THE CITY OF SAN DIEGO

MANAGER'S REPORT

DATE ISSUED: September 1, 2004 REPORT NO. 04-197

ATTENTION: Honorable Mayor and City Council
Docket of September 7, 2004

SUBJECT: Appeal of the Historical Designation of the Harwood Tichenor Rental Property

APPELLANT: Robin Munro, Esq. on behalf of Daniel G. Crotty, Thomas P. Crotty, Patrick H. Crotty, owners

REFERENCE: Historical Resources Board Agenda of April 22, 2004, Item No. 5

SUMMARY

Issue - Should the City Council approve or deny the appeal of the Historical Resources Board action to designate the Harwood Tichenor Rental Property as a Historical Resource Site?

Staff Recommendation - Deny the appeal and uphold the decision of the Historical Resources Board to designate the Harwood Tichenor Rental Property as a Historical Resource Site.

HRB Recommendation - Designate the Harwood Tichenor Rental Property under Historical Resources Board CRITERION C (Architecture).

Other Recommendations - None.

Fiscal Impact - None.

BACKGROUND

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of April 22, 2004, to designate the Harwood Tichenor Rental Property as a City of San Diego Historical Resource Site. The HRB voted 8-3-0 to designate the house based on HRB CRITERION C (Architecture). An appeal of the designation was submitted on May 6, 2004, by

Robin Munro, Esq. representing owners Daniel G. Crotty, Thomas P. Crotty, and Patrick H. Crotty. The property is located at 1151-1159 Tenth Avenue in the Centre City Community, Council District 2 (see Attachment 1).

Property Description

The Harwood Tichenor Rental Property is comprised of four structures: An 1880 Queen Anne Victorian cottage (1157 Tenth Avenue), a two-story commercial/residential addition (1159 Tenth Avenue), and two rear Craftsman-style units (1151, 1153-1155 Tenth Avenue) dating from approximately 1912. The subject of this appeal is the 1880 Victorian cottage, a small, two-story wood-frame house that was moved to its current location between 1889 and 1905. Its projecting two-story residential/commercial component (1159 Tenth Avenue) was added around 1912. It is not part of the designation.

The Queen Anne cottage features drop siding and diamond-patterned shingles in the gable end. The front gabled roof has a boxed cornice with a plain frieze and incised vergeboard. The second floor windows are double-hung sash. The original full porch, reached by brick steps, is now enclosed with a series of rectangular glass windows added in 1947. The northern addition, which is not part of the designation, has a flat roof, narrow bevel siding and plain double-hung sash windows on the upper story. The ground floor store front originally featured plate glass windows. The windows have been boarded up and the ground floor is now converted to residential use. The northern side wall belonged to former Fire Department Station No. 2 and is currently supported by pipe buttresses.

The attached HRB staff report (HRB-P-03-348) describes the property in more detail (see Attachments 3 & 4).

Historical Resources Board Review

This property was originally identified in a Historical Site Inventory of the Core Area of San Diego's downtown prepared for the Centre City Development Corporation in 1989. This inventory was updated in October 2003 by the Office of Marie Burke Lia, consultant to the Centre City Development Corporation, and brought to the Historical Resources Board (HRB) for adoption (see Attachment 5). This referral by the Centre City Development Corporation is in accordance with Centre City Planned District Ordinance Section 103.1904(e) which requires HRB review of previously identified potential historical sites. The 43 properties included in the inventory were first heard at the November 22, 2003 HRB meeting, where several property owners, including the new owners of the Harwood Tichenor Rental Property, asked for continuances (see Attachment 3). The previous owner of the Harwood Tichenor Rental Property was recently deceased and the estate was in probate. A local attorney representing the heirs stated that the Crotty family did not want the property designated as a historical site and that additional time was requested to prepare a rebuttal report. The HRB granted the request for a continuance to the April 22, 2004 meeting.

The rebuttal report, prepared by Architectural Historian Kathleen Crawford, concluded that the property did not meet HRB criteria for designation because of extensive alterations that compromised the original integrity of the 1880s building (see Attachment 6). Staff's analysis was that the Harwood Tichenor Rental Property had sufficient integrity to convey its historical

significance as a rare remaining example of a Queen Anne Victorian cottage in San Diego's City Centre. It therefore met one of the six historical designation criteria described in staff report HRB-P-03-348: HRB CRITERION C (Architecture).

On April 22, 2004, the HRB designated the Harwood Tichenor Rental Property as a Historical Resource Site by a vote of eight votes in favor (Ahern, Burnett, Chuang, Delawie, Malone, Marshall, Sewell, Silvas), three votes in opposition (Emme, Schaefer, Schwartz), and 0 abstentions (8-3-0) based on the following factual information:

1. The City Centre Redevelopment Corporation historical report, dated October 2003.
2. Supplemental rebuttal report from Kathleen Crawford, dated March 15, 2004.
3. The HRB staff report (HRB-P-03-348), dated November 7, 2003.
4. A memorandum dated April 9, 2004, supplementing staff report HRB-P-03-348.
5. A field check of the site by HRB members.
6. Photographs submitted by staff and the applicant.
7. Public testimony provided by the applicant's representative, the owner and owner's representative and, interested members of the public.

In acting to designate, the HRB concurred that the site is significant as a rare remaining example of an 1880-era Queen Anne Victorian cottage in San Diego's Downtown: HRB CRITERION C (Architecture). NOTE: the 1912 commercial/residential addition was NOT designated as part of the historical site, nor were the rear Craftsman-era bungalows designated.

San Diego Municipal Code Appeal Requirements

The San Diego Municipal Code (Code) Section 123.0203 provides for appeals of a Historical Resources Board (HRB) designation to be filed within ten business days following the HRB decision. Said decision may be appealed by an applicant or interested person, as defined by the Code. The Code requires the appeal to 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 City Council's evaluation under the above criteria, the Council may by resolution affirm, reverse, or modify the determination of the HRB and make written findings in support of its decision.

DISCUSSION

Appellant Request

The appellant to the historical site designation of the Harwood Tichenor Rental Property has submitted an appeal claiming factual errors and misinformation (see Attachment 2 for full appeal language). In summary, the facts cited in the appeal, with staff response, are:

1 & 3. Poor integrity and poor condition that impair architectural significance.

Staff Response
The applicant's report and the staff report both identified the poor condition of the property. The staff report included photographs where lost integrity was highlighted in red. Although the poor integrity of the building was noted during the HRB discussion, it was not a strong enough argument to discourage designation. The overriding argument in favor of designation was that the Victorian cottage property type, once so plentiful in the downtown area, is now extremely rare due to redevelopment activity. As a result of testimony at the hearing, provided by the applicant, the HRB Board (Board) concluded that the Victorian could be restored.

2. *Disregard of previous historical survey findings that the property was not architecturally significant.*

Staff Response
This property has been surveyed four times. In 1980, it was ranked "6," which meant "not historically significant." The 1989 Historic Site Inventory that was being updated stated: "Although the exterior has been modified, this structure retains certain elements of its original design and is thus deemed significant." No changes occurred to the Victorian residential portion of the property between 1989 and the present. The 2003 Lia/Moomjian Survey again ranked the property "6" (not historically significant), while staff disagreed and elevated the ranking to "5," meaning "significant at the local level." What has occurred since 1989 is a significant loss of other Victorian residences in the City Centre, which has left the Harwood Tichenor Victorian a rare survivor of a once plentiful building type. Because of its rarity, the property's significance was changed, despite its poor condition. It is not uncommon for evaluations to change due to the passage of time, which is why surveys are routinely updated.

4. *Speculation that the porch alterations and two-story commercial addition are reversible modifications.*

Staff Response
Staff contacted both the property owner and the property owner's representative for specific information regarding the reversibility of the alterations and additions. No information was provided in the written rebuttal report prepared by Kathleen Crawford; but, at the April 22, 2004 HRB meeting, Board members heard oral testimony from the property owners and their representatives about the noted modifications and their potential reversibility. Based on the owner's testimony, Board members concluded that the modifications were reversible.

5. *New front wall that defaced historic facade.*

Staff Response
This modification, noted in the written and photographic materials, is easily visible from the street. All Board members are required to read the staff reports and to visit the property as a condition of their vote to designate it. The field visit familiarizes Board members with the property's location, physical features and alterations. This personal observation enables them to form independent judgments apart from the staff reports. As a result of reading the staff reports

and conducting a field review, no Board member commented that the new front wall so severely defaced the property as to preclude designation.

6. *Staff recommended designating a fragment of the building. The property owner was not noticed that the entire structure could be designated; therefore, the owner was not prepared with information about the relationship between the original building and later additions at the HRB meeting.*

   The HRB relied upon misinformation to designate the entire structure.

Staff Response
The entire Victorian structure built in the 1880s was recommended for designation in the staff report. The 1912 addition was not recommended for designation. As a Certified Local Government, the HRB has the authority to designate all, or a portion of, any property put forth for designation under any HRB criteria, regardless of the staff recommendation.

As required by law, the property owners were duly noticed in writing twice. The notification stated: "The HRB will be considering this property for possible designation as a Historic Landmark in the City of San Diego."

In early December, staff phone conversations with Mr. Patrick Crotty and Ms. Robin Munro requested additional information on the relationship between the 1912 addition and the 1880s Victorian. Staff again contacted consultant Kathleen Crawford for this information when preparing the April staff report, since the requested information was not included in Ms. Crawford's report on behalf of the owners. Ms. Crawford did not address the issue prior to the meeting, so it could not be included in written materials to the HRB.

The owners' testimony at the HRB meeting convinced the HRB that the alterations to the Victorian portion of property were reversible and that the Victorian had sufficient exterior integrity to meet HRB designation criteria. The "misinformation" that the appeal indicates influenced the Board action was actually supplied by the property owners.

7. *Existing 10.0 FAR zoning for office/commercial use.*
8. *Involuntary designation with no public benefit, and economic hardship for property owners.*

Staff Response
These issues are not part of the HRB designation criteria that are based wholly on the historical value of the designated property. Economic impact is a finding required as part of the Site Development Permit process that occurs when a specific project is formally reviewed by City staff and it is determined that a designated structure cannot be feasibly incorporated into the new development.

CONCLUSION

The HRB considered all of the information presented to it, as indicated above, before making its decision. In doing so, the HRB gave weight to compelling arguments that resulted in

designation. There has been no new evidence submitted to refute the designation or to show that the information the HRB received was wrong. Therefore, staff recommends the appeal be denied based on the fact that no material information has been provided in support of the findings that the City Council needs to make in order to overturn the decision of the HRB.

In the event the appellant submits additional information before the City Council hearing date and after the issuance of this report, staff recommends that the City Council refer the information to the HRB for consideration. This will allow staff to review the information and make appropriate recommendations for the HRB to consider prior to the City Council taking action on the appeal.

ALTERNATIVES

1. Overturn Designation and Require Documentation
   Approve the appeal, overturn the HRB action, and require that the appellant produce a photographic survey and as-built drawings of the house and site. The site would not be acknowledged through a designation as a site reflecting the Victorian architectural history of San Diego.

2. Overturn Designation
   Approve the appeal and overturn the HRB action. The site would not be acknowledged through a designation as a site reflecting the Victorian architectural history of San Diego.

Respectfully submitted,

S. Gail Goldberg, AICP
Planning Director

Approved: George I. Loveland
Assistant City Manager

GOLDBERG/DK/ah

Note: Attachments 3, 4, 5, and 6 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:
1. Location Map
2. Appeal Form and Letter dated May 6, 2004
3 HRB Staff Report dated November 7, 2003, and meeting minutes (under separate cover)
4. HRB Staff Memorandum dated April 9, 2004 (under separate cover)
5. Applicant's Historical Report (under separate cover)
6. Supplemental Historical Report from Robin Munro, Esq. by Kathleen Crawford (under separate cover)