

CITY OF SAN DIEGO HISTORICAL RESOURCES BOARD

MINUTES OF REGULAR SCHEDULED MEETING OF February 22, 2007

COUNCIL COMMITTEE ROOM – 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING

The meeting was called to order by Chairperson Burnett at 1:01 p.m.

ATTENDANCE DURING THE MEETING

Chairperson	Laura Burnett	Present
Vice Chairperson	Jerry Schaefer	Present
Boardmember	Priscilla Berge	Present
Boardmember	Maria Curry	Present
Boardmember	John Eisenhart	Present
Boardmember	Otto Emme	Present
Boardmember	Donald Harrison	Present
Boardmember	David Marshall	Present
Boardmember	Delores McNeely	Present – Left at 3:20 p.m.
Boardmember	Abel Silvas	Present
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: Marianne Greene, Deputy City Attorney

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

Boardmember Marshall stated that he did not vote on Item 7 - Gaslamp Quarter Planned District Ordinance and Gaslamp Quarter Planned District Design Guidelines, as he had recused himself, so that vote should have been recorded as 8-0-1.

BOARD ACTION

BOARDMEMBER HARRISON MADE A MOTION TO APPROVE THE AMENDED MINUTES OF NOVEMBER 30, 2006.

Second by Boardmember Berge. Vote: 9-0-2(McNeely and Silvas). Motion passes.

ITEM 1B - APPROVAL OF MINUTES of January 25, 2007

Boardmember Harrison said that in one portion of the minutes he was referred to as Chairperson Harrison and asked for that to be changed to Boardmember Harrison. Boardmember Marshall said that on page 5 of the minutes, in the summary of the consent items for Burlingame, 11-P had been left off. Just below that the motion concerning the height of the hedge should include a maximum of five feet. On page 16, the same applies to the Burlingame motions.

BOARD ACTION

BOARDMEMBER BERGE MADE A MOTION TO APPROVE MINUTES OF JANUARY 25 AS AMENDED.

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

ITEM 2 - PUBLIC COMMENT

There were no public comments.

ITEM 3 - ADMINISTRATIVE ITEMS**A. Board Administrative Matters and General Information****• ABSENCES**

There were no absences. All Board members were present.

• OTHER GENERAL INFORMATION

Contents of “Blue Folders” – A memo on Item 6 – 3200 Sixth Avenue; a memo requesting the continuance of Item 9 – 1520 Fort Stockton Drive; and additional information regarding the property at 2333 Albatross – Item 10.

• GENERAL BOARD MEMBER COMMENTS

Boardmember Emme announced that it's George Washington's birthday, as well as his birthday and Boardmember McNeely's mother's birthday. He has been to George Washington's house which was a unique house, an unplumbed plantation style home.

Chairperson Burnett announced that the Mayor, for whom she has great respect, has directed the Board and staff to focus their efforts in the near future on historic districts and how they figure into the whole of the City and how to move forward as a city with these large planning areas, and less of a focus on private individual homes. This will be a significant change for all of us, including consultants and home owners, as well as timely and appropriate. At the Policy Committee meeting this afternoon, one particular historic district was discussed and there was enthusiasm for looking at districts and how they shaped the city, as well as how historic districts within the city can further the whole of the city.

Chairperson Burnett announced that this is her last meeting as Chairperson; she has served on the Board for eight years. As there is not yet a replacement for her, she will continue

attending meetings as long as appropriate. The Mayor has appointed Mr. Vacchi as the new Chairperson, beginning in March. She also announced that Vice Chair Schaefer who has been serving in that role for many, many months has decided to step down. At the next meeting, the Board will need to vote for a new Vice Chair.

B. Conflict of Interest Declarations

Conflicts of Interest- Boardmember Vacchi recused himself on Item 10. Boardmember McNeely recused herself on Item 13.

Ex Parte Communications – There were no declarations of ex parte communications.

Failure to visit designation sites (including interiors proposed for designation)/invocation of waiver – As all Boardmembers had visited each site, no one requested a waiver.

C. Staff Report

Cathy Winterrowd announced the following: A public meeting on the Uptown Historic Survey will be held on Saturday, February 24 from 10 am to 12 noon at the Balboa Park Recital Hall. The meeting is being sponsored by Council members Atkins and Faulconer, the City Planning and Community Investment Department, and Uptown Planners. The draft survey is now posted on the Historical Resources page of the City's website. The recently adopted Historical Resources Research Report Guidelines are also available on the website.

We are now accepting nominations for the Board's annual preservation awards. Each year the City's Historical Resources Board recognizes individuals, groups, businesses and agencies who contribute to the preservation and advancement of San Diego's unique history and heritage. The Board recognizes achievements in the categories of Agency, Archaeology, Architectural Reconstruction, Architectural Rehabilitation, Architectural Restoration, Community History, Cultural Diversity, Cultural Landscape, History, Individual Accomplishment, and Preservation Advancement. Nominations will be accepted through the April 9 Policy Subcommittee meeting. Nomination forms are available on the Historical Resources website. Nomination forms should be mailed or delivered to the attention of Ginger Weatherford. The awards will be presented at the May 24 HRB meeting.

HRB staff has been working on the Islenair Historic District nomination and will be holding a public meeting on Saturday, March 10 at the City Heights Recreation Center to discuss the history and historical significance of Islenair, the implications of historical designation, and the process for establishing the district with the affected property owners.

Starting in March, we will change our distribution of Board materials. Consistent with state law, we will no longer provide printed copies of hearing materials free of charge. In an attempt to reduce the costs to property owners going through the designation process, the City will take on the responsibility of making copies of materials and providing them to members of the public for the cost of reproduction. Based on last year's volume of materials, the average monthly reproduction costs for a packet of hearing materials is \$39.00. To receive these materials in the mail or at Will Call on the 4th floor, an individual or group must

make a request in writing. Letters will be sent to the current distribution list with instructions for requesting an annual subscription or a full monthly packet. In addition, individual copies of hearing materials can be made at a cost of 25 cents a page.

The next regular DAS meeting will be held on Wednesday, March 7. A special meeting of the DAS will be held following the HRB meeting today, to begin no later than 5:00 pm. The next Policy Subcommittee meeting will be held on March 12 and the next Archaeology Subcommittee meeting will also be held on March 12.

On today's agenda are four individual designation requests from the public, which were submitted in February 2006. There are still 61 requests waiting to be reviewed by staff and brought forward for designation. In addition to these individual designation requests, there are three items continued from a previous HRB meeting, one item that is being returned to the HRB to null and void the previous designation action, and the establishment of an ad hoc subcommittee. The agenda is very full; Item 13 was noticed to be heard not before 3:30 and the special DAS meeting was noticed to begin no later than 5:00 pm. Given these time constraints, staff requested that the Chair consider taking Items 14 and 15 out of order so that they could be acted on before 5:00 pm.

D. Requests for Continuances

Scott Moomjian, representing Dr. Tina Hardley, the new owner of the property at 1520 Ft. Stockton, requested a continuance of Item 8. The item is scheduled for review by DAS at this afternoon's special meeting; the focus will be on a 200-square foot addition made in 1990 to the front of the house. Mr. Moomjian would like to bring the item back to the Board in March.

BOARD DISCUSSION

Boardmember Emme said that he was opposed to a continuance as he felt it was the consultant's duty to tell his client that the property didn't meet the standards or tell the owners what they need to do, instead of using DAS. Boardmember McNeely asked if there was room on DAS's agenda for the item. Boardmember Marshall said it was already on the agenda and is not inconsistent with what has been done before. As it is staff's opinion that it should not be designated because it has been altered, this is a service provided to applicants by DAS to make a potential historic resource compatible with the guidelines. Vice Chair Schaefer said that if the result of the meeting with DAS would be a restoration of the structure to its original design, integrity and fabric, then he would be in favor of a continuance. Boardmember Emme again voiced his disapproval of using DAS in this manner.

BOARD ACTION

BOARDMEMBER VACCHI MOVED TO CONTINUE ITEM 8 TO THE MARCH 22 MEETING.

Second by Boardmember Eisenhart. Vote: 9-2-0. Motion passes.

OTHER DISCUSSION

A request was made by Ione Stiegler, on behalf of Susan and Len Comden, owners, to continue Item 7 – the Howard and Maude Brown House. She stated that she and her clients had been taken by surprise at the exclusion of additions, made in 1989 and earlier, at the rear of the home. She believes the additions are compatible with the original resource and meet the Secretary of the Interior's standards, and therefore wants the item continued so that there can be discussions with staff and the Board about the direction being taken.

BOARD ACTION

BOARDMEMBER CURRY MADE A MOTION TO CONTINUE ITEM 7.

Second by Boardmember McNeely. Vote: 10-1-0. Motion passes.

OTHER DISCUSSION

Ione Stiegler asked if the exclusion of portions of property from the Mills Act could be discussed at a Policy Subcommittee meeting. Cathy Winterrowd stated that staff has been asked to work on a policy for Mills Acts. The exclusion of portions of property from the Mills Act could be addressed as part of the policy. She was unable to make a prediction of when that would be coming forward, as several policy meetings are being devoted to review of historic districts as part of the revised work program. Boardmember Curry said that the Policy Committee has to consider all situations, not specific ones. It might be better to have this discussed at DAS to get an earlier resolution. Boardmember Marshall asked staff to work with the consultant and owners as this overlaps between design and policy. Boardmember Emme said that this has been before DAS on a more recent addition. This property's historical significance was in the 20's or 30's – not the 80's. Chairperson Burnett asked Ms. Stigler to contact staff for further discussion and possible resolution of this issue.

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

BOARD DISCUSSION

Boardmember Curry asked if the stucco on Item 6 – 3200 Sixth Avenue was original. Boardmember Marshall said that it seemed to be. If not, it was compatible and didn't look out of place. Boardmember Emme was favorably struck by the old-style mailboxes' appearance. Boardmember Eisenhart asked to have Items 6 and 11 pulled as he had concerns about the criteria under which they were being designated. Boardmember Berge asked the consultant about Item 10. She said that she had read that the plans for this exciting house were at the San Diego Historical Society archives. She wondered if the consultant had taken a look at those plans as she didn't see any reference to them (other than their being in the Journal) in his report. Mr. Moomjian said that if the Board wanted to pull this from the consent agenda, he would be happy to answer the question during a discussion of the house. Cathy Winterrowd apologized, saying that Mr. Moomjian had told her earlier in the day that he wanted the item pulled from the consent agenda to mention the Herbert and Gill association.

All three suggested items for the consent agenda were pulled.

ACTION ITEMS

Chairperson Burnett agreed to the request to have the Board deal with Items 14 and 15 first.

ITEM 14 – 801 UNIVERSITY

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

Description: This structure was designated a historical resource at the January 25, 2007 HRB meeting. The Land Development Code Section 123.0202(b) requires the owner of a property that is being considered for historical designation to be notified 10 business days prior to the Board hearing. Notice to the property owner consistent with the Code was not provided.

Today's Action: Acknowledge the lack of adequate notice to the property owner and remedy the defect.

Staff Recommendation: Null and void the previous action of the Board in the designation of the property at 801-803 University and set a new hearing to consider historical designation for March 22, 2007.

Report Number: Staff Memo dated February 16, 2004

Cathy Winterrowd said that a memo was distributed regarding the noticing error. Staff failed to send a notice to the property owner. The applicant was an interested buyer and although the owner of record was made aware of the hearing, no legal notice of the designation action was sent to the legal owner. After consultation with the Deputy City Attorney, it was determined that the appropriate action is for the Board to fix the error by making the prior action taken null and void, and placing the item on the March 22, 2007 agenda.

BOARD DISCUSSION

Vice Chair Schaefer said that after the lively discussion at the prior meeting of whether or not there was an upper floor with a surgery on it, he took the elevator up to the second floor and found that, indeed, that floor did exist and had rooms, a skylight, and a lot of character-defining architectural features exposed. He wondered if that would be rectified in a new report. Cathy Winterrowd said that staff had revisited the site and the staff report will be revised. She doesn't know if the applicant can be compelled to revise her report as the applicant who paid for the report was not the owner. Cathy also said that she believes that SOHO is willing to provide additional photographs for inclusion in the revised staff report in March.

BOARD ACTION

MOTION BY BOARDMEMBER VACCHI TO NULL AND VOID THE PREVIOUS ACTION OF THE BOARD DESIGNATING THE PROPERTY AND TO SET A NEW HEARING TO CONSIDER DESIGNATION ON MARCH 22, 2007.

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

ITEM 15 – ESTABLISHMENT OF THE HISTORIC BUILDING INTERIORS AD HOC SUBCOMMITTEE

Applicant: City Planning and Community Investment Department, Planning Division Staff

Location: N/A

Description: Establishment of the Historic Building Interiors Ad Hoc Subcommittee

Today's Action: Establish the Historic Building Interiors Ad Hoc Subcommittee or do not establish the Ad Hoc Subcommittee

Staff Recommendation: Establish the Historic Building Interiors Ad Hoc Subcommittee either as a stand alone subcommittee that reports directly to the full HRB or as a subcommittee of the Design Assistance Subcommittee (DAS) reporting to DAS.

Report Number: Staff Memo dated February 16, 2007

Staff Report by Cathy Winterrowd

Cathy reported that the full board needs to identify membership to any ad hoc subcommittee. There are two ways to establish them, either as a stand-alone ad hoc subcommittee that reports directly back to the full board or as an ad hoc subcommittee to a standing subcommittee that reports back to the full board. There are Brown Act issues related to membership if the ad hoc subcommittee reports to a standing subcommittee. The total membership of either subcommittee cannot exceed five members of the board. Otherwise, you have a quorum and that is not allowed by the Brown Act. Staff's memo recommends that the Board choose one of the two options. Cathy asked Boardmember Marshall to speak on that subject. He said that he was supporting the option of having a subcommittee that reports to the full board. One reason for that is if it were a subcommittee that reported to DAS, for example, neither of the new members seated to his right could serve on the subcommittee.

BOARD DISCUSSION

Boardmember Emme asked if there would be another criterion established for interiors.

Boardmember Marshall said that Criterion C - for Architecture - is not intended just for exteriors. Our current City regulations allow the designation of interiors, but no process of evaluation procedures have been set in place to do that. Boardmember Harrison asked if members of the public could serve on the committee. Boardmember Marshall said there are two members of the public that have agreed to serve on the proposed subcommittee: Marsha Sewell and Bruce Coons. Cathy said that when members of the public serve on subcommittees, they must be run under the Brown Act. However, our subcommittees already follow those requirements so there won't be any new restrictions. Boardmember Vacchi asked if the Board has had a history of setting up stand-alone subcommittees on a temporary basis. There was a Ballpark subcommittee, as well as an NTC subcommittee, that reported to the full board. Vice Chair Schaefer said that whichever of the two forms are taken, the meetings will be open, noticed meetings.

BOARD ACTION

BOARDMEMBER MARSHALL MADE A MOTION THAT THE BOARD CREATE AN AD HOC INTERIOR SUBCOMMITTEE UNDER THE FULL BOARD'S OVERSIGHT WITH A PROPOSED MEMBERSHIP OF BOARDMEMBERS BERGE, VACCHI AND MARSHALL, FORMER BOARDMEMBER MARSHA SEWELL, AND BRUCE COONS.

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

ITEM 5 – ROBERT CAMPBELL AND BELLE ANDERSON GEMMELL/FRANK MEAD/RICHARD REQUA/HENRY JACKSON HOUSE AND STUDIO (CONTINUED FROM AUGUST 2006)

Applicant: Vonn Marie May on behalf of Peter B. and Laura Wile, owners

Location: 4476 Hortensia Street, Uptown Community, Council District 2

Description: The house is a one and two story Pueblo Revival style home with Spanish Eclectic influences designed in 1916 with a 1926 detached Craftsman style Studio.

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

Staff Recommendation: Designate the Robert Campbell and Belle Anderson Gemmell/Frank Mead/Richard Requa/Henry Jackson House and Studio in its current condition under HRB Criterion C for its Pueblo Revival/Spanish Eclectic architecture and HRB Criterion D as the work of master architects Frank Mead, Richard Requa and Henry L. Jackson, as cited in the original staff report of August 2006. As a follow up motion to the designation, staff recommends: 1) that corrective work to differentiate the new garage and courtyard, as directed by the DAS, be completed prior to entering into a Mills Act contract; or, 2) that conditions be added to a Mills Act contract requiring work to differentiate the newer additions from original fabric, as directed by the DAS, be completed within two years of the contract issuance.

Report Number: HRB-06-053 and Supplemental Staff Memo dated February 8, 2006

Staff Report by Diane Kane

BOARD DISCUSSION

Boardmember Harrison said that he felt uneasy about voting for this property as you have to go down a private driveway and there are lots of trees. He asked what public benefit is there if so few members of the public will ever have access to it. Diane Kane said there were two issues, as noted: the amount of vegetation around the property and the definition of "public right of way." This has been discussed with a Deputy City Attorney. The public right of way is defined in the Land Development Code as: "a public easement for streets, alleys, or other uses." In this case, there is a private driveway with public utility easements which meets the Code's definition of public right of way. There is no requirement for visibility from the public right of way for designation. Nor is there a requirement in the State Code for the Mills Act for visibility from a public right of way. The City does require such visibility for the Mills Act which is met by the City's definition. Cathy Winterrowd said there is an overarching public benefit to designation of significant properties, whether or not they are immediately accessible or visible to the public on an individual basis. The General Plan has policies that promote designation of properties and districts for the benefit of the public good. Dr. Kane said that this would also mean the preservation of this significant historic property for future generations. Boardmember McNeely complimented the owner for lacing the tree. More of the property can now be seen. She also said that at the August 2006 hearing, the Board was told that the owner had open houses for the public on several occasions. Boardmember Curry asked if the property had been more visible in the past. Dr. Kane pointed out the landscape plans on her PowerPoint presentation which indicated that there had always been vegetation around the rim of the property. She didn't know how high the original vegetation was. The house has always been set back from the street. Boardmember Curry said then that was part of the design and the house is not impossible to see. Boardmember Marshall said DAS had spent time reviewing this and quite a few options were thrown out at DAS, but he doesn't know what the owners chose to do. He would like more

specificity regarding what the alterations are. Is there a list of the things that will actually be done? They can either come back to DAS or before a motion is made, we need to know what they intend to do within two years. Boardmember Berge said that she too would like clarification, and wanted to know if the changes would be made prior to the Mills Act or within two years. Boardmember Harrison said that he would like to have two separate motions, one to designate, and one for Mills Act conditions. He also wanted to know if it would be possible to request that the owners continue to allow public tours. Otherwise, he saw no reason to give the owners a tax break if the public doesn't also receive a benefit.

BOARD ACTION

MOTION BY BOARDMEMBER MCNEELY TO DESIGNATE THE PROPERTY IN ITS CURRENT CONDITION UNDER CRITERIA C AND D AS RECOMMENDED BY STAFF.

Second by Boardmember Marshall. Vote: 10-0-1(Silvas). Motion passes.

MOTION BY BOARDMEMBER MARSHALL THAT PRIOR TO THE CITY'S GOING FORWARD WITH A MILLS ACT CONTRACT, THAT IMPROVEMENTS BE MADE BASED ON THE STAFF REPORT.

Second by Boardmember Berge.

DISCUSSION OF MOTION

Boardmember Harrison once again asked if the owner would allow tours. Vonn Marie May responded that the owner wants to show off her house. Cathy Winterrowd stated that the City would not support any condition in the Mills Act contract of public tours of the house. A Deputy City Attorney had advised her that this would involve a "taking" of private property if such a condition were made. Boardmember Harrison voiced amazement that the City could offer the owner a benefit, yet not be allowed to ask for a benefit for the public in return. Vice Chair Schaefer said that although a person casually walking by may not have a good view of the house, he could easily imagine that a professor offering a course on Requa/Jackson could easily step into the courtyard and point out features of the house without having the owner beat them off with a stick. Dr. Kane reported that there is a designated home that is completely barricaded, but she has walked by with students and they have been invited in for a tour. The Chair called for a vote on the motion.

Vote: 9-1(Harrison)-1(Silvas). Motion passes.

ITEM 6 – COLONEL IRVING SALOMON/HENRY HESTER APARTMENTS (CONTINUED FROM JANUARY 2007)

Applicant: Marie Burke Lia & 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 courtyard, pool and lobby interior, which is visible from the public right-of-way.

Report Number: HRB-07-002 and Supplemental Staff Memo dated February 8, 2007

Staff Report by Ginger Weatherford

BOARD DISCUSSION

As this item had been pulled from the Consent Agenda by Boardmember Eisenhart, the Chair asked him to speak first. He said he wanted to have it designated under Criterion A – Architectural Significance, in addition to the ones recommended by staff. This is one of the very, very few examples of mid-century architecture that you can point to and immediately understand the whole concept of post World War II design in San Diego. It involves a great architect, Henry Hester, and Colonel Salomon was an exemplary citizen.

Boardmember McNeely asked if she could vote on this item as she had arrived late at the previous meeting. As the item was continued and there was no discussion at the last meeting, she was told she could vote today. Boardmember Harrison asked if the property would qualify under A, as staff may have had a reason for not recommending designation under A. Cathy asked if the consultant's report had recommended A. The response was that Marie Lia, on behalf of the owners, did recommend A because of its significance in the evolution of the architectural development of the area. Ginger Weatherford agreed that the property qualified under A.

BOARD ACTION

MOTION BY BOARDMEMBER EISENHART THAT THE PROPERTY LOCATED AT 3200 SIXTH AVENUE BE DESIGNATED AS A HISTORICAL RESOURCE UNDER CRITERIA A, B, C AND D – A, SPECIFICALLY FOR ARCHITECTURAL AND AESTHETIC SIGNIFICANCE TO THE COMMUNITY, AND AS RECOMMENDED BY STAFF B, C, AND D.

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

The home owners, as well as the architect Caroline La France and the original contractor Ted Mince and his wife Annabel were present. Ms. La France who lives in the Henry Hester Apartments expressed her appreciation to the staff and the Board for the designation. She is delighted about being near the park and loves the look of the building. The elements of the façade tell a visual story and the personal stories behind the building are fascinating. She has learned many lessons from Henry Hester's design. She thanked Ted Mince for his dedication to the architect's plan and the quality of his hard work 45 years earlier, as well as the fascinating

details and the sage advice he gave her during the renovation. Boardmember Harrison pointed out that just across the street is the playground that Colonel Salomon donated to Balboa Park.

ITEM 7 – Howard and Maude Brown House

Applicant: IS Architecture, on behalf of Susan and Len Comden, owners, referred by City of San Diego, Development Services Department

Location: 7126 Monte Vista, La Jolla Community, Council District 1

Description: The house located at 7126 Monte Vista Avenue is a one and two story Spanish Eclectic style home built in 1929 on a corner lot.

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

Staff Recommendation: Designate the Howard and Maude Brown House, located at 7126 Monte Vista Avenue, as a historical resource under HRB Criterion C, as a good example of Spanish Eclectic architecture. In addition, staff recommends that the stucco garden wall, rear patio enclosure, and the 1988 alcove addition be excluded from the designation and Mills Act Agreement.

Report Number: HRB-07-008

Staff Report by Kelley Saunders.

BOARD ACTION

BOARDMEMBER CURRY MADE A MOTION TO CONTINUE ITEM 7.

Second by Boardmember McNeely. Vote: 10-1-0. Motion passes.

ITEM 8 — 1520 Ft. Stockton Drive House

Applicant: Scott Moomjian/Dr. Ray Brandes, on behalf of Michael and Elysia Cooke, previous owners and new owner, Ms. Tina Hardley.

Location: 1520 Ft. Stockton, Uptown Community, Council District 2

Description: The house located at 1520 Fort Stockton Drive is a one story Craftsman style house built in 1920.

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

Staff Recommendation: Do not designate 1520 Fort Stockton Drive as a historical resource under any HRB Criteria due to the substantial alteration of a character-defining element, inconsistent with the Secretary of the Interior's Standards.

Report Number: HRB-07-009

BOARD ACTION

BOARDMEMBER VACCHI MOVED TO CONTINUE ITEM 8 TO THE MARCH 22 MEETING.

Second by Boardmember Eisenhart. Vote: 9-2-0. Motion passes.

ITEM 9 – 3924 Henry Street House

Applicant: Vonn Marie May, on behalf of Robert Ayling and Jill Maninger, owners

Location: 3924 Henry Street, Uptown Community, Council District 2

Description: The house at 3924 Henry Street is a two and three story Prairie Craftsman style house built in 1920.

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

Staff Recommendation: Do not designate 3924 Henry Street as a historical resource under any HRB Criteria due to significant alterations to the historic fabric, inconsistent with the Secretary of the Interior Standards.

Report Number: HRB-07-010

Staff Report by Mike Tudury

Public Testimony Opened

Opposed: Vonn Marie May and Jill Maninger

Public Testimony Closed

BOARD DISCUSSION

Boardmember Marshall said that he agreed that the windows on the front are a problem, but they might not prevent it from being designated under C. However, he didn't agree that if a house had been altered that it couldn't qualify under D, Master Builder. Each criterion stands alone. This is still a good example of the master builder's work, even though the windows have been changed. Boardmember Emme said he has known previous owners in this neighborhood who agree that this house has undergone radical changes. He believes that there have been many undocumented changes. There are other examples of this builder's work that are very worthy. Mike Tudury read a portion of his report in which he recommended that a Mills Act be conditioned to require that the three vinyl upper windows be replaced with two wood windows to match the historical photo. Ms. May had said this shouldn't be a Spec House. However, when built in 1920, it was then owned by Emma and Gordon Decker and then sold in 1924 to the Wahrenbergers. If the house is designated, it would be known as the William & Grace Wahrenberger Spec House #3.

Boardmember Curry thought the alterations could be fixed, and this should be referred to DAS. Boardmember Berge asked about the 1987 photo on page 13. She copied it and asked about the difference between the current roof line over the covered porch and the one shown in the 1987 photo. Some Boardmembers voiced agreement that these modifications were significant.

BOARD ACTION

BOARDMEMBER VACCHI MADE A MOTION NOT TO DESIGNATE 3920 HENRY STREET AS A HISTORICAL RESOURCE UNDER ANY CRITERIA.

Second by Boardmember McNeely. Vote: 9-1(Berge)-1(Curry). Motion passes.

ITEM 10 – Elwyn Gould Jr./Hebbard and Gill House

Applicant: Scott Moomjian on behalf of the DeLaurentis Trust, owner

Location: 2333 Albatross, Uptown Community, Council District 2

Description: The house located at 2333 Albatross Street is a three story Tudor Revival style house designed by Hebbard and Gill.

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

Staff Recommendation: Designate the Elwyn Gould Jr./Hebbard & Gill House, located at 2333 Albatross Street as a historical resource under HRB Criteria B, C and D as an excellent example of Tudor Revival style architecture, associated with Elvyn Gould, Jr., an important person in San Diego history, and designed by Master Architects William Sterling Hebbard and Irving Gill.

Report Number: HRB-07-011

Staff Report by Mike Tudury

Public Testimony Opened

In Favor: Scott Moomjian

Public Testimony Closed

BOARD DISCUSSION

Boardmember Harrison thanked the consultant for correcting the record, by withdrawing the recommendation to designate under Criterion D until more research had been done.

MOTION BY BOARDMEMBER MARSHALL TO DESIGNATE ITEM 10, THE ELWYN GOULD/HEBBARD AND GILL HOUSE, UNDER CRITERIA B AND C.

Second by Boardmember Curry.

DISCUSSION OF MOTION

Vice Chair Schaefer raised the question of the house's name as there was still the possibility that Hebbard and Gill had not designed the house.

BOARD ACTION

CHAIRMEMBER MARSHALL CHANGED THE WORDING OF HIS MOTION: TO READ: DESIGNATE ITEM 10, THE ELWYN GOULD HOUSE, UNDER CRITERIA B AND C."

Second by Boardmember Curry. Vote: 10-0-1(Vacchi). Motion passes.

ITEM 11 – Frank L. Hope Jr. House

Applicant: Kathryn Rhodes on behalf of Conrad Hartsell, M. D., owner

Location: 371 San Fernando, Peninsula Community, Council District 2

Description: The house located at 371 San Fernando Street is a one and two story Post-War Ranch House designed by Frank L. Hope Jr.

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

Staff Recommendation: (1) Designate the Frank L. Hope Jr. House, located at 371 San Fernando Street, as a historical resource under HRB Criterion B due to its association with Frank L. Hope, Jr. an important person in San Diego's history, Criterion C as an excellent early example of Post-War Ranch house architecture, and Criterion D for being designed by Master Architect Frank L. Hope Jr. and (2) Prior to entering into a Mills Act Agreement, the existing garage door should be replaced

with one consistent with the historic character of the original, if the applicant is able to determine through further research the historic appearance of the original garage door.

Report Number: HRB-07-012

Staff Report by Mike Tudury

BOARD DISCUSSION

Boardmember Eisenhart said he pulled this item because he questioned whether this was a Ranch-style home, and couldn't vote for designation under Criterion C or D, as Frank Hope usually designed commercial buildings. He could support designation under criterion B.

Public Testimony Opened

In Favor: Kathryn Rhodes who lives at 371 San Fernando said this open, airy house, built around a patio, was indeed designed by Frank Hope who designed many homes in Pt. Loma.

Public Testimony Closed

BOARD DISCUSSION

Boardmember Berge said she thought master builders usually built many styles, and asked what is the pattern for a Master Builder and asked if Frank Hope is considered a Master Builder. Mike Tudury said that he didn't know if there are any designated sites where Frank Hope is listed as a Master Architect. However, he is internationally known as the most important architect from San Diego. Like most architects, he started out small, designing homes. He is not best known for residences, but that doesn't mean that there aren't a dozen residences out there that could be designated with him as the Master Architect. He was capable of doing a lot of different things. Boardmember Harrison said that in the report of the house he noticed a photo of a man that looked like a young Homer Delawie; he called Homer and was told that yes, that was his photo. Boardmember Emme said that he had been in the house a few years ago when the house was for sale. The house itself wasn't especially unique, but the rear of the house was serene. Boardmember Vacchi asked the applicant if she had an exact number of houses in the Point Loma area or addresses of houses that had been designed by Frank Hope. Ms. Rhodes said no, she didn't but she knew there were hundreds of houses in the Point Loma area that he did. Mike said that there has only been one other ranch-style house designated, and that was Cliff May's.

BOARD ACTION

MOTION BY BOARDMEMBER MARSHALL TO APPROVE STAFF'S RECOMMENDATION FOR ITEM 11, THE FRANK L. HOPE, JR. HOUSE, UNDER CRITERIA B, C, AND D.

Second by Boardmember Curry. Vote: 9-2(Eisenhart, Vacchi)-0. The motion passes.

MOTION BY BOARDMEMBER MARSHALL THAT PRIOR TO ENTERING INTO A MILLS ACT AGREEMENT, THE EXISTING GARAGE DOOR SHALL BE REPLACED WITH ONE CONSISTENT WITH THE HISTORIC CHARACTER OF THE ORIGINAL PERIOD.

Second by Boardmember Berge. Vote: 10-1(Eisenhart)-0. The motion passes.

The meeting was recessed at 3:18 and reconvened at 3:33.

ITEM 12 – GUIDELINES FOR THE APPLICATION OF HRB DESIGNATION CRITERIA

This item was pulled from the Agenda by HRB Staff for additional analysis.

ITEM 13 – 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 and Supplemental Staff Memo dated February 8, 2006

Staff Report by Kelley Saunders

Presentation by Deputy Director Sheri Carr from Neighborhood Code Compliance (NCC)

Deputy Director Sheri Carr said that NCC does not have the authority to require the property owner to restore the property to the condition in which it was at the time of the permit application or to rebuild property that was demolished without a permit. NCC does get involved in the permit process to see that things are done in a timely manner. They put deadlines in place when there is a code enforcement action. In this case, they didn't get involved until November 15, 2006 and they then sent out a letter saying basically: "You're doing work without a permit. You need to stop." When NCC received additional information on November 22, they went out and posted the property, and said "You need to cease work immediately and obtain the proper permit."

Deputy City Attorney Marianne Greene said that she had prepared a memo on this issue which is being reviewed by the City Attorney's office to determine what is the proper date to look back to for designation. She will report back when that review process is complete.

Public Testimony Opened

In Favor: Ron May, representing Mission Hills Heritage

Opposed: Scott Moomjian and Randy Whaley (who did not speak)

Public Testimony Closed

BOARD DISCUSSION

Boardmember Harrison asked the Deputy City Attorney to respond to the legal issues raised. He also asked if this is the proper time to hear this item as there are some unresolved issues. Deputy City Attorney Greene said that although she has prepared a draft memo regarding in what condition and at what time the property can be considered for designation, it has to be reviewed

by other attorneys in the office. After review, it can be used by the Board for future decisions. Boardmember Harrison wanted to know if the Board had been so prejudiced by the testimony of the Code Compliance Officer that it presents a legal challenge to what the Board is doing here, as Mr. Moomjian had suggested. Deputy City Attorney Greene replied, "No. You can fairly decide the matter on the facts before you for the designation." Boardmember Harrison then asked where are we then on this matter. Cathy Winterrowd said that staff has been working with the homeowner to redesign the project consistent with the standards. Boardmember Harrison wanted to know if continuance of this matter would facilitate the redesign and getting the City Attorney's office's opinion. Cathy Winterrowd said that the circular aspect of this case is that the Code Compliance case can't be settled until they know whether or not this is a designated historical resource, and asked Deputy Director Carr is this was correct. Deputy Director Carr responded that their issue was work done without a permit. Whether it is designated or not is up to this board. In her opinion, they are separate issues. Boardmember Vacchi asked Deputy Director Carr what her current remedy is. In this particular case, Code Compliance has issued a Civil Penalty Notice and Order. There will be a hearing where the applicant or his attorney can discuss the case will also be charged. She also said that she believes the Board's actions and Code Compliance's actions are separate and not intertwined. The clock would not continue to run on the civil penalties. However, there is another issue, as Deputy Director Carr understands it. The homeowners can't get a permit until a decision is made by HRB on whether or not this is a historic site.

Boardmember Marshall referred the Board back to the presentation. He said the Deputy City Attorney had said that we can judge it on its prior appearance. The Deputy City Attorney said this is not accurate as no official opinion has been given. As the legal opinion is still pending, then Boardmember Marshall thought the only option was to table this item. Boardmember Emme asked what staff is discussing with the property owner. Kelley said they are looking at options related to the project that would maintain the historical resource and make additions that would be consistent with the Secretary of Interior's Standards of Rehabilitation. It would not be a radically new modern home. Ms. Carr was asked what can Code Enforcement do in a case like this – can they make someone rebuild a house. She responded that the codes on environmental rehabilitation to which Mr. May had referred are quite different from this situation. The ordinance clearly states what remedies can be enforced when someone destroys an environmental resource. There is no ordinance that states what remedies can be taken when a home is demolished. Code Enforcement cannot make someone rebuild a house.

BOARD ACTION

BOARDMEMBER HARRISON MADE A MOTION TO CONTINUE THIS ITEM UNTIL SUCH TIME AS THE CITY ATTORNEY'S REPORT IS AVAILABLE TO US, AND THE CONSULTANT TO OUR COMMITTEE CAN GIVE US A REPORT ON THE STATUS OF THE NEGOTIATIONS.

Second by Boardmember Marshall.

DISCUSSION OF MOTION

Boardmember Eisenhart said this house is in his neighborhood, and he knows it quite well. Given that staff's report recommends designation under Criterion C, he could vote for designation. Boardmember Marshall read a sentence from the staff report which stated, "Staff has met with the City Attorney's office, who has confirmed that the Board may consider the property in its condition at the time the building permit application was deemed complete by the City of San Diego." He asked if that is no longer true. Kelley responded that at the time the memo was written, a different Deputy City Attorney was assigned to the Board. Deputy City Attorney Greene wrote her memo after that time, and her memo has been sent up for additional review. Boardmember Marshall wanted to have the written report changed or amended. Cathy said that she thought the Board's discussion has amended that statement. Boardmember Vacchi asked when the memo would be completed. Deputy City Attorney Greene replied that the memo is complete, but it may take a few weeks to have it reviewed. Boardmember Vacchi said that it would be better to continue this until a time uncertain under the circumstances. Deputy City Attorney Greene agreed that she didn't think the memo would be reviewed and approved by the next meeting; it would more likely be the month after that.

Vice Chair Schaefer asked about the draft resolution that had been distributed for the Board's consideration. He assumed that it merely shows the direction in which we are leaning, but it's not official. Cathy agreed.

The Chairperson asked for a vote on the motion to continue.

Vote: 9-1(Eisenhart)-0. The motion passes.

The Chairperson said that DAS Subcommittee will be held next door. She then adjourned the meeting at 4:05 P.M

REMINDER:

NEXT BOARD MEETING DATE: March 22, 2007

LOCATION: City Administration Building

12th Floor, Council Committee Room