THE CITY OF SAN DIEGO

MANAGER'S REPORT

DATE ISSUED: November 20, 200 REPORT NO. 02-270

ATTENTION: Honorable Mayor and City Council
Docket of November 26, 2002

SUBJECT: Appeal of the Historical Designation of the Fine Medical/Sim Bruce Richards Building

APPELLANT: Marco Vakili, Lennar Communities

REFERENCE: Historical Resources Board Agenda of September 26, 2002, Item # 11

SUMMARY

Issue - Should the City Council approve or deny the appeal of the Historical Resources Board (HRB) action to designate the Fine Medical/Sim Bruce Richards Building as a Historical Resource Site?

Staff Recommendation - Deny the appeal and uphold the decision of the Historical Resources Board to designate the Fine Medical/Sim Bruce Richards Building as a Historical Resource Site under HRB Criteria C (Architecture) and D (Master Architect).

Historical Resources Board Recommendation - Designate the Fine Medical/Sim Bruce Richards Building as a Historical Resource Site under HRB Criteria C (Architecture) and D (Master Architect).

Other Recommendations – The Uptown Community Planners considered the appeal at their meeting on November 5, 2002. The Uptown Community Planners voted 11-1-0 to recommend that the City Council approve the appeal.

Fiscal Impact - None.

BACKGROUND

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of September 26, 2002, to designate the Fine Medical/Sim Bruce Richards Building as a City of San Diego Historical Resource Site. Marco Vakili of Lennar Communities, future developer of the site, submitted the appeal on October 2, 2002. The property is located at 3060 Fifth Avenue in the Uptown Community, Council District 3 (see Attachment 1). The site is developed with a single story office building and a parking lot.

Historical Resources Board Review

The Fine Medical/Sim Bruce Richards Building came to the HRB's attention through the developer's submittal of a historical report dated May 2002. The property is in escrow with the developer Lennar Communities. Although the building is less than 45 years old, Lennar Communities commissioned the historical report because the building is associated with Master Architect Sim Bruce Richards, who designed the building. The historical report was prepared by Mooney & Associates and submitted to the HRB by Marie Burke Lia, Attorney-at-Law, representing Lennar Communities. The historical report itself concludes that the building is architecturally significant, although Ms. Lia's cover letter to the report concludes that the building is not significant (see report and cover letter in Attachment 2). The historical report describes the building's style as organic with Spanish Colonial themes in indigenous California materials.

Prior to the HRB's consideration of designation, the appellant and Ms. Lia discussed the building and the future project with the HRB Design Assistance Subcommittee on August 7, 2002, and September 4, 2002. Suggestions were made at the first meeting to consider alternatives that could preserve portions if not all of the building on the site, either by incorporating the façade into the project or preserving the critical portion of the existing façade as a freestanding wall.

Lennar Communities indicated at the second meeting, that code requirements would require a minimum 10-foot separation between the preserved façade and the new construction, and that such a void behind a wall would not meet their or the Community Plan's land use goals for Fifth Avenue. Ms. Lia offered what they considered to be an appropriate way to recognize Richards' work through digital imaging of the interior and exterior of the building that could be accessible to the public on a CD ROM and websites. The Design Assistance Subcommittee did not concur with this approach as it would leave no physical evidence of the building on the site, and would not be the most appropriate documentation for future research purposes (see Design Assistance Subcommittee meeting records in Attachment 3). The accepted standard for documenting historical resources is the Historic American Buildings Survey (HABS) documentation including physical drawings of the building, photographs and narrative.

The Design Assistance Subcommittee proceeded to recommend that efforts be made to preserve the Redwood and Fifth Avenue facades and corner of the building with a new building above and behind. The Fine Medical/Sim Bruce Richards Building is a one-story building that would easily allow a new building's podium to extend above it. The Subcommittee further suggested that, if

the applicant agreed to pursue this option, HRB staff should work with the City Building Development Review staff to address the application of the State Historical Building Code to allow this solution to occur. A representative of the Uptown Community Planners was at the meeting and said that the planning group would not support the designation in light of the higher density zoning standards on the site. The Uptown Community Planners have since officially voted to recommend approval of the appeal to the City Council (see Attachment 4).

The HRB meeting was held on September 26, 2002, to consider designation (see HRB staff report in Attachment 5 and meeting minutes in Attachment 6). The HRB designated the Fine Medical/Sim Bruce Richards Building as a Historical Resource Site by a vote of eight (8) votes in favor and three (3) opposed based on the following factual information:

1. The applicant's historical report dated May 2002.
2. The staff report (P-02-154) dated September 12, 2002.
3. A field check of the site by HRB members.
4. Photographs submitted by both staff and the applicant's historical consultant.
5. Public testimony by the applicant's representative, the developer and interested members of the public.

In acting to designate, the HRB felt that the building was significant not only due to the information presented in the applicant's consultant study and the building's association with Master Architect Sim Bruce Richards (a Sim Bruce Richards building previously before the HRB one year ago was not designated), but also due to its experimental use of adobe and redwood materials in a modern vernacular theme.

SD Municipal Code Appeal Requirements

The SD Municipal Code Section 123.0203 provides for appeals to an HRB decision to designate a site historical within 10 business days following the HRB decision. Said decision may be appealed by an applicant, owner or interested person. The Code requires the appeal be in writing, specifying wherein there was error in the decision of the HRB. The City Council may reject historical site designation based on:

- Factual errors in materials of information presented to the HRB;
- Violations of bylaws or hearing procedures; or
- Presentation of new information.

Based on the Council's evaluation under the above criteria, the City Council may by resolution affirm, reverse, or modify the determination of the HRB and make written findings in support of its decision.

Appellant Request

The appellant to the historical site designation of the Fine Medical/Sim Bruce Richards Building has submitted an appeal claiming "Factual errors in material of information presented to the

HRB" and "Presentation of new information," attached in Attachment 7 and summarized as follows:

1) *Buildings less than 50 years of age are not eligible for designation unless they are of "exceptional significance" and no information presented to the HRB established that the building meets that standard.*
2) *Staff advised the HRB that the1971 building's adobe construction material was experimental, which is impossible since this material has been used in construction in San Diego since the earliest European settlement.*
3) *The building does not meet Criterion C, Architecture, because it does not embody distinctive characteristics of a style, type, period or method of construction and is not a valuable example of the use of indigenous materials.*
4) *No information presented to the HRB justified that the building is an important, representative example of the work of Master Architect Sim Bruce Richards.*
5) *The circumstances under which the building was commissioned and constructed do not support its designation under the Criteria applied by the Board.*
6) *Relocation of the building to a city owned property, as suggested by a Board member, is not feasible.*

DISCUSSION

Appeal Standard: Factual errors in materials of information presented to the HRB.

In the appeal the applicant has raised four arguments related to this standard:

Appellant Argument:
Buildings less than 50 years of age are not eligible for designation unless they are of "exceptional significance" and no information presented to the HRB established that the building meets that standard.

Staff Evaluation
The developer's consultant prepared a historical report that concludes the building is architecturally significant. The report contains an evaluation of the resource's significance under the California Environmental Quality Act. For resources under 50 years in age, a resource may be significant if it meets the California Register Eligibility criteria and scholarly works demonstrate historical importance. The report states that the building "represents a distinctive example of Wrightian-inspired organic architecture…using natural materials and creative use of space and light…" The report goes on to catalogue Richards' contributions and importance to the history of architecture and summarizes his curated drawings and the scholarly works that address the importance of his body of work. The report concludes that: "sufficient time has passed to establish an appreciation of the historical importance of the Fine Medical/Sim Bruce Richards Building's organic design and of its associated architect, Sim Bruce Richards. As such, this building meets the elements for special consideration for resources achieving significance within the past 50 years." The developer's consultant report was provided to the HRB, so the HRB did in fact have information to establish the building's significance. The HRB further

discussed the way in which modern era architects experimented with adobe and redwood materials in Southern Californian, and Sim Bruce Richards' own vernacular approach in this particular building.

Appellant Argument
Staff advised the HRB that the1971 building's adobe construction material was experimental, which is impossible since this material has been used in construction in San Diego since the earliest European settlement.

Staff Evaluation
Staff's assessment that the construction material is experimental did not purport to state that the material has never been used before. Staff concurs that the use of adobe is well documented over the millennia. However, adobes from various eras are representative of differing technologies and approaches to methods of construction and architectural values. Adobes from the 1800s were constructed differently than modern adobes from the mid-1900s. The fact that a Master Architect was using adobe, redwood siding and heavy timbers in the early 1970s for the construction of a commercial office building in San Diego is unique. The coupling of the materials with Spanish Colonial architectural detailing is even more unique and yet grounded in Frank Lloyd Wright's inspiration for organic architecture. The term "experimental," therefore, is not intended to reflect a "new" material, but rather an experimental combination of indigenous materials for commercial construction in an era where it would be considered almost antithetical to the modern steel and glass construction typical for the building type.

Appellant Argument
The building does not meet Criterion C, Architecture, because it does not embody distinctive characteristics of a style, type, period or method of construction and is not a valuable example of the use of indigenous materials.

Staff Evaluation
The Fine Medical/Sim Bruce Richards Building is the only known commercial building of Richards' in San Diego, although he designed buildings from the East Coast to Hawaii over his distinguished career. The developer's consultant historical report concludes that the building embodies the distinctive characteristics of the organic architectural style inspired by Frank Lloyd Wright. Richards studied at Taliesin West under Frank Lloyd Wright with the goal of pursuing a future in textiles and weaving. However, at Taliesin West Richards re-discovered an interest in architecture that he had originally pursued in college. His body of work is primarily residential, although there are many examples of institutional building designed by Richards. His perspective on architecture was also inspired by Japanese design and attitudes toward color, space and landscape and natural materials such as wood, clay and brick. Richards' approach to site planning and his use of natural, indigenous materials conveyed "an airy and relaxing style" during a period when architectural style was "becoming increasingly rigid." As such, the Fine Medical/Sim Bruce Richards Building is a valuable example of organic-inspired design and the use of indigenous materials.

Appellant Argument
No information presented to the HRB justified that the building is an important, representative example of the work of Master Architect Sim Bruce Richards.

Staff Evaluation
The applicant's historical report and staff's report to the HRB concluded that the Fine Medical/Sim Bruce Richards Building is important in the scheme of Richards' overall body of work. His designs are characterized by their use of natural materials and vertical wood siding, the relationship of buildings to space, and a light and airy quality. The Fine Medical/Sim Bruce Richards Building exemplifies the characteristics of organic-inspired architectural style and Richards' use of natural, indigenous materials. The combination of forms, the exemplification of light and air, the incorporation of works of art, and the use of indigenous materials work together in a unique building. The fact that the building may be the only commercial building that Richards designed in San Diego makes it more important in understanding the breadth of Richards' work, rather than insignificant as the applicant now claims. Therefore, the site is representative as an important piece of Richards' entire approach to architecture. This evaluation contrasts with a prior evaluation of a Sim Bruce Richards building by the HRB, a house he designed in La Jolla in the 1960s. In that case, both the HRB and staff agreed that the building was not particularly significant to Sim Bruce Richards' body of work, as it embodied no special design, materials or siting considerations. On that basis the building was not designated.

<u>Appeal Standard:</u> Presentation of new information.

The appeal submitted identified two items of additional information the owner claims were not available at the HRB hearings. These are summarized and analyzed as follows:

Appellant Argument
The circumstances under which the building was commissioned and constructed do not support its designation under the Criteria applied by the Board.

Staff Evaluation
HRB staff assumes that this statement is further explained in the letter from Dr. Fine to the Mayor and City Council dated October 30, 2002, (see Attachment 8). Dr. Fine states that Richards designed the commercial building primarily because he was a friend of Dr. Fine's, having previously designed a residence for Dr. Fine. These facts are interesting aspects of the building's history. However, they do not have any impact on the significance, or lack thereof, of the building. The building's design stands on its own merits regardless of the reason it was designed and constructed.

Appellant Argument
Relocation of the building to a city owned property, as suggested by a Board member, is not feasible.

Staff Evaluation
This statement reflects one of a number of options for the disposition of the building discussed during the HRB Design Assistance Subcommittee consideration. The building could also be relocated to a private property; portions of it could be incorporated into the project on the site; or HABS Level I documentation could be prepared prior to the building's demolition. The ultimate disposition of the building has no bearing on whether or not it meets the criteria for designation. The HRB found that the building does meet the criteria for designation and acted accordingly. The discretionary process for the project will determine the ultimate disposition of the building, including its demolition if certain feasibility and economic hardship findings are made.

Conclusion

It is staff's conclusion that the Fine Medical/Sim Bruce Richards Building is an architecturally significant structure under HRB CRITERIA C (Architecture) and D (Master Architect). Built less than 50 years ago, it is the only known commercial building in San Diego designed by Master Architect Sim Bruce Richards in San Diego. The building is an excellent example of organic-inspired architecture utilizing, and experimenting with, indigenous materials including adobe and redwood. It is important in understanding Richards' overall body of work that was characterized by its use of natural materials and relationship of building volumes to space.

If the historic designation is upheld, the owner may still proceed with a new project on the site that could include: preservation of all or a part of the building's fabric; use of the State Historical Building Code to afford design flexibility provided it meets the requirements of the U. S. Secretary of the Interior's Standards; relocation; or HABS Level I documentation. Discussions with the Design Assistance Subcommittee did not reach consensus with the developer on these alternatives, although staff understands that the applicants are amenable to HABS documentation. The HRB has been very effective in working with applicants to assist in the preservation of historically designated structures, and if the designation is upheld, the HRB and its staff will assist the owner in designing a project that meets their development goals and treats the historical resource in an appropriate manner.

Staff believes that there are no grounds for appeal based on factual errors of information presented to the HRB or new information not considered by the HRB as shown in the discussion section. The HRB had extensive information available regarding the Fine Medical/Sim Bruce Richards Building prior to the hearing and during the hearing. In reviewing the appeal information submitted by the developer, staff has not identified any new information that was not considered by HRB that could now be considered by the City Council and would warrant a reversal of the HRB designation.

ALTERNATIVES

1. Approve the appeal, overturn the HRB action, and require that the applicant produce HABS Level I documentation including as-built drawings, a photographic record and narrative. This alternative would allow future generations of San Diegans and professional architects to study the architectural methods and features of Richards'

building, and would allow greater understanding of Richards' overall body of work. This alternative would not, however, preserve any physical evidence on site that would have historical and potential marketing value.

2. Approve the appeal and overturn the Historical Resources Board designation. This alternative would result in the demolition of an identified architectural resource without preserving a historical and architectural record for the study of professional architects and future generations.

Respectfully submitted,

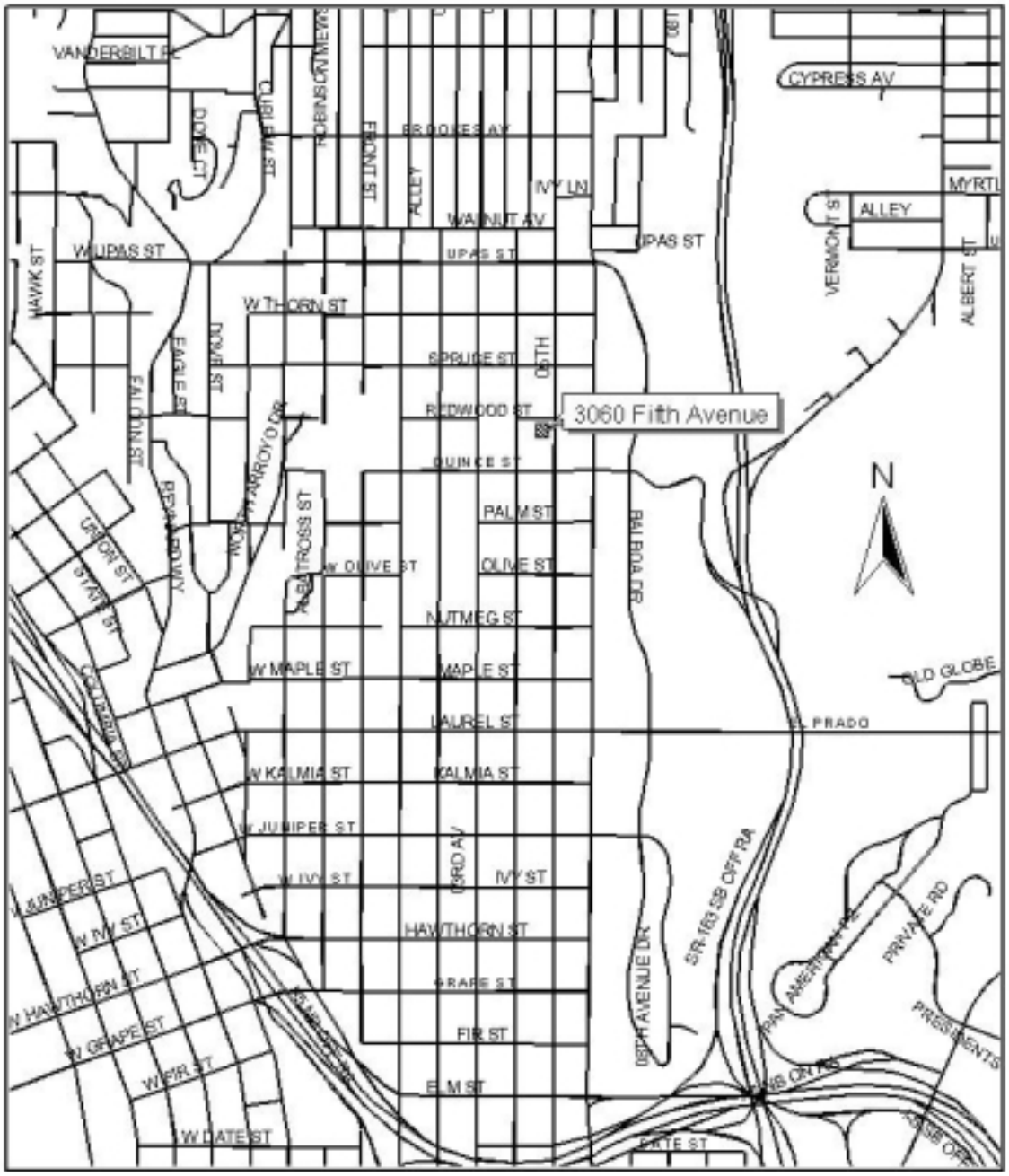
S. Gail Goldberg, AICP Planning Director	Approved: P. Lamont Ewell Assistant City Manager

GOLDBERG/TD

Attachments:
1. Location Map
2. Historical Study by Mooney & Associates dated May 2002 and cover letter (Note: Study provided under separate cover only to the City Council. Copy available for review in the Planning Department, 4th Floor, City Administration Building)
3. Design Assistance Subcommittee Meeting Records
4. Uptown Community Planners Recommendation of November 5, 2002
5. HRB Staff Report dated September 12, 2002
6. HRB Meeting Minutes, September 26, 2002
7. Applicant's Appeal Letter
8. Letter from Dr. Fine to Mayor and City Council dated October 30, 2002

Note: Attachments 2 – 8 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

LOCATION MAP

Fine Medical/Sim Bruce Richards Building

Uptown Community