

CITY OF SAN DIEGO HISTORICAL RESOURCES BOARD

**MINUTES OF REGULAR SCHEDULED MEETING OF
January 25, 2007**

**COUNCIL COMMITTEE ROOM – 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING

The meeting was called to order by Chairperson Burnett at 1:06 p.m.

ATTENDANCE DURING THE MEETING

Chairperson	Laura Burnett	Present	
Vice Chairperson	Jerry Schaefer	Present	
Boardmember	Priscilla Berge	Present	
Boardmember	Maria Curry	Present	Arrived 1:12; Left at 4:50 p.m.
Boardmember	John Eisenhart	Present	
Boardmember	Otto Emme	Present	
Boardmember	Donald Harrison	Present	
Boardmember	David Marshall	Present	
Boardmember	Delores McNeely	Present	Arrived at 2:22 p.m.
Boardmember	Abel Silvas	Present	Left at 5:40 p.m.
Boardmember	Robert Vacchi	Present	

Staff to the Board in Attendance: Delores Johnson, Board Secretary
Cathy Winterrowd, Senior Planner
Diane Kane, Senior Planner
Kelley Saunders, Senior Planner
Mike Tudury, Senior Planner/Architect
Ginger Weatherford, Intern

Legal Counsel in Attendance: Nina Fain, Deputy City Attorney

ITEM 1 - APPROVAL OF MINUTES of November 30, 2006 --

Staff was unable to prepare the November 2006 Minutes in time for consideration at this meeting.

ITEM 2 - PUBLIC COMMENT

Barry Hager and Scott Sandel addressed the Board on behalf of the proposed Fort Stockton Line Historical District and presented their final report (subject to comments from staff). The three-

volume historical report of the proposed district was submitted at the meeting, as well as a copy of a previously submitted petition from owners of properties in the area. There are 115 properties in the area – 113 are residential.

ITEM 3 - ADMINISTRATIVE ITEMS

A. Board Administrative Matters and General Information

- **ABSENCES**

Staff received notification that Boardmember McNeely would arrive late for the meeting. No absences are expected.

- **OTHER GENERAL INFORMATION**

Contents of “Blue Folders” - In the left-hand pocket is a form to help Board members formulate motions for designation under the different criteria to get all the findings on the record. On the right side are communications(19 e-mails) received in support of designation of Item 5 (as well as a copy of an excerpt from minutes of October 28, 1987). For Item 8, there are three e-mailed letters: one from the Barrio Logan Redevelopment Project Area Committee, another from the Logan Heights Historical Society, and one from Ray Brandes to Scott Moomjian, all opposing designation of the George Kostakos Commercial Building. For item 10, the African-American Heritage Study, there is a written request from Matt Peterson, representing one of the property owners, requesting a continuance of the item.

- **GENERAL BOARD MEMBER COMMENTS**

Otto Emme reported that Vern Taylor, of Pacific Beach, just passed. He will be remembered for his association with the Crystal Pier.

B. Conflict of Interest Declarations

Conflicts of Interest – Priscilla Berge said that she has been active in the Greater North Park community, particularly the Burlingame District. She does not believe that her ties to the community will influence her decisions on matters coming before the Board. However, when she was making site visits to properties in that area with a well known community leader, she was repeatedly recognized, but she repeatedly stated that, as a member of HRB, she could not discuss the properties that she was viewing. She said that any decisions she might make on those properties are based on the HRB criteria.

Referring to Item 8, John Eisenhart disclosed that his girlfriend works for Graham Downs Architects, a separate corporation from National Haus LLC (owned in part by Graham Downs). She does not work for National Haus LLC.

David Marshall, referring to Item 10, the African-American Heritage Study, stated that his firm is currently involved on a separate project on the Claremont Hotel in the Warehouse District. He has been told by the City Attorney’s Office that he does not need to recuse himself because of this.

Ex Parte Communications

Chairperson Burnett reminded the Board that Board members must not engage in informal or off-the-record communications with anyone outside of public hearings regarding any Board agenda items. Communications would include letters, e-mails, meetings, phone or personal conversations. If any such ex parte communications do occur, they must be disclosed.

Boardmembers Berge, Schaefer, Eisenhart and Curry reported minor incidents while viewing sites such as asking for directions to reach a site, viewing a property as the owner returned home, or getting a chance to ride a hydraulic elevator. Chairperson Burnett remarked that we now have a chatty bunch; no one ever talked to her.

Failure to visit designation sites (including interiors proposed for designation)/invocation of waiver – There were no failures to visit.

C. Staff Report

Cathy Winterrowd welcomed everyone back and wished a Happy New Year to all. She announced that instead of giving subcommittee reports at the meetings, she will have the Meeting Record posted on the website at www.sandiego.gov/planning along with the agendas. Click on historical resources, then subcommittee agendas. The next DAS meeting will be held on Wednesday, February 7, the next Policy Subcommittee meeting will be on February 12, and the next Archaeology Subcommittee meeting will be on March 7. Earlier this month, notice was received that the Ginty House, owned by Marsha Sewell, was placed on the National Register and was listed in the California Register. The Board supported this listing.

The 32nd Annual California Preservation Conference will be held in Hollywood on May 3-6, 2007. This year's theme is "Hollywood goes Preservation." Educational tracts will include: Hollywood, A Theater for Preservation; adaptive reuse of historic properties; modern master architects; advocacy and legal issues of preservation, and cultural landscapes. The registration brochure will be available in early February on the California Preservation Foundation website.

Mrs. Laura Bush, honorary chair of the Preserve America initiative, led a national Preserve America Summit October 18-20, 2006, in New Orleans, marking the 40th anniversary of the passage of the National Historic Preservation Act of 1966. The Advisory Council on Historic Preservation served as Summit coordinator. Key elements of the Summit included announcements of Preserve America Grants and Communities, Corporate Achievement in Preservation Awards, historic preservation discussions in 11 topic areas, a youth summit, and remarks by state and federal officials. To view the reports, visit the website at preserveamerica.gov.

On today's agenda there are two individual designation requests, received in January 2006, from the public. A total of 69 individual designation requests were submitted by the public in 2006; six were acted on by the Board in 2006 because of associated building permits. There are 61 requests waiting to be reviewed by staff and brought forward for designation. In addition, there are 21 requests for designation of contributors to the Burlingame Historical District, three referrals from Development Services, one survey, and the annual CLG report.

E. Requests for Continuances

Staff requested a continuance until February of ITEM 7 – Colonel Irving Salomon/Henry Hester Apartments at 3200 Sixth Avenue, due to inadequate noticing. A notice was provided to the applicant HOA, but not to each condominium owner. The February date allows adequate time.

Matt Peterson, representing the owner of a property located within the boundaries of the African American Survey is requesting a continuance of ITEM 10 – Downtown San Diego African-American Heritage Study until February. The written request is in the Board members' blue folders.

BOARD ACTION

MOTION BY BOARDMEMBER MARSHALL TO CONTINUE ITEM 7 UNTIL THE FEBRUARY MEETING.

Second by Boardmember Harrison. Vote: 10-0-0. Motion passes.

BOARD DISCUSSION

The question was raised by Boardmember Harrison of why the Board is considering a continuance of a study on behalf of one property owner. The Chairperson stated that it was her understanding that noticing requirements for a property within a survey area were not as strict as they would be for a designation.

MOTION BY BOARDMEMBER EMME TO CONTINUE ITEM 10 UNTIL THE FEBRUARY MEETING.

Second by Boardmember Vacchi.

DISCUSSION OF MOTION: Boardmember Marshall asked if this request for continuance was because of a noticing issue. Matt Peterson replied that time was needed to conduct an investigation on behalf of the property owner. Chairperson Burnett said that this survey has been ongoing for quite some time. As this is a survey, not an individual designation, she thought the Board should move ahead with adopting the survey. Cathy Winterrowd said the report has been on line for at least two years. Boardmember Vacchi asked if additional information was received, could it be added to the survey. Diane Kane said this is just a start on listing African-American resources. The survey can be amended whenever additional information is available.

Vote: 0-10-0. The motion fails.

ITEM 4 - REQUESTS FOR ITEMS TO BE PLACED ON CONSENT AGENDA

The following items are non-controversial, with all parties agreeable to the staff recommendation, and the Board may wish to approve them on consent:

- **ITEM 6 – RAOUL FOSTER HOUSE at 384 San Fernando**
- **ITEM 11A - U – CONTRIBUTING RESOURCES TO THE BURLINGAME VOLUNTARY/TRADITIONAL HISTORICAL DISTRICT located at 2426 and 2475 Capitan Avenue; 2434 and 2455 Dulzura Avenue; 3095 Kalmia Street; 3005, 3109 and 3124 Laurel Street; 3145, 3154, 3170, and 3178 Maple Street; and, 2414, 2433, 2445, 2526, 2531, 2537, 2538, 2617, and 2675 San Marcos Avenue**

MOTION BY BOARDMEMBER HARRISON TO PLACE ITEM 6 ON THE CONSENT AGENDA AND APPROVE UNDER CRITERION C PER STAFF'S RECOMMENDATION.

Second by Boardmember Berge. Vote: 10-0-0. Motion passes.

MOTION BY BOARDMEMBER MARSHALL TO PLACE ITEMS 11-A, 11-B, 11-C, 11-D, 11-E, 11-F, 11-G, 11-I, 11-J, 11-K, 11-M, 11-O, 11-P, 11-R, 11-S, 11-T, AND 11-U ON THE CONSENT AGENDA AND APPROVE PER STAFF'S RECOMMENDATION.

Second by Vice Chair Schaefer. Vote: 10-0-0. Motion passes.

MOTION BY VICE CHAIR SCHAEFER TO CONDITION A MILLS ACT FOR ITEM 11G, 3109 LAUREL STREET, TO HAVE THE HEDGE TRIMMED TO A MAXIMUM HEIGHT OF FIVE FEET.

Second by Boardmember Berge. Vote: 10-0-0. Motion passes.

ACTION ITEMS**ITEM 5 – 801 UNIVERSITY AVENUE**

Applicant: Marie Lia and Kathleen Crawford on behalf of Mayasuki Ueda, owner, referral from City of San Diego, Development Services Department

Location: 801-803 University Avenue, Uptown Community, Council District 3

Description: The structure is a one-story with loft, flat-roofed, wood frame commercial structure built in 1919 and relocated to its current location in 1927, resting on a concrete foundation.

Today's Action: Designate under one or more established HRB Criteria or do not designate.

Staff Recommendation: Do not designate the structure located at 801-803 University Avenue under any HRB Criteria due to its relocation and subsequent modifications.

Report Number: HRB-06-076

Staff Report by Mike Tudury.

Public Testimony Opened

In Favor: Kathleen Crawford and Marie Lia

Opposed: Scott Sandel, Paul Johnson, Nancy Moors, Bruce Coons, Linda Canada, Alex Sachs, Jerry Linney, Ann Garwood, Christine Mann, Ernestine Bonn, Welton Jones, Sarai Johnson, and Ione Stiegler.

Public Testimony Closed

BOARD DISCUSSION

Boardmember Harrison said that just knowing that Victor and Ruth Schulman were owners of the property at 801-803 University Avenue for 45 years was enough for him to vote for designation. They were people whom he would salute - pillars of the Jewish community who are associated with the founding of the Hebrew Home for the Aged and the United Jewish Federation in its early years. This building was moved 80 years ago; the Board has designated properties that aren't that old. He thought that the Board could just look at it at its present location, and say, "Let's keep it." Boardmember Curry also believes the building should be preserved. She was once told, "We have to defend the buildings because they can't defend themselves." The building is sending the message, "I'm still here." This shows how a building can adapt and survive. Boardmember Emme said that part of the street is near and dear to him. It's a unique, finite asset - an icon that represents historical, economic and cultural development. Commenting on the 1987 Board minutes, he said, "Times change." This Board has the right to revisit properties. Boardmember Eisenhart said this is a free-standing, two-story wooden structure which he would date from at least 1900. Some of the detailing and feel of the building with its wooden floors when you're inside has a certain vibrancy. It's not attached to any other structure as many other commercial buildings are. He asked if the "e" which followed the year 1905 stood for estimate. The consultant said that she thought so; 1921 is the first time that it appears on a Sanborn. Boardmember Marshall said that the "new" storefront alone is older than at least five of the houses designated a few minutes earlier. Virtually all of the windows are original and very nicely detailed. Although the building has not been well maintained, it is restorable. It is a highly visible landmark; it's a rare style with a lot of the character of the neighborhood and the city. Boardmember Berge said this is part of the economic development of Hillcrest. She said this property could be looked at as having been moved prior to its period of significance. Vice Chair Schaefer recommended that anyone who wanted to do further research on this property go to the Diocese archives at UCSD as this was once a church property. He wanted to rebut the use of the National Register guidelines and the addendum; he suggested that they be reread. They deal very clearly with the issue of the effects of moving significant buildings as mitigation today and what effect that has on National Register designation or eligibility. It does not deal with buildings that were moved 80 years ago. He asked if there is an older medical building or surgery in San Diego. In terms of a building in this style and quality, it's hard to find another example. Any modifications to the building occurred within a period of significance and it has substantial association with people and the community to be close enough to a very important period. It's the only example of St. Joseph's Hospital. When you look down the street, there's Mercy Hospital, and not too far away is UCSD Medical Center and all the other medical facilities. The entire community recognizes that the area is one of the principal foci of medical services for the community and medical research. It has integrity of association still remaining there. He would recommend designation under at least Criterion A, and maybe C as well. Boardmember Silvas said he agreed with everything that had been said by other members. It struck him as curious that in 1987 the HRB voted against designation. Today it was very gratifying to see how many people from the community had turned out to support

designation of this building. Boardmember Vacchi concurred with most of his colleagues' comments. Chairperson Burnett said that as a community member and consultant, she appreciated the passion of the community as well as the professionalism of the consultant team and recognized the challenges of both. She was impressed by the comments of the Board members.

BOARD ACTION

BOARDMEMBER MARSHALL MOVED TO DESIGNATE 801-803 UNIVERSITY AVENUE UNDER CRITERION A, HISTORICAL, SOCIAL AND ECONOMIC DEVELOPMENT, AND CRITERION C, ARCHITECTURE.

Second by Boardmember Harrison. Vote: 10-0-0. Motion passes.

Note: Boardmember McNeely arrived during the testimony and therefore could not vote.

ITEM 6 – RAOUL FOSTER HOUSE

Applicant: Linda Canada on behalf of Todd Struyk, owner

Location: 384 San Fernando, Peninsula Community, Council District 2

Description: The house is a 2,817 square foot, one and two-story stucco over hollow clay tile Spanish Eclectic style home built on a concrete foundation in 1913.

Today's Action: Designate under one or more established HRB Criteria or do not designate.

Staff Recommendation: Designate the Raoul Foster House as a historical resource under HRB Criterion C as an excellent example of Spanish Eclectic style architecture.

Report Number: HRB-07-001

BOARD ACTION

MOTION BY BOARDMEMBER HARRISON TO PLACE ITEM 6 ON THE CONSENT AGENDA AND APPROVE UNDER CRITERION C PER STAFF'S RECOMMENDATION.

Second by Boardmember Berge. Vote: 10-0-0. Motion passes.

ITEM 7 – COLONEL IRVING SALOMON/HENRY HESTER APARTMENTS

Applicant: Marie Burke Lia and Kathleen Crawford on behalf of 3200 Sixth Avenue Home Owners Association, on behalf of the owners

Location: 3200 Sixth Avenue, Uptown Community, Council District 3

Description: The building is a four-story, thirty-one unit, asymmetrical, rectangular shaped, Modern style, former apartment, now condominium complex, designed by Henry Hester, built in 1958 by contractors Mabie and Mintz for owner Colonel Irving Salomon.

Today's Action: Designate under one or more established HRB Criteria or do not designate.

Staff Recommendation: Designate the Colonel Irving Salomon/Henry Hester Apartments, under HRB Criterion B for its association with Colonel Irving Salomon, under Criterion C as an excellent example of the Modern architectural style, and under Criterion D as the work of Master Architect

Henry Hester. The designation shall consist of the entire complex including the pool in the courtyard.

Report Number: HRB-07-002

BOARD ACTION

MOTION BY BOARDMEMBER MARSHALL TO CONTINUE ITEM 7 UNTIL THE FEBRUARY MEETING.

Second by Boardmember Harrison. Vote: 10-0-0. Motion passes.

THE MEETING WAS RECESSED AT 2:54 AND RECONVENED AT 3:08.

ITEM 8 – GEORGE KOSTAKOS COMMERCIAL BUILDING

Applicant: Scott Moomjian on behalf of National Haus, LP, owners, referred by City of San Diego, Development Services Department

Location: 1701 - 1715 National Avenue, Barrio Logan Community, Council District 8

Description: The commercial building is a 3,078 square foot one-story masonry structure built on a concrete foundation in 1925.

Today's Action: Designate under one or more established HRB Criteria or do not designate.

Staff Recommendation: Designate the George Kostakos Commercial Building as a historical resource under HRB Criterion C as an excellent example of Early 20th Century Commercial style architecture.

Report Number: HRB-07-003

Staff Report by Mike Tudury.

Public Testimony Opened

Opposed: Rachel Ortiz, Scott Moomjian, Rudolph Pimental, Kent Coston, Jim Tortil, Shirley Wall, Kumul Uhomo, and Connie Zuñiga.

Public Testimony Closed

BOARD DISCUSSION

Boardmember Curry said this building is a very good example architecturally of a commercial building. The windows and doors have been changed because of the area. Boardmember Vacchi asked if this is a redevelopment project. Cathy Winterrowd said yes, it is, and Chairperson Burnett suggested that the Boardmember join DAS so that he can look at designs. Boardmember Marshall disclosed that he is a consultant on a project where Scott Moomjian is also a consultant, but it is not this project, and he won't let that association sway him on this project. Boardmember Marshall said this is a nicely detailed, modest, historical structure. Although he understands that Logan Heights needs a boost, but with a creative architectural team, this should be no different than what is happening in the East Village. An example is the TR Produce Company which was on Ninth and J Street which is part of the Ballpark project. Although it is a much larger building, it is a one-story brick structure with the same general architectural structure flavor, even the parapets. Redevelopment added a two-story office addition on top and

it has been a successful project from an economic standpoint. Keeping a neighborhood's historic buildings intact does not condemn that community to not having development. DAS could work with the architects on a successful project. Mike Tudury said that the architect had met with DAS to work on a design, and was willing to preserve most of the façade. The only sticking point was that the new project was not going to be set back from the historic facade, but rather overhang it. Boardmember Harrison congratulated the community for making a very thought-provoking presentation. He said HRB's job is not to wonder about what might happen downstream, but just to determine whether a structure is historical or not. The Board cannot put aside its duty. The Board would like to aid the community in meeting its objectives and at the same time be true to its mission. Jim Torti said that the architect has tried to meet that goal by preserving some of the façade of the building and to create housing as well. However, the site was so small that the project was really compromised because the set-back conditions were broad and onerous and not specific. This represented a very significant financial impact to a cost-challenged project; it was not feasible. Boardmember Silvas said he was glad the community had come out to the hearing. He said that Latinos first came to this area in May 1769 and wanted to know what buildings were still there dating from 1769 through 1925. Boardmember Emme said that historical designation does not stop all development. He mentioned the Lafayette Hotel, Pacific Beach's Crystal Pier which was added onto after designation, the California Theater which has office and condos built around and behind it, and the Egyptian Theater. Vice Chair Schaefer said that a two-story building (the Wilkinson Building on Adams Avenue) similar in style to this one was designated and remodeled. The French Café moved there from Mission Hills because it was such an attractive location. Its economic value was certainly not diminished because it was designated and needed to have some retrofitting done. There are many examples of community regret over wholesale urban renewal without regard for historic buildings. He cited the recent opening of Lillian Place which incorporated a historical building into the affordable housing with great success. It can be done here with a little more initiative, imagination, and will. Perhaps DAS could cut them a little slack and there could be some compromise to allow rehabilitation to occur and the project to go forward. Boardmember Curry said that she has been making a study of a tortillaria in Logan Heights that is older than any in Tijuana. The history of Barrio Logan is part of Mexican history, and the history of migrants. Preservation can be a very good economic tool in the community. She asked how long the building has been a panaderia. Perhaps a museum could be created in the building, giving the history of corn, which is the history of Mexico. Right now the price of corn in Mexico is a major issue. Boardmember Eisenhart said that essentially the façade is the most important aspect of this building. Mike Tudury said that when DAS looked at the building, it was mostly looking at set-backs for the new structure above. His own feeling is that the set-backs could be reduced to the point where two or three feet might be acceptable. However, at DAS the set-backs discussed were perhaps 15 feet in front, and six or eight feet on the side. Those are consistent with the set-backs DAS has asked for on Centre City projects. But this is a smaller project and we should consider other solutions.

BOARD ACTION

MOTION BY BOARDMEMBER MARSHALL TO DESIGNATE THE PROPERTY LOCATED AT 1701-1715 NATIONAL AVENUE KNOWN AS THE GEORGE KOSTAKOS COMMERCIAL BUILDING PER THE STAFF RECOMMENDATION FOR ARCHITECTURE, CRITERION C.

BOARDMEMBER MARSHALL ADDED THAT THE DESIGN ASSISTANCE SUBCOMMITTEE WILL BE HAPPY TO BE CREATIVE WITH THE ARCHITECT IN FINDING A SOLUTION THAT EVERYONE WILL BE SATISFIED WITH.

Second by Boardmember Curry. Vote: 11-0-0. Motion passes.

ITEM 9 – AUGUST AND MABEL BLAISDELL SPEC HOUSE #1

Applicant: Ruth Alter, on behalf of Miguel and Gabriela Vasquez, owners, referred from the City of San Diego Development Services Department

Location: 4004 Lark Street, Uptown Community, Council District 2

Description: The house is a one story, 984 square foot rectangular Craftsman bungalow on a concrete foundation built in 1924 on the northwest corner of Lark Street and Washington Place.

Today's Action: Designate under one or more established HRB Criteria or do not designate.

Staff Recommendation: Designate the August and Mabel Blaisdell Spec House #1 under HRB Criterion C as a good example of Craftsman bungalow architecture.

Report Number: HRB-07-004

Staff Report by Kelley Saunders.

Public Testimony Opened

In Favor: Barry E. Hager

Opposed: Scott A. Moomjian and Miguel Vasquez

Public Testimony Closed

BOARD DISCUSSION

Boardmember McNeely recused herself on this item.

Chairperson Burnett asked for a legal opinion from Deputy City Attorney Nina Fain, who stated that there is a Code Compliance Case, but someone else in the City Attorney's Office is assigned to that aspect. Deputy City Attorney Fain did note that portions of the Municipal Code state that an applicant has a duty to submit their required documentation and to obtain a permit before starting any work on a parcel that contains a historical resource and that the development regulations state that upon notification to a property owner of a pending Resources Board hearing to consider designation of a historical resource the property owner or any authorized agent shall not undertake any alterations in construction, grading, demolition, or relocation or removal of the property, and no permit to undertake such work shall be approved by the City Manager for a time period of at least two scheduled Board hearings but in no event more than 90 calendar days. She said that the Board has discretion to decide this at a later time. This also may implicate some other portion of the Code Compliance case. Under the Municipal Code, the property owner may be required to remediate or mitigate the unpermitted work that they have done depending on the outcome of that specific case. She was not sure that this would be a good time to go forward with the designation proceeding, but said that is up to the Board to determine what they want to do. The Chair asked if it is an option to continue this item until Code Compliance has continued or completed its case. Boardmember Harrison responded that this Board had an obligation to go further than that – perhaps take a position before Code

Compliance about how we feel about people rendering potential historic properties non-historic by altering them. Obviously the theory advanced by Mr. Moomjian before the Board is not too popular here. In order for HRB to underscore that point, the Board could take a position emphasizing deep concern about somebody attempting to circumvent the historic resources process and to bring that before the Code Compliance adjudication and then, depending on what they do, this matter could properly come before the Board. Boardmember Harrison asked that HRB take a position that can be brought before the Code Compliance Board that strongly expresses the viewpoint that this is an improper interference with our own processes here. Vice Chair Schaefer said there is a discrepancy here between what Mr. Moomjian is requesting and what staff is requesting in their summary where they said "Staff notified the owner and the consultant that the building had to be evaluated in its condition prior to unpermitted work." Scott Moomjian said that Ruth Alter initially evaluated the house in its current and its past appearance and the conclusion was that the house was not historically significant. Vice Chair Schaefer said that the Board could certainly have a decision that would inform both Code Compliance and anybody else as to the conclusions on that report objectively. The Board is now being asked to do otherwise – to evaluate the building as it is now. If the process had occurred the way it should have, HRB would not have to step back and look at the evaluation of this building when it was intact before the violation of the Code. Mr. Moomjian responded that this is not the forum for a Code Compliance issue; this is the Historic Resources Board which has the function to designate or not designate property. This Board has never before considered designation of a building in its pre-condition. Either property has integrity or it doesn't. Vice Chair Schaefer said that perhaps HRB can make a decision that is not an actual designation, perhaps an opinion of this Board concerning whether this building would have been historic when it was intact. Boardmember Vacchi said that we will never get a resolution from Code Compliance prior to our resolution; the notice of violation says you have to get the permit beforehand. Boardmember Vacchi's concern is at what stage HRB can consider this property – where it stands now or prior to the unpermitted work. He asked the Deputy City Attorney for clarification as to HRB's authority to consider it prior to the destruction. She said that her understanding was "current integrity" refers to changes made before historic preservation regulations were in place or changes that were not "unpermitted" changes; they were not things that were done in violation of the code. This is different; she was not sure that the sections referred to by Mr. Moomjian meant what he said they did. Boardmember Vacchi said that he didn't want the Board to be placed in a situation where its decision could easily be overturned because it was looking at the wrong criteria. He disagreed with the idea that an applicant should be allowed to come before the Board and not have a resource designated because of work done without a permit. It sets a horrific precedent. He would like a clarification from Counsel. Boardmember Marshall thought that there could be a straw poll of the members, without taking an actual vote, on whether or not this property would have been designated in its previous condition. He himself would support a vote on designation on the condition of the house when the process started, not the condition of the house after it was illegally modified. He would support the vote to inform Code Compliance for their process. Chairperson Burnett said that she couldn't support a straw poll, because you can never tell what the actual vote will be. Boardmember Harrison said that he would like a vote on a resolution such as this: **"RESOLVED THAT THE HISTORIC RESOURCES BOARD STRONGLY CONDEMNS THE DEMOLITION OF THE PROPERTY AT 4004 LARK STREET AND URGES THE CODE COMPLIANCE BOARD TO TAKE APPROPRIATE PUNITIVE ACTION."**

Boardmember Emme said that even if we vote on a resolution, that won't make this item go away. It would still come back in February or March and the Board would still have to go back in time and vote on things that aren't there anymore. He wondered what Code Compliance would do, can they make someone put back a chimney or a porch. Mr. Moomjian said that the owner did not receive any notification of the potential HRB designation until after the demolition had already taken place. Cathy Winterrowd agreed that the work was done completely unpermitted before notice of the Board meeting. The owner did know that it was a potential historic resource and that a report was required. Mr. Moomjian said that the owner had relied upon the Archaeos study. Boardmember Curry asked what would have happened if the property has already been designated. She wondered what the legal actions are in such a case. She thought some people might think, "It's better to ask for forgiveness than for permission." Deputy City Attorney Fain said there are a number of alternatives provided in the Municipal Code. There is an administrative option. If the person already had a permit, but the work is outside the purview of the permit, the City could issue a stop work order. Chairperson Curry asked if they would have to restore it to the condition that it had been in; Deputy City Attorney Fain said yes, that could be part of it. Cathy Winterrowd said there are several Code Enforcement cases open now on unpermitted work done on designated resources. She said that Code Enforcement's usual resolution is to have the owner obtain the permit. The question is the scope of that permit and whether or not the Board can influence the remedy through the permitting process to solve the Code Compliance case. Chairperson Burnett asked if the permit could be to do a totally different project or to rehabilitate the property. Cathy Winterrowd thought so. The Chairperson said that if the Board voted to designate it, that would give a strong message to rehabilitate it. Chairperson Marshall considered making a motion based on the following: We have an applicant's report that describes the building prior to the unauthorized work; we have a staff report that describes and evaluates the building based on its previous appearance, and we have photographs which show the appearance. He felt that was enough information to make a determination of the building's importance.

BOARD ACTION

BOARDMEMBER MARSHALL MADE A MOTION TO DESIGNATE THE AUGUST AND MABEL BLAISDELL SPEC HOUSE # 1 PER STAFF RECOMMENDATION UNDER CRITERION C.

Second by Vice Chair Schaefer.

DISCUSSION OF THE MOTION: Boardmember Harrison was opposed to the motion as the Board has to rely on what's before it. He doesn't believe that the Board can say that the property has integrity. That's a slippery slope to head down. He believes that the Board should throw its weight behind some strong message to the applicant that this should not be done and to require it to be brought back to us for final action following the Code Compliance case. Boardmember Berge asked if the Board would be voting on the property in its pre-condition. She also wanted to have the Deputy City Attorney's opinion on whether the Board has the authority to do this. Deputy City Attorney Fain said that the situation does warrant further inquiry into the state of the Code Compliance case, what's going on with that. Although she doesn't necessarily agree with what Mr. Moomjian has stated, she wouldn't go so far as saying that the Board should start designating based on buildings that lack current integrity. She would recommend continuance of

the item on the designation. The Board also has within its purview to make recommendations to decision makers and other bodies as to the treatment of historical resources. She does not know the current state of any Code Compliance case.

Mr. Moomjian asked permission for the property owner to address the Board. Mr. Vasquez said that he is not a developer, and this is the first home he has owned as well as his first project. He understands the Board's position of not wanting property owners to start hacking away with sledge hammers to circumvent the process. He stated that the Board's authority and the work it does is very important to the community, but he does not have unlimited means to continue.

Chairperson Burnett reminded the Board that there was a motion before it. Boardmember Emme said that he would like to have the matter continued until February. At the present time, he could not vote for designation for something that is no longer there. He said that Code Compliance cases take 60, 90, 100 days. He thought that if there were a second to his motion to continue until February, that would take precedence over the one on the table. Boardmember Harrison apologized for jumping into the discussion without waiting for the Chair's acknowledgement. The Chair suggested that Mr. Marshall withdraw his motion. Boardmember Marshall said he preferred to have a vote on his motion if someone would second it. He said that from the homeowner's remarks, he thought that dragging this on would not help the homeowner's case. He would like to call the vote. Boardmember Emme pointed out that Parliamentary Procedures weren't being followed. Vice Chair Schaefer said that as an alternative to voting on designation, the Board could vote on an opinion as to whether this building would have been significant before the demolition began and that could be forwarded to Code Compliance so that we don't overstep our boundaries. He stated he was just discussing it before he withdraws his second. Boardmember Vacchi said that he thought that Code Compliance has already issued its notice of violation, a notice on whatever remedy they have chosen, and now have given the applicant the opportunity to comply. Part of that is going through this process. Unless this Board makes a decision on designation, he doesn't think that Code Enforcement can do anything. Vice Chair Schaefer said that he doesn't want Code to think the Archaeos report is the authoritative last word on whether this site should be designated. Boardmember Vacchi thought they would be awaiting this Board's determination. Boardmember Emme said that he needed more information. After a discussion with the Deputy City Attorney, the Chair asked Boardmember Emme to restate his motion.

BOARDMEMBER EMME MADE A MOTION TO CONTINUE THE ITEM TO FEBRUARY AND TO BRING IN CODE COMPLIANCE AND GATHER MORE INFORMATION AND TO HAVE A REPORT FROM THE CITY ATTORNEY REGARDING THIS.

Second by Boardmember Harrison. Vote: 4-6-1(McNeely). The motion fails.

The Chair then called for a vote on Boardmember Marshall's motion. Mr. Moomjian requested a continuance under Municipal Code 123.0202 (d) which states that. "At the request of the property owner, the HRB shall grant a continuance of one scheduled Board meeting after the motion has been made to designate a historical resource."

Cathy Winterrowd agreed that the Code says that the Board shall continue the item at the request of the property owner. This was put into the code for a situation such as this, where the property

owner felt that the property would likely be designated and wanted more time. Boardmember Marshall asked if it was only permitted between the motion and the vote, and if it's different from a request for continuance before the motion. Cathy Winterrowd said yes, a motion has to be made to designate, and the request has to come from the property owner and then the Board is required to grant the continuance. Boardmember Vacchi said that in the interim he would like to have the Deputy City Attorney come back, showing the authority the Board has to review this in its condition prior to the demolition. Barry Hager asked to make a comment relating to this. He said that Code Compliance will be looking to this Board for comment and they are going to be focused on "current," which is the time when an application was submitted, regarding the condition of the property before the demolition began. Chairperson Burnett thanked the speaker for his comments and said she was sure that Code Compliance would either listen to our tape or staff would make the appropriate recommendation.

This item was continued to February 2007, at the request of the property owner, consistent with Municipal Code Section 123.0202(d).

ITEM 10 – DOWNTOWN SAN DIEGO AFRICAN-AMERICAN HERITAGE STUDY

Applicant: City of San Diego, Centre City Development Corporation

Location: Centre City Community, Council District 2

Description: Survey of potential African-American historic resources located in the downtown San Diego area.

Today's Action: Adopt the survey for planning purposes or do not adopt the survey.

Staff Recommendation: Adopt the survey for planning purposes.

Report Number: HRB-07-005

Staff Report by Diane Kane.

Before the report began, Cathy Winterrowd noted for the record that Boardmember Curry had left.

Public Testimony Opened

In Favor: Gloria Puore

Opposed: Scott A. Moomjian

Public Testimony Closed

BOARD DISCUSSION

Chairperson Burnett asked Mr. Richard Carrico to respond to Mr. Moomjian's opposition of the inclusion of the Hotel Etoile Corporation's property from the survey until they had sufficient time to study the property's history. Mr. Carrico, who has a degree in History, said that he doesn't think that any specific number of years makes a difference to the Black community. Although the Anglo community speaks of decades such as the '60's, the most important part of the Civil Rights Movement in the South only happened for six years; certain presidents were in office for only four years. Therefore Mr. Moomjian's comments about "only ten years," don't carry much weight in a historic context. The question is what these buildings mean to the African-American community.

Boardmember McNeely said she agreed with the speaker. As an African-American she can say, "Ten years in the African-American community is a decade - a long time."

BOARD ACTION

BOARDMEMBER MCNEELY MADE A MOTION TO ADOPT THE DOWNTOWN SAN DIEGO AFRICAN-AMERICAN HERITAGE STUDY FOR PLANNING PURPOSES.

Second by Boardmember Marshall.

DISCUSSION OF THE MOTION: Boardmember Emme asked why staff recommended adoption under Criteria A and B only. Why not C and D as well? Dr. Kane said that staff tried to correlate the various themes that the evaluators used with the HRB Criteria. The themes most closely matched A and B, but not C and D. The only other one that the Board might want to look at is Criteria F once there is a district. Boardmember Berge said that she was pleased to read on page 5 of the report that once the survey is adopted by the HRB, it will be utilized by CCDC and HRB staff in development review. She hopes that all demolition permits and all discretionary permits for properties in the survey will come back to the full HRB. The Chairperson called for the vote.

Vote: 10-0-0. The motion passes.

ITEM 11A - U – BURLINGAME VOLUNTARY/TRADITIONAL HISTORICAL DISTRICT, UPDATE 7, DESIGNATION OF CONTRIBUTING RESOURCES NOT PREVIOUSLY VOLUNTEERED

Location: **11A:** Gilbert & Donna Kelley, 2426 Capitan Avenue; **11B:** Steven DeJoy & Raymond Karsten, 2475 Capitan Avenue; **11C:** Maria Casuga, 2434 Dulzura Avenue; **11D:** Gaspere Sciuto, 2455 Dulzura Avenue; **11E:** Steven J. Simerlein, 3095 Kalmia Street; **11F:** Jerome Gombert, 3005 Laurel Street; **11G:** Tor Gronborg, 3109 Laurel Street; **11H:** Simon and Paula Padilla, 3124 Laurel Street; **11I:** Keith & Marilyn Lee, 3145 Maple Street; **11J:** Robert & Irene Akiyama, 3154 Maple Street; **11K:** Zsuzsa Waczek, 3170 Maple Street; **11L:** Stephen Olds; Penelope Wolfe Olds, 3178 Maple Street; **11M:** Martha A. Wild, 2414 San Marcos Avenue; **11N:** Donna Musser, 2433 San Marcos Avenue; **11O:** Carlin R. Lockee, 2445 San Marcos Avenue; **11P:** Valerie Lake, 2526 San Marcos Avenue; **11Q:** Bertha C. Romero, 2531 San Marcos Avenue; **11R:** Bertha C. Romero, 2537 San Marcos Avenue; **11S:** Mark & Cheryl Shensa, 2538 San Marcos Avenue; **11T:** Peter & Laura Giacalone, 2617 San Marcos Avenue; **11U:** Barbara J. Kaplan, 2675 San Marcos Avenue

Description: Consider the designation of the listed properties as contributing resources to the Burlingame Voluntary/Traditional Historical District

Today's Action: Designate under one or more established HRB Criteria or do not designate.

Staff Recommendation: (1) Designate the properties located at 2426 and 2475 Capitan Avenue; 2434 and 2455 Dulzura Avenue; 3095 Kalmia Street; 3005, 3109 and 3124 Laurel Street; 3145, 3154, 3170, and 3178 Maple Street; and, 2414, 2433, 2445, 2526, 2531, 2537, 2538, 2617, and 2675 San Marcos Avenue as contributing properties to the Burlingame Voluntary/Traditional Historical District under HRB Criterion F. (2) If the threshold of 85% of potentially contributing properties designated as contributing properties as part of the Burlingame Voluntary/Traditional Historical

District is achieved, direct staff to begin the process of establishing a Burlingame Geographic/Traditional Historical District and return the item to the full HRB for a noticed public hearing.

Report Number: HRB-07-006

Staff Report by Cathy Winterrowd.

BOARD ACTION

MOTION BY BOARDMEMBER MARSHALL TO PLACE ITEMS 11-A, 11-B, 11-C, 11-D, 11-E, 11-F, 11-G, 11-I, 11-J, 11-K, 11-M, 11-O, 11-P; 11-Q, 11-R, 11-S, 11-T, AND 11-U ON THE CONSENT AGENDA AND APPROVE PER STAFF'S RECOMMENDATION.

Second by Vice Chair Schaefer. Vote: 10-0-0. Motion passes.

MOTION BY VICE CHAIR SCHAEFER TO CONDITION A MILLS ACT FOR ITEM 11G, 3109 LAUREL STREET, TO HAVE THE HEDGE TRIMMED TO A MAXIMUM HEIGHT OF FIVE FEET.

Second by Boardmember Berge. Vote: 10-0-0. Motion passes.

BOARD DISCUSSION

Boardmember Marshall said that he was concerned about 11H, 3124 Laurel, because the sidewall was a very prominent feature that had a lot of cute, but unnecessary gargoyles, which weren't historically relevant. There was a porch and a lot of ornamental grilles that created a caged-in porch. Those elements distracted from a simple house and he would not support designation, unless there was some reversal. Kelley Saunders said that this property and the two others were recently revisited to see what condition they were in, and all are currently in the same or better condition than they were when the district was established and approved in 2002. She said if the Board wants to include Mills Act conditions for restoration of the properties, staff would be in support of that, but staff does recommend that they be designated as contributors to the district as they were identified as such in the condition in which they are today.

Boardmember Harrison thought that an option available to the Board was to ask that this particular property be continued and to go to DAS and allow them to look at it. Perhaps they could discuss modifications with the owner. That would be better than having the Board approve properties that they have misgivings about. Vice Chair Schaefer disliked the color. Kelley Saunders said the house had a different color in 2002; the color has changed from one non-historic color to another. Vice Chair Schaefer said that he is aware that the threshold is lower for contributing properties, but this one seemed to have gone below even that threshold. If modifications were made, they might enhance the district. The Chair suggested that the other two properties also be discussed now.

Boardmember Marshall said the canopy for Item 11L, 3178 Maple Street, is its most dominant feature, but doesn't appear to be original. The windows may be original, but he's not sure as they don't scream "not original." Boardmember Berge said that the three properties haven't changed substantially since 2002, so they should be designated, but conditioned for a Mills Act.

Boardmember Marshall said it was his understanding these were included as potential contributors, knowing that when it came time for designation, they would be looked at more closely. He was looking at the ones that had been put forward, but not at the potential contributors. Cathy Winterrowd said that if the property owner had requested designation at that date, it would have been treated like the others. She said that because of the type of district that it is and the way the Board's policy is written for adoption, all the owner has to do is request designation and if it's in the same condition that it was when considered as a potential contributor, it is understood that it will become designated. Boardmember Marshall said that the third and last is 11N, 2433 San Marcos Avenue. There is a very large carport with a very odd roof which was a dominant feature on the left side, as well as a brick base which was obviously added at a later date. The third item is a very large, highly visible window which seems to be aluminum. These are all reversible alterations. Kelley Saunders said that the way the district was set up was to consider the ratio of potential contributors to non-contributors to the district. If the Board now starts changing potential contributor to non-contributors, that changes the ratio and the integrity of the district after it has been established. Some of the restorations may not occur without the benefit of the Mills Act. Dr. Kane concurred with Ms. Saunders. One thing to consider is does the building have enough integrity to convey a sense of why the district as a whole is significant. The building conveys what the district was like at the time; it doesn't mean that the building is perfect. If the Board doesn't designate these buildings, then the Board is saying these buildings are not contributors which can lead to a situation where one of these buildings are demolished and create a huge stir. Boardmember Harrison said that he doesn't believe that a discretionary action of a previous board should bind the current board. That would make this a ministerial group instead of a voting board. The current board's vote has as much effect as a previous board's. In view of Boardmember Marshall's thinking when he originally voted that he would have a later opportunity to review the properties after they were volunteered, then that opportunity has not been extended to him. Although aware that there is a certain anxiousness to get past the 85% mark, this Board shouldn't rush to a judgment. It can be done in the right way by having DAS meet with the property owners to take a look at these three properties, and bring them back next month. The Board is not turning down the three properties nor creating a situation where we are saying, "Go ahead and demolish them." The Chairperson asked Mr. Coons for his comments. He said that there might be some confusion between a survey and a district. Burlingame is a district which had properties that were deemed historic and contributors to the district at the time the district was formed. The Board received all the information about all of the contributors before the district was formed in 2002. The only time to review the contributors was at the formation of the district. If Board members failed to visit them at the time, that is unfortunate. The reason they weren't designated is because they didn't have the owners' consent at the time. They are not potential contributors; they are contributors. Vice Chair Schaefer asked why did the Board members recently visit all these properties. He wants these homes to be contributors and the goals of historic preservation to apply here. He wasn't with the Board when these properties were inventoried and didn't have an opportunity to express an opinion then. Chairperson Burnett asked for a motion to accept the three properties and a motion to establish conditions for Mills Acts through DAS.

BOARD ACTION

MOTION BY BOARDMEMBER BERGE TO ACCEPT STAFF'S RECOMMENDATION TO DESIGNATE THE THREE PROPERTIES AT 3124 LAUREL STREET, 3178 MAPLE

STREET, AND 2433 SAN MARCOS AVENUE AS CONTRIBUTORS TO THE BURLINGAME VOLUNTARY/TRADITIONAL HISTORICAL DISTRICT, BUT THE CONDITIONS FOR A MILLS ACT WILL BE ESTABLISHED THROUGH THE DESIGN ASSISTANCE SUBCOMMITTEE MEETING.

Second by Boardmember Emme, who asked to have the motion restated. Chairperson Burnett said the motion was to accept the three properties as contributors, and there would be a follow-up motion about the conditions which would be established at a DAS meeting. Boardmember Emme said he was withdrawing his second, and Boardmember Berge said she was withdrawing the motion. Boardmember Harrison said this should go to DAS, then be brought back. If the Board designates the properties first, what incentives do the owners have to work with DAS? The Chair asked if anyone wanted to make a motion to table these three properties. Cathy Winterrowd reminded the group there was a motion on the floor. Boardmember Emme again said he wanted to withdraw his second and Boardmember Berge said she wasn't clear on the motion and wanted to withdraw it. Boardmember Emme asked Boardmember Harrison to make a motion.

BOARDMEMBER HARRISON MADE A MOTION, IN RESPECT TO THESE THREE PROPERTIES, THAT THE BOARD CONTINUE THE HEARING ON THEM UNTIL AFTER THE PROPERTY OWNERS HAVE HAD THE OPPORTUNITY TO MEET WITH THE DESIGN ASSISTANCE COMMITTEE, IF THEY SO CHOOSE.

Second by Boardmember Emme. Vote: 8-1-0. (Boardmember Silvas left before the vote.)

ITEM 12 – ANNUAL CERTIFIED LOCAL GOVERNMENT (CLG) REPORT

Applicant: City of San Diego, City Planning and Community Investment Department

Location: Citywide

Description: The Historical Resources Board Annual Report to the State Office of Historic Preservation, Mayor and City Council consistent with the City's Certified Local Government (CLG) responsibilities and Municipal Code Section 111.0206 (d)(7) requirements.

Today's Action: Review, comment and approve the Annual Report.

Staff Recommendation: Direct staff to forward the Annual Report to the State Office of Historic Preservation and the San Diego City Council, or revise the Annual Report and forward as appropriate

Report Number: HRB-07-007

Staff Report by Cathy Winterrowd.

The Chair complimented the Board and Staff on the tremendous amount of work done. She acknowledged Boardmember Marshall's firm's work on the new art museum addition and all of the work of the Subcommittees, Board, and Staff involved with that. She asked for comments from the Board on staff's report. Boardmember Marshall made a suggestion on the Preservation Goals listed on page 3 of the staff report. In one place the report says, "There is a need to improve monitoring of construction projects involving designated resources to assure compliance with the HRB building modifications and rehab plans." This is listed as a concern, but Boardmember Marshall believes it

should be a goal as the monitoring has been an on-going issue. He also believes that there should be some establishment of a criterion for evaluating and designating publicly visible interiors. Now the Board can designate interiors but there isn't a process to evaluate them. Chairperson Burnett was thrilled to note that there was a goal to address the whole of Balboa Park as a cultural landscaped district. Boardmember Emme asked how many Mills Acts we have, and how many, if any, are in dispute right now. Cathy Winterrowd replied there were over 700 before the beginning of last year; and another 100 contracts in 2006. Currently there are over 800 contracts. Notifications for cancellations or non-renewal have been issued for a few in the redevelopment area. There has been no action on any other Mills Act contracts due to inappropriate modifications or similar situations. The report will be posted on the Web page; last year's is posted there now. Boardmember Harrison would like to see a goal of getting more plaques placed on designated properties.

BOARD ACTION

BOARDMEMBER MARSHALL MOVED THAT THE BOARD APPROVE ITEM 12 – ANNUAL CERTIFIED GOVERNMENT REPORT, WITH THE THREE ADDITIONAL GOALS THAT WERE SUGGESTED, PER STAFF RECOMMENDATION.

Second by Boardmember Eisenhart. Vote: 9-0-0. The motion passes.

REMINDER:

NEXT BOARD MEETING DATE: February 22, 2007

LOCATION: City Administration Building
12th Floor, Council Committee Room

THE MEETING WAS ADJOURNED AT 5:54 P.M.