



## THE CITY OF SAN DIEGO REPORT TO THE CITY COUNCIL

DATE ISSUED: July 9, 2014 REPORT NO. 14-053

ATTENTION: Council President and City Council  
Docket of July 15, 2014

SUBJECT: Appeal of the Historical Designation of the Alliene and Edna Treadwell House located at 579 San Elijo Street

REFERENCE: Historical Resources Board Hearings of April 25, 2013 and May 23, 2013

### REQUESTED ACTION:

Should the City Council grant the appeal and reverse the May 23, 2013 historical resource designation of the Alliene and Edna Treadwell House located at 579 San Elijo Street in Peninsula, by the City of San Diego's Historical Resources Board?

### STAFF RECOMMENDATION:

Grant the appeal and reverse the historical resource designation of the Alliene and Edna Treadwell House, located at 579 San Elijo Street, based on violation of bylaws and hearing procedures by the Board, and the presentation of new information.

### SUMMARY:

#### BACKGROUND

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision to designate the Alliene and Edna Treadwell House located at 579 San Elijo Street as a historical resource (HRB #1100). The item was brought before the HRB at the request of the owner to determine whether or not the building is historically significant based on the adopted HRB designation criteria, consistent with San Diego Municipal Code (SDMC) Section 123.0202 (Attachment 1). The request was submitted via a preliminary review application as part of a constraints analysis for future development.

A Historical Resource Research Report was prepared by IS Architecture, which concluded that the building was not eligible for designation under any criteria (Attachment 2). Staff reviewed the report and referred the property to the City's Historical Resources Board for a formal determination. At a noticed public hearing on April 25, 2013 staff did not recommend designation of the property, due to a lack of integrity (Attachment 3). Following public testimony and Board discussion, the HRB continued the item for 30 days at the request of the Save Our Heritage Organisation (SOHO) (Attachment 4). At the May 23, 2013 hearing staff continued to recommend against designation (Attachment 5), as no additional information was provided by SOHO since the

first hearing and additional information provided by the applicant (Attachment 6) did not demonstrate any historical significance. Following additional public testimony the Board discussed the information before them. Some Boardmembers agreed with the conclusion of the Historical Report and the recommendation of staff that the building no longer retained sufficient integrity for designation. Other Boardmembers noted the uniqueness of the house and its prominence within the neighborhood, and felt that despite the alterations, the building continued to convey the Colonial Revival style. The Vice-Chair, who is a Landscape Architect by profession and serves in the capacity on the Board, identified the house as an Estate Garden, and referenced information provided in landscape books on historic homes on the west coast. Vice-Chair Garbini noted that the relationship of the house to the site was as important as the house itself, and that the entire site should be considered historically significant as an Estate Garden that is significant to the social history of the neighborhood. Following Board discussion, the Board moved to designate the building under HRB Criterion C as a good example of the Colonial Revival style with Neoclassical influences and as a good example of an Estate Garden from the 1930s. That motion passed with a vote of 6 in favor, 4 opposed and 0 abstentions (Attachment 7).

## DISCUSSION

The City Council may overturn the action of the HRB to designate a historical resource under certain circumstances, consistent with the SDMC Section 123.0203 (Attachment 8). 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.

An appeal was filed with the City Clerk on June 6, 2013, and additional back-up materials in support of the appeal were filed on May 9, 2014. The materials in support of the appeal filed by Scott A. Moomjian on behalf of the owner states twelve grounds for appeal, including six grounds under “factual errors”, three grounds under “violation of hearing procedures” and three grounds under “new information” (Attachment 9). Upon review of the applicant’s materials, staff finds that two of the twelve stated grounds for appeal have merit, and that the findings to grant the appeal and overturn the designation can be made based on these two grounds related to violation of hearing procedures and new information. The analysis below will focus first on the two grounds which can be supported, and then will briefly address the remaining ten grounds which staff finds have no merit.

### Grounds for Appeal Recommended by Staff

#### *Violation of Hearing Procedures:*

1. In the materials submitted in support of the appeal, the appellant presents the following finding: “The decision to designate the Property under HRB Criterion C without any evidentiary support at the time of hearing, as required under the HRB’s Designation Criteria Guidelines, violated the San Diego Municipal Code... the Board did not identify which character-defining features of Colonial Revival style architecture with Neoclassical influences the Property possessed, nor did it define or identify which features of an ‘Estate Garden from the 1930s’ the Property possessed... When the Board designated the Property under Criterion C as an Estate Garden from the 1930s, it did not base its decision upon any established or accepted scholarly or professional work on the

subject. In addition, the Board failed to identify physical features necessary to establish the potential significance of Estate Gardens dating from the 1930s. The Board also did not undertake any comparative examinations of similar properties which would be necessary to establish potential significance.”

#### Staff Response

The designation of historical resources is governed by SDMC Section 123.0202, which provides the following subsections:

(c) “The decision on whether or not to designate a *historical resource* shall be based on the information in a research report, as specified in the Historical Resources Guidelines of the Land Development Manual. If the Board determines, either by public testimony or other documentary evidence presented to it, that the research report is not adequate to assess the significance of the *historical resource*, the Board may continue its consideration of the property for up to two regular meetings and direct that a research report be prepared by the applicant with specific direction from staff as to the inadequacies of the original report...”

(e) “The historical Resources Board shall review the Research Report and shall make a decision on whether to designate a *historical resource* based on the criteria specified in, and consistent with the procedures of the Historical Resources Guidelines of the Land Development Manual.”

(f) “The decision to designate a *historical resource* shall be based on written *findings* describing the historical significance of the property.”

The concept of an Estate Garden was introduced at the May 2013 hearing by the Vice-Chair, who is a Landscape Architect by profession and sits in that capacity on the Board. As a Landscape Architect, the ViceChair is uniquely qualified to identify such a resource. However, there was no information and analysis in the Historical Report, the Addendum or in the staff report regarding Estate Gardens. While it is perfectly acceptable and expected that a Boardmember bring their professional experience and expertise to the Board deliberations, SDMC 123.0202(c) states that “if the Board determines, either by public testimony or other documentary evidence presented to it, that the research report is not adequate to assess the significance of the historical resource, the Board may continue its consideration of the property for up to two regular meetings and direct that a research report be prepared by the applicant with specific direction from staff as to the inadequacies of the original report.” If the Board felt that the property could be significant within the context Estate Garden development and be designated as such, then the Research Report should have been found inadequate and returned to the applicant for additional research and analysis. The Board could ultimately agree or disagree with the conclusion of the analysis, but the information contained in that analysis would provide the basis for their action. In this case, the report was not deemed incomplete, and was not returned.

Additionally, the applicant’s assertion that the designation of the property as an Estate Garden was inconsistent with the Criteria Guidelines because a comparative analysis was not completed may well be correct. The Board’s Criteria Guidelines state that when evaluating a property under HRB Criterion C, “Comparison to other resources of the same style, type, period, or method of construction is not required unless scholarly work has not been done on a particular property type or unless surviving examples of a property type are

extremely rare. In these instances where it has not been determined what physical features a property must possess in order for it to reflect the significance of a historic context, comparison with similar properties should be undertaken.” Because a historical context related to Estate Gardens was not provided, the level of available scholarly research was not known to the Board at the time of designation. In addition, no properties have yet been listed on the City’s register as Estate Gardens. Therefore, the character defining features which an Estate Garden must possess were never identified, and thus the subject property was never evaluated properly within this context, as required by the Criteria Guidelines.

Lastly, SDMC Section 123.0202(f) requires that the Board make findings describing the historical significance of the property as part of an action to designate. While the Board did state that the building was a good example of the Colonial Revival style with Neoclassical influences and as a good example of an Estate Garden from the 1930s; the Board’s action did not state how the building was a good example of either a Colonial Revival style building with Neoclassical influences or an Estate Garden. This would require the Board to identify the character defining features of Colonial Revival and Neoclassical architecture as well as Estate Garden properties which the subject property possessed. While these findings need not be provided in writing in advance of the hearing or in the materials presented by the applicant and/or staff, they must be based on the information presented, and must be clearly stated by the Board in their motion and action.

In summary, there was a violation of hearing procedures when the property was designated as an Estate Garden without any information or analysis in the Historical Report regarding Estate Gardens, and when the Board failed to provide findings stating how the building was a good example of either a Colonial Revival style building with Neoclassical influences or an Estate Garden. Therefore, staff recommends that the finding can be made to uphold the appeal and overturn the designation based on this ground.

#### *New Information:*

1. In the materials submitted in support of the appeal, the appellant presents the following finding: “After the property was designated on May 23, 2013, Mr. Douglas Austin was contacted in order to express an opinion as to (1) the level of true, original integrity which existed at the Property at the time of designation, and (2) based upon the level of original integrity which existed at the time of designation, whether the Property could be considered historically and/or architecturally significant to warrant historic designation. Mr. Austin states that ‘after the property was designated, it was discovered that the home had been more greatly altered than previously thought... Given this new information... it is clear that at the time of designation, the property did not possess a sufficient degree of original integrity required for designation.’ Therefore, the information presented and the professional opinion expressed in Mr. Austin’s letter as a historic property expert herein constitutes new information which was not presented to the HRB at the time of the hearing.”

#### Staff Response

In order to be eligible for historic designation, a building must retain integrity to its identified period of significance. The importance of certain aspects of integrity – location, setting, design, materials, workmanship, feeling and association – varies depending upon why the building is significant. In the case of a building that is significant for its architecture, integrity of design, materials and workmanship are most important. The information that the building is more altered than believed during the Board hearing, specifically, that an additional 9 windows are not original, speaks to the integrity of the

design and materials of the building. Based upon this information, the Board could conceivably have determined that the building no longer retained sufficient integrity to be designated under HRB Criterion C. Therefore, staff finds that the recent discovery of an additional 9 replacement windows does constitute new information that may have influenced the decision of the Board to designate, and staff recommends that the finding can be made to uphold the appeal and overturn the designation based on this ground.

#### Grounds for Appeal Not Recommended by Staff

##### *Factual Errors:*

1. In the materials submitted in support of the appeal, the appellant presents the following finding: “At the time the Property was considered for designation by the HRB, during the oral testimony portion of the Agenda, Mr. Jarvis Ross stated that, ‘Under Criterion C, with the exception of the 1974 enclosure of the breezeway, all other documented modifications occurred more than 50 years ago and in themselves are historic. The overwhelming majority of the structure is historic...’ The misrepresentation made by Mr. Jarvis, 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

The extent of the existing modifications and alterations known at the time of designation was addressed in detail in the applicant’s historical report, both in narrative and graphic form, as well as the staff report. Additionally, the applicant provided a detailed presentation to the Board at the hearing regarding the existing modifications and alterations. The physical integrity of the building was discussed at length and there was no misunderstanding on the part of the Board as to the alterations which had occurred to the building over time. Statements by Mr. Ross indicating the modifications are historic was not accurate; however, there is no evidence that the Board relied on this misinformation in their action to designate. The statement made by Mr. Ross during public testimony did not negate the extensive documentation and discussion of the building’s integrity which the Board was privy to, and therefore 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: “At the time the Property was considered for designation by the HRB, during the oral testimony portion of the Agenda, Mr. Bruce Coons stated that ‘the front of the house has no changes except for the filling in of the hyphen.’ However, Mr. Coons also stated that ‘the biggest changes are that change to the doorway in the front, the addition of the bay window and the loss of fanlights. That’s less than 10 percent of the façade of this building. This is not significant in the building.’ The statement made by Mr. Coons before the Board does not account for the fact that the Property was subject to other substantial modifications and alterations... and 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

The extent of the existing modifications and alterations known at the time of designation was addressed in detail in the applicant’s historical report, both in narrative and graphic form, as well as the staff report. Additionally, the applicant provided a detailed presentation to the Board at the hearing regarding the existing modifications and alterations. The physical integrity of the building was discussed at length and there was

no misunderstanding on the part of the Board as to the alterations which had occurred to the building over time. The statement made by Mr. Coons during public testimony, although inaccurate, did not negate the extensive documentation and discussion of the building's integrity which the Board was privy to, and therefore staff does not agree that a finding can be made to uphold the appeal on this ground.

3. In the materials submitted in support of the appeal, the appellant presents the following finding: "At the time the Property was considered for designation by the HRB, during the oral testimony portion of the Agenda, Mr. Bruce Coons stated that the house was located in 'an area that's zoned for apartment' use. Neither Parcel 1 nor 2 are zoned for apartment (multi-family) use. This testimony, 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

When evaluating a property, the only issue before the Board is whether or not the building is historically and/or architecturally significant and eligible for designation under local Criteria. Any project pending with the City, any possible future development of the property, and the underlying land use designation is not considered and is not within the purview of the Board at that point. Therefore, the statement by Mr. Coons that the house was located in an area zoned for apartment use, although inaccurate, was irrelevant to the Board's decision, and did not factor into the action to designate the property, and staff does not agree that a finding can be made to uphold the appeal on this ground.

4. In the materials submitted in support of the appeal, the appellant presents the following finding: "At the time the Property was considered for designation by the HRB, during Board deliberation, Board member Garbini stated that the Property was 'probably the only Estate Garden we have in San Diego.' Subsequent to the designation, cursory research... has identified at least eleven (11) examples of Estate Gardens within San Diego City limits. The statement [by Board member Garbini] constitutes a clear factual error in material and/or information which was presented to the Board at the time of the hearing."

#### Staff Response

The Board's *Guidelines for the Application of Historical Resources Board Designation Criteria* require that a building eligible under HRB Criterion C must embody the "distinctive characteristics of a style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship." The Guidelines do not require that a building be unique among its style, type, period or method or method of construction, nor does it require that a building be one of a finite number of resources. Boardmember Garbini's comment that the property was "probably the only Estate Garden we have in San Diego" was an estimation, not a definitive statement, and was not a prerequisite for designation under HRB Criterion C; and therefore staff does not agree that a finding can be made to uphold the appeal on this ground.

5. In the materials submitted in support of the appeal, the appellant presents the following finding: "After the property was designated on May 23, 2013, Mr. Bruce Judd was contacted in order to express an opinion as to whether the Property could be characterized as a good example of Colonial Revival architecture with Classical Revival/Neoclassical influences... Mr. Judd states that 'the building is not a good, representative, or even compelling example of either the Colonial Revival style or the Neoclassical style and the many additions and modifications greatly dilute the sense of these styles.' As presented,

Mr. Judd's expert opinion clearly contradicts the factual assertion that the Property is a good example of Colonial Revival style with Neoclassical influences."

#### Staff Response

The evaluation of a building, its style and stylistic influences, its integrity, and its eligibility for designation is, to some degree, subjective in nature. This subjectivity is guided by resources such as architectural style guides and historic contexts, as well as the Board's adopted *Guidelines for the Application of Historical Resources Board Designation Criteria*. In addition, to ensure a thoughtful and balanced evaluation of historic resources, the Municipal Code requires that the eleven-member Historical Resources Board be comprised of individuals that include professionals in the fields of architecture, history, architectural history, archaeology, and landscape architecture, consistent with California State Certified Local Government requirements; as well as six at-large members with experience or background in law, real estate, engineering, general contracting, finance, planning, or fine arts that have demonstrated a special interest in historical preservation.

This valuable range of expertise offers varied points of view during Board deliberation of the materials and recommendations presented. An action to designate always requires six votes, acknowledging that while professionals can and do disagree, a decision to designate a property as a historical resource should be supported by a majority of the whole Board. The architectural style of the building and its integrity was discussed at length during the meeting by members of the Board that included a landscape architect, an archaeologist, a historian, two architects and an architectural historian; and a motion to designate under Criterion C was supported by a majority of the Board. The opinion provided by Mr. Judd that "the building is not a good, representative, or even compelling example of either the Colonial Revival style or the Neoclassical style" is the opinion of a historic preservation professional. However, Mr. Judd's opinion does not mean that the Board's decision was factually incorrect and does not negate the thorough review and action of the City's appointed Board, which includes both historic preservation professionals and professionals in related fields, who are tasked with identifying and preserving the City's historic resources; and therefore staff does not agree that a finding can be made to uphold the appeal on this ground.

6. In the materials submitted in support of the appeal, the appellant presents the following finding: "After the property was designated on May 23, 2013, Ms. Vicki Estrada was contacted in order to express an opinion as to whether the Property could be characterized as a good example of an Estate Garden from the 1930s... Ms. Estrada states that 'although it may appear that this is an Estate Garden from the 1930s, it is a perception merely created by the central lawn area and surrounding tree masses... Based upon all of the information presented in this report, it is my professional opinion that the Property is simply not a good example of an Estate Garden dating from the 1930s.' As presented, Ms. Estrada's expert opinion clearly contradicts the factual assertion that the Property is a good example of an Estate Garden from the 1930s."

#### Staff Response

The information provided by Ms. Estrada does not cite any sources that formed the basis of her analysis as to how an Estate Garden is defined and why the subject property is not a good example of an Estate Garden. The opinion provided by Ms. Estrada that "the Property is simply not a good example of an Estate Garden dating from the 1930s" is the opinion of a historic preservation professional. However, Ms. Estrada's opinion – the basis of which is not clear - does not mean that the Board's decision was factually incorrect and does not negate the thorough review and action of the City's appointed Board, which

includes both historic preservation professionals and professionals in related fields, who are tasked with identifying and preserving the City's historic resources; and therefore staff does not agree that a finding can be made to uphold the appeal on this ground.

*Violation of Hearing Procedures:*

1. In the materials submitted in support of the appeal, the appellant presents the following finding: "Because the property owner did not receive any public notice affecting Parcel 2, as required under the SDMC, and the designation/purposed significance extends, in part, to include Parcel 2, the Board violated its bylaws and/or hearing procedures."

Staff Response

The Historical Resource Research Report submitted by the applicant for review by staff and the HRB under the Preliminary Review application included the entire property, including both parcels. This is clearly stated in the legal description section of the Primary Record on page 1 of 106 of the Report, which identified the property under evaluation as:

All of block one hundred fifty-seven of La Playa, in the City of San Diego, County of San Diego, State of California, according to Map of Pueblo Lands of San Diego, made by Charles H. Poole in 1856, said property being also known as lots one, two, three, and four in block one hundred fifty-seven of La Playa. Also the south half of Perry Street adjoining said block one hundred fifty-seven on the north, as closed to public use on October 13, 1925, by resolution no. 35576 of the Common Council of the City of San Diego. It is Tax Assessor's Parcel # 532-361-05-00 and 532-361-03-00.

This is visually illustrated on page 58 of the report, which includes a copy of the Assessor's Parcel Map with both APN 532-361-05-00 (referred to by the appellant as Parcel 1) and APN 532-361-03-00 (referred to by the appellant as Parcel 2) highlighted.

SDMC Section 123.0202(b) states that, "The owner of a property being considered for designation by the Historical Resources Board shall be notified at least 10 *business days* before the Board hearing. Notice to the owner shall contain information about the potential impacts of designation and a request to contact the Board's administrative staff regarding information for making a presentation to the Board on the proposed designation. No action shall be taken by the Board to designate a *historical resource* except at a public hearing that provides all interested parties an opportunity to be heard."

The notice provided to the owner consistent with the Municipal Code identified the site address at 579 San Elijo Street, but did not include the APNs, which are not included in notices of Board actions and are not required to be included. The notice referenced the only address for the site, 579 San Elijo Street, as APN 532-361-03-00 is not separately addressed. Therefore, because the applicant submitted an application to evaluate the historical significance of the entire site addressed at 579 San Elijo Street, inclusive of APNs 532-361-05 and 532-361-03; and because a notice of public hearing to review and consider that application was provided to the owner consistent with the requirements of SDMC Section 123.0202(b), there was not a violation of hearing procedures 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: "At the time the HRB considered designation of the Property, there did not exist



any written statement or set of statements of factual evidence that could have been used as the criteria to form a basis for the determination that the Property was significant or qualified under HRB Criterion C. As a result, the Board's decision to designate the Property was not based upon the required written findings that described the historical significance of the Property. As a result, the Board violated its bylaws and/or hearing procedures."

#### Staff Response

The lack of written findings prior to the designation is not a violation of hearing procedures. Prior to the hearing, the HRB reviewed the Applicant's Historical Research Report, the Staff Report, and completed a site visit to 579 San Elijo Street. In addition, during the hearing there was testimony provided by staff, the Applicant, and members of the public. The HRB considers all the information presented prior to voting on a designation and it is possible Boardmembers will form their own opinions on which to base findings for a designation. Typically, if the HRB arrives at a different conclusion from Staff's recommendation, the findings are stated in a Boardmember's motion and later incorporated into the Resolution filed with the County. Therefore, the lack of written findings was not a violation of hearing procedures; 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: "Mr. Bruce D. Judd, FAIA rendered his professional, expert opinion that the residence is not 'a good example of Colonial Revival style with Neoclassical influences.' The issue of whether the building is not a good example of the Colonial Revival style with Neoclassical influences was not introduced or otherwise discussed at the HRB hearing. Therefore, the information presented and the professional opinion expressed in Mr. Judd's letter as a historic property expert herein constitutes new information which was not presented to the HRB at the time of the hearing."

#### Staff Response

The architectural style of the building and its integrity was discussed at length during the meeting by members of the Board that included a landscape architect, an archaeologist, a historian, two architects and an architectural historian; and a motion to designate under Criterion C was supported by a majority of the Board. The opinion provided by Mr. Judd that "the building is not a good, representative, or even compelling example of either the Colonial Revival style or the Neoclassical style" is the opinion of a historic preservation professional. However, Mr. Judd's opinion, which was sought and presented by the applicant following the designation as part of the appeal process rather than during the Board review and deliberation - does not constitute significant information not previously considered by the Board, which is comprised of historic preservation professionals and professionals in related fields; and therefore 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: "Ms. Vicki Estrada rendered her professional, expert opinion that the residence is not 'a good example of an Estate Garden from the 1930s.' The issue of whether the building is not a good example of an Estate Garden from the 1930s was not introduced or otherwise discussed at the HRB hearing. Therefore, the information presented and the professional opinion expressed in Ms. Estrada's letter as a historic property expert herein constitutes new information which was not presented to the HRB at the time of the hearing."

### Staff Response

The information provided by Ms. Estrada does not cite any sources that formed the basis of her analysis as to how an Estate Garden is defined and why the subject property is not a good example of an Estate Garden. The opinion provided by Ms. Estrada that “the Property is simply not a good example of an Estate Garden dating from the 1930s” is the opinion of a historic preservation professional. However, Ms. Estrada’s opinion, which was sought and presented by the applicant following the designation as part of the appeal process rather than during the Board review and deliberation - does not constitute significant information not previously considered by the Board, which is comprised of historic preservation professionals and professionals in related fields; and therefore 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”*

Staff recommends that the required findings for the appeal can be made. There was a violation of bylaws and hearing procedures by the Board when the subject property was designated under HRB Criterion C as an Estate Garden without any information or analysis in the Historical Report regarding Estate Gardens, and when the Board failed to provide findings stating how the building was a good example of either a Colonial Revival style building with Neoclassical influences or an Estate Garden. Additionally, new information not presented during Board deliberations that may have influenced the decision of the Board to designate the property has been provided with the appeal. No erroneous information was presented to the Board at the time of designation. Therefore, staff recommends that the City Council approve the appeal and reverse the historical resource designation of the Alliene and Edna Treadwell House, located at 579 San Elijo Street, based on the following findings:

1. There was a violation of bylaws and hearing procedures by the Board when the subject property was designated under HRB Criterion C as an Estate Garden without any information or analysis in the Historical Report regarding Estate Gardens, and when the Board failed to provide findings stating how the building was a good example of either a Colonial Revival style building with Neoclassical influences or an Estate Garden. Specifically, the information in the Historical Research Report presented to the Board did not provide any information or analysis related to Estate Gardens, and the report was not deemed inadequate by the Board; and the Board’s action did not identify the character defining features of Colonial Revival and Neoclassical architecture or Estate Garden properties which the subject property possessed.
2. New information has been discovered since the Board’s action which speaks to the building’s eligibility for designation. Specifically, the recent discovery of an additional 9 replacement windows does constitute new information that may have influenced the decision of the Board to designate.

## ALTERNATIVES

Deny the appeal and do not overturn the designation of the Alliene and Edna Treadwell House located at 579 San Elijo Street. This alternative would not remove the historical designation from the property, and the property would 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 April 25, 2013 and May 23, 2013. Notices of Public Hearing were sent to the property owner and their representative prior to the hearing before the Historical Resources Board, consistent with Municipal Code requirements. Notices were also sent to interested parties including Council District 2, the Peninsula Community Planning Board, 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, John H. Cahalin and Helen J. Cahalin. 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 and the City's Historical Resources Regulations; and would be required to process a Site Development Permit if demolition or substantial alteration of the resource were proposed.

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, Deputy Director  
Planning Department

  
Bill Fulton, Director  
Planning Department

FULTON/WINTERROWD/ks

- Attachments:
1. SDMC Section 123.0202
  2. Historic Resource Research Report prepared by IS Architecture, dated March 2013
  3. Staff report dated January 12, 2012 with attachments
  4. Minutes of the Historical Resources Board meeting of April 25, 2013
  5. Staff memo dated May 9, 2013
  6. Addendum prepared by IS Architecture, dated May 2013
  7. Minutes of the Historical Resources Board meeting of May 23, 2013
  8. SDMC Section 123.0203
  9. Appellant's materials in support of the appeal (under separate cover)