during their appeal. If the designation is upheld, the property owner will be required to maintain their property consistent with the U.S. Secretary of the Interior's Standards (Standards) and the City's Historical Resources Regulations. Staff and the Historical Resources Board's Design Assistance Subcommittee are available to assist property owners in developing a project that is consistent with the Standards. However, were a project proposed that is not consistent with the Standards, such as demolition or substantial alteration of the resource; the applicant would be required to process a Site Development Permit.

Additional stakeholders include historic preservationists and SOHO, represented by Bruce Coons, Executive Director. Approval of the appeal may result in demolition or substantial alteration of the building which could be perceived as an impact by the historic preservation community.

Respectfully submitted,



Cathy Winterrowd, Assistant Deputy Director
Development Services Department



Kelly Broughton, Director
Development Services Department

BROUGHTON/WINTERROWD/ks

- Attachments:
1. SDMC Section 123.0212
 2. Staff report dated February 15, 2012 with attachments
 3. Minutes of the Historical Resources Board meeting of March 22, 2012
 4. Minutes of the Historical Resources Board meeting of April 26, 2012
 5. SDMC Section 123.0203
 6. Appellant's materials in support of the appeal (under separate cover)