



THE CITY OF SAN DIEGO

Report to the Historical Resources Board

DATE ISSUED: March 16, 2019 REPORT NO. HRB-19-009

HEARING DATE: March 28, 2019

SUBJECT: **ITEM #5 – Howard M. Kutchin Home (HRB #284)**

RESOURCE INFO: [California Historical Resources Inventory Database \(CHRID\)](#)

APPLICANT: Michael J. Smith; represented by Scott A. Moomjian

LOCATION: 1642-1648 Union Street, Downtown Community, Council District 3
APN 555-353-1300

DESCRIPTION: Consider the rescission of the designation of the Howard M. Kutchin Home located at 1642-1648 Union Street as a historical resource.

STAFF RECOMMENDATION

Do not rescind the designation of the property located at 1642-1648 Union Street, HRB #284, on any grounds.

BACKGROUND

This item is being brought before the Historical Resources Board in conjunction with the owner's desire to rescind the designation of the historical resource.

The subject property was designated as HRB Site #284 by the Historical Resources Board on August 22, 1990. The property was determined to be significant for its association with Howard M. Kutchin, City Postmaster and editor of both the San Diego Union and Evening Tribune, and also as an example of the Queen Anne style. It was also noted that the property was part of an intact collection of Victorian era houses still on their original sites which reflect the early development of downtown San Diego at the turn of the century. The property was designated as a result of a 1989 survey conducted by the Center City Development Corporation in anticipation of development in the downtown core. Adjacent properties 1610 Union Street (HRB #282), 1620 Union Street (HRB #283) and 1654 Union Street (HRB #285) were designated at the same time as the subject property.

The property contains two residential structures. The front building, 1644-1648 Union Street, was constructed in 1894 according to the Assessor's Building Record; however, a 1989 survey conducted by the Center City Development Corporation estimates the date of construction to be 1890. The year of construction of the rear building, 1642 Union Street, is estimated to be 1899 according to the Assessor's Building Record. The front structure is a two-and-a-half story, Queen Anne style residence with a steeply pitched cross-gabled roof. At the time of designation, it featured a full width front porch with spindlework, wood siding, patterned shingles in the front facing gable, boxed

cornice, internal chimney, double hung windows and a projecting bay on the south elevation. The balcony above the front porch featured a solid railing covered in wood siding. A secondary porch with spindlework was located on the south elevation. The rear structure was a one-and-a-half story residence with wood siding, a front porch and a dormer on the front façade.

Since designation the property has been significantly modified. A comparison of photos from the designation in 1990, photos taken by HRB staff in 2002 and the current condition of the property along with the permit history reveal the extent of unpermitted work that was done to the property. Some of the alterations to the front building were permitted following the designation and include the replacement of all the original windows with vinyl windows and the addition of new headers in 1993, the addition of an exterior side stair added in 1994, the modification of rear door and window openings in 1993/1994 and the enclosure of a rear balcony in 1993. An addition to the rear structure was permitted in 1994 and the windows were replaced with vinyl in 1993.

The remaining modifications to the property were done without permits after designation and include the following:

1644-1648 Union Street

- The removal of wood siding and replacement with cement siding prior to 2002. A Google Streetview photo (Attachment 1) reveals that some of the original wood siding was still present on the north façade in 2008; however, that has all been replaced.
- The enclosure of the front porch prior to 2002. Sections of the original spindlework were still present in 2002 but these were removed and the porch was further modified by 2008.
- The front balcony was modified and the parapet raised prior to 2002.
- Awning added to the front balcony prior to 2002
- The metal spiral staircase was added to the southeast corner of the house prior to 2002.
- The railing and floor surface of the porch on the south façade was modified prior to 2002.
- The brick chimney was removed prior to 2002.
- The infill of a window on the second floor of the front façade prior to 2002.
- The addition of a new window on the south façade near the southeast corner of the building prior to 2002.
- The modification of the window opening on the second floor over the porch on the south façade prior to 2002.
- The partial infill of the window on the first floor of the projecting bay prior to 2002.
- The infill of a window at the rear of the south façade prior to 2002.
- An addition at the rear of the second floor.

1642 Union Street

- The removal of wood siding and replacement with cement siding prior to 2002.
- The enclosure of the front porch prior to 2002.
- The addition of an awning on the first and second floor prior to 2002.
- The conversion of the dormer window to a door prior to 2002.
- A second floor addition on the east façade prior to 2002.

All work to designated historical resources requires a permit in accordance with San Diego Municipal Code ([SDMC Section 143.0210\(d\)](#)). In 2011 the current owner applied for a right of way permit under Project Tracking System (PTS) application 230626. At that time, historical resources staff informed the owner that extensive modifications had been made to the property without the required permits and that no new work would be approved until the unpermitted work was addressed and the

property was brought into compliance with the Municipal Code. In October of 2015 the owner applied for a permit for the unpermitted work under PTS 450346. During the review process, historic resources staff determined that the work that had been done was not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Staff requested that the owner hire a preservation architect to assess the modifications to the property and whether or not it could be rehabilitated and restored consistent with the Standards. In February of 2016 a Modifications Assessment Report prepared by Kim Grant Design (Attachment 2) was submitted to staff. The report concluded that there was little historic fabric remaining on the building. Historical resources staff evaluated the report and determined that the unpermitted work had resulted in a substantial alteration to the property and a Site Development Permit would be required consistent with [SDMC 143.0210\(e\)2](#).

In 2015 the City issued a *Civil Penalty Notice and Order* to the current owner which indicated that the unpermitted work was in violation of the San Diego Municipal Code. The alterations continued to be unaddressed and Code Enforcement staff reached a settlement with the property owner which was executed on August 21, 2017. The *Stipulated Administrative Enforcement Order* required the owner to pay civil penalties and submit the appropriate plans to Development Services for permitting. Historic Resources staff has not yet received plans for the unpermitted work.

ANALYSIS

The Historical Resources Board may rescind a historical designation under certain circumstances, consistent with the SDMC Section 123.0205. The code states that the Board may amend or rescind a designation on a historical resource in the same manner and procedure as was followed in the original designation. The Board may amend or rescind on the basis of new information, the discovery of earlier misinformation or a change in circumstances surrounding the original designation.

A Historical Resource Research Report (HRRR) was prepared by Scott Moomjian, which concludes that the designation of the resource should be rescinded on the basis of new information and a change in the circumstances surrounding the original designation. Staff disagrees and concludes that the designation should not be rescinded.

The alleged grounds for rescission are:

NEW INFORMATION

The HRRR asserts that the property was designated by the HRB in 1990 without knowledge of modifications to the front structure including a two-story rear addition, addition of a decorative porch on the south façade and the addition of decorative trim to the attic story window on the front façade. These suspected modifications are based off of Sanborn maps and cannot be cross-referenced with historic photos, an Assessor's Building Record or historic aerials because those materials are not available for the years of their alleged occurrence. While the rear addition was likely a modification, review of the designation photo suggests that the second porch and trim around the window were most likely original to the property. This information is also confirmed in the modifications assessment by Kim Grant Design. At the time of designation, the Board would have considered the property in its current condition and any previous modifications would have been evaluated. Furthermore, the Board determined that the property retained integrity to convey its association with Howard Kutchin and to be considered a good example of the Queen Anne style. Staff does not concur that these modifications constitute new information and rescission of the historic designation of the property cannot be based on these grounds.

The HRRR also asserts that the majority of the modifications to the property were made before the current owner purchased the property in 2003; however, photo documentation reveals that removal of some of the original siding and further modifications to the front porch were made by the current owner without permits. Additionally, California is a strict liability state and the responsibility for any unpermitted work by a previous owner would pass to the current owner. It does not matter which property owner did the unpermitted work, and it is irrelevant to the findings for rescission. Therefore, staff does not concur that these modifications constitute new information and rescission of the historic designation of the property cannot be based on these grounds.

CHANGE IN CIRCUMSTANCES SURROUNDING THE ORIGINAL DESIGNATION

The HRRR asserts that the collective modifications to the property have resulted in a change in circumstances surrounding the original designation. It is important to note that when evaluating the condition of the property, the HRB cannot consider unpermitted work and must consider the property only with the work that was permitted. These permitted changes include the replacement of the original windows with vinyl windows, the addition of an exterior side stair, the modification of rear door and window openings, the enclosure of a rear balcony and an addition to the rear structure. All other work cannot be considered when evaluating the integrity of the property. Without the unpermitted work, the property still retains integrity of location, setting, association and feeling and continues to convey its association with Howard Kutchin. Additionally, without the unpermitted work the property still retains the character defining features of the Queen Anne style including a steeply pitched cross-gabled roof, asymmetrical façade, a projecting bay, full width front porch with spindlework, textured shingles and wood siding. Integrity of design, materials, workmanship and feeling are still retained and the property continues to be a good example of the Queen Anne style. Therefore, staff does not concur that these modifications constitute a change in circumstances surrounding the original designation and a rescission of the historic designation of the property cannot be based on these grounds.

CONCLUSION

Based on the information submitted and staff's field check, it is recommended that the designation of the property located at 1642-1648 Union Street, HRB #284, not be rescinded on any grounds.



Suzanne Segur
Senior Planner

SS/ks

Attachments:

1. Google Streetview Photo from 2008
2. Modification Assessment by Kim Grant Design dated February 23, 2016
3. Applicant's Historical Report under separate cover



Google Streetview Photo, 1642-1648 Union Street, December 2008