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03 DEC 4 2003 APPEAL FROM HISTORICAL RESOURCES BOARD DECISION  
SAN DIEGO MUNICIPAL CODE SECTION 26.0204

SAN DIEGO, CALIF.

TO THE HONORABLE MAYOR AND CITY COUNCIL

The Undersigned Ron and Guadalupe Cohn  
(Print or type name of appellant)

does hereby appeal to your Honorable Body from the decision of the Historical Resources Board in approving \_\_\_\_\_

(approving/denying)

the historical site designation on the property situated at  
3250 McCall Street, San Diego, California

\_\_\_\_\_  
(Legal description of land)

An appeal must specify wherein there was error in the decision of the Board.

This appeal is being made because the following situation(s) exist:

See attached letter to Mayor and City Council, which is  
incorporated herein by this reference \_\_\_\_\_

\_\_\_\_\_  
(Attach additional sheets if necessary)

An appeal from the decision of the Historical Resources Board must be filed with the City Clerk within 10 working days following action by the Historical Resources Board.

Donald R. Worley, Esq.

(Print or type name)  
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(Address)  
San Diego, CA 92101

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(Telephone)

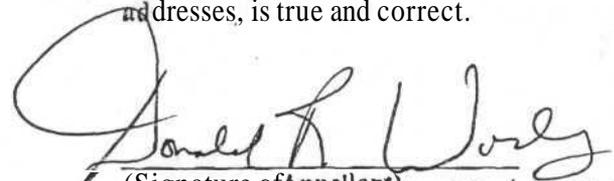
(If filing as an agent, please include name and address of client below)

Ron and Guadalupe Cohn

(Print or type name)  
869 Rosecrans St.

(Address)  
San Diego, CA 92106

I certify under penalty of perjury that the forgoing, including all names and addresses, is true and correct.

  
(Signature of Appellant) *att'y for Cohns*

December 1, 2003  
(Date)

STEPHENSON WORLEY GARRATT SCHWARTZ GARFIELD & PRAIRIE

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WALTER A. TAYLOR  
SUSAN D. WHITE  
DONALD R. WORLEY

November 26, 2003

The Honorable Mayor and  
Members of the City Council  
City of San Diego  
c/o Charles G. Abdelnour, City Clerk  
202 "C" St., 11<sup>th</sup> Fl.  
San Diego, CA 92101

Re: Appeal of Historical Resources Board Designation  
of Herbert Kunzel/Robert Mosher House

Honorable Mayor and Members of the Council:

On behalf of Ron and Guadalupe Cohn, we hereby appeal the decision of the Historical Resources Board on November 21, 2003, in which the Board designated as historic, under Criteria A, B, C and D, the property at 3250 McCall Street, which is referred to as the "Kunzel/Mosher house," but is in fact owned by the Cohns.

This is an unprecedented designation in which the architect himself nominated a 52-year-old, modern house in Point Loma for designation in order to honor himself. It appears that Mr. Mosher had the designation in process before the Cohns closed escrow on the house, yet did not notify the Cohns. In fact, Mr. Mosher had telephone contact with the Cohns' architect, and did not tell that architect about his proposed designation. The Cohns would never have bought this property had they known that it was, in fact, being proposed by Mr. Mosher for designation.

While we recognize that Robert Mosher is an architect with a fine reputation and is, indeed, considered by his peers as a "master," we believe it was inappropriate for the Board to designate this property. In summary:

(1) While designed by Mr. Mosher, it is not representative of the work for which he achieved his reputation, which consists primarily of public and institutional buildings.

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The Honorable Mayor and City Council

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(2) It is not unique among hundreds of modernist houses in San Diego.

(3) The house is virtually invisible. The Board declined to designate the interior, which is probably the most significant part of the architecture, and the exterior is virtually invisible from both San Geronimo and McCall Streets. (I know this, personally, because I live on the next block of McCall Street.) If it were to stand as an example of modernist, Japanese architecture, no one could ever see it. It is and will remain in private hands and cannot be visited or studied by students of architecture. Thus, designation is meaningless to the community and a serious detriment to the owner.

(4) Mr. Kunzel, while a well-known attorney and former CEO of Solar, is not such a figure so associated with San Diego history as to merit the designation of the house under Criterion B. Even Mr. Mosher, in his proposal, expressly declined to cite Criterion B as justification for the designation. The staff supported the designation nonetheless, using the tenuous argument that Mr. Kunzel was the chief executive officer of an aviation company, and aviation is central to the history of San Diego. So is biotechnology, electronics, etc., yet the houses of numerous leaders in those fields and executives of companies in those fields certainly are not worthy of designation for that reason.

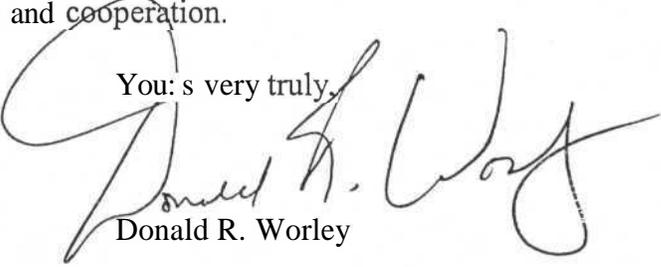
All of these, and other, facts were brought to the attention of the Historical Resources Board and completely ignored, and therein constitutes the error of the decision.

This designation will present a substantial hardship to the Cohns. They cannot build the house they want, as the Kunzels were able to build the house of their dreams, and will likely have to put the property back on the market at a loss of thousands and thousands of dollars.

We ask that you calendar this appeal at the earliest possible date for hearing.

Thank you for your courtesy and cooperation.

Yours very truly,

  
Donald R. Worley

DRW:ks

C0650-02927/01

cc: Ron and Guadalupe Cohn