



The City of San Diego

Staff Report

DATE ISSUED: December 5, 2017

TO: City Council

FROM: Development Services Department

SUBJECT: Appeal of the Historical Designation of the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments

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Council District(s): 3

OVERVIEW:

This item is an appeal of the Historical Resources Board (HRB) decision to designate the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments located at 1525-1537 Union Street as a historical resource (HRB #1264).

PROPOSED ACTIONS:

Should the City Council grant the appeal and reverse the August 24, 2017 historical resource designation of the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments, located at 1525-1537 Union Street in Downtown, by the City of San Diego's Historical Resources Board?

DISCUSSION OF ITEM:

BACKGROUND

This item before City Council is an appeal of the Historical Resources Board (HRB) decision to designate the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments located at 1525-1537 Union Street as a historical resource (HRB #1264). The item was brought before the HRB by the owner, in conjunction with a voluntary designation consistent with [San Diego Municipal Code Section 123.0202](#) (Attachment 1). On May 31, 2017 a [Historical Resources Research Report](#) (Attachment 2) was submitted to HRB staff. The report submitted determined that the house was significant as a Spanish Eclectic style Bungalow Court Apartment and significant for its association with Master Builder Allen H. Hilton. The report noted that the property was constructed in 1926 and discussed the various iterations of bungalow court configurations. The report also discussed the current condition of the property and the modifications that have occurred over the years. Modifications included the re-introduction of historically appropriate wood windows, new fencing, and removal of some exterior doors. On August 10, 2017, HRB staff issued a staff report noting that staff concurred with the conclusions of the report (Attachment 3).

When evaluating architectural styles, staff and the HRB look to established and accepted source documents for guidance. *A Field Guide to American Houses* (McAlester, 2013) is one such widely used source, and provides information on architectural styles and the variants of the styles. The Spanish Eclectic style was typically built between 1915 and 1940. The main variants of the style consist of pitched or flat roofs with parapets; red tile roof coverings; typically with one or more prominent arches placed above door or principal window; or beneath porch roof; wall surface usually stucco; wall surface extends into gable without break; and a façade that is normally asymmetrical. The subject property, constructed in 1926, has attributes related to the Spanish Eclectic style, such as a stucco exterior and flat roofs with parapets; a raised parapet above the front entrance of each unit; and a small gable roofed projection at the front entrances sheathed with clay tile. The property is also significant as a bungalow court. A widely used source related to bungalow courts originated in the Spring 1988 issue of the *Journal of San Diego History* entitled "Bungalow Courts in San Diego: Monitoring a Sense of Place." The article defines a typical

bungalow court and classifies then into four categories based on the spatial relationship: “(1) detached, full court - the “classic” court consisting of individual cottages arranged around a spacious central garden (2) detached, narrow court - individual cottages arranged around a long, narrow, garden-like walkway (3) attached, full court - when two or more of the bungalows share a common wall, and (4) attached, narrow court. Since the term “court” implies an enclosed, designed space, in all cases the building arrangement included an end structure and a proper garden.” The subject bungalow court is arranged in a “detached narrow court” fashion forming a “U” shaped plan. There are six separate, single story units that face each other with a duplex located at the end. A concrete walkway bifurcates the single units and leads to the duplex at the end. The two front units fronting Union Street feature wing walls with an arched opening to access the side yard.

Prior to the August 24<sup>th</sup> HRB meeting, the appellant provided a letter dated August 21, 2017 (Attachment 4). The letter was from David Greeley who represents Robert Smith, the property owner of 1534 Front Street which is adjacent to the subject property. The letter provided an opinion that the HRB should not designate the property under HRB Criterion C. It opined that the property was not a good example of either a Spanish Eclectic style as the buildings were essentially “...flat-roofed stucco cubes connected by sidewalks with no architectural detail...” or a bungalow court as there were no proper garden. The letter also questioned the integrity of the buildings in terms of material and setting. The letter further details concerns about designation under HRB Criterion D and indicates that the property is not a notable work of Master Builder Allen H. Hilton due to issues previously noted under HRB Criterion C. The letter concludes with assertions that the designation of the property is not consistent with the zoning for the area and that the designation would impact Mr. Smith’s easement rights which run along the southern portion of the property. As noted previously, the property was evaluated consistent with established style guides and reference material, based on this information the property was determined to be eligible under HRB Criteria C and D. Regarding the assertion that historic designation of the property is inconsistent with the zoning, the Downtown Community Plan specifically addresses historic properties and the need to retain them or integrate them into new construction projects. The impact on Mr. Smith’s easement rights is outside of the purview of the HRB and is a subject that should be addressed between the property owners.

At a noticed public hearing of the HRB on August 24, 2017, staff recommended designation of the property under HRB Criterion C, as a good example of Spanish Eclectic Bungalow Court Apartments and HRB Criterion D, as a notable work of Master Builder Allen H. Hilton (Attachment 3 and 5). Following public testimony and HRB discussion, the HRB designated the property as historic per the staff’s recommendation by a vote of 10-0-0.

DISCUSSION

The City Council may overturn the action of the HRB to designate a historical resource under certain circumstances, consistent with the San Diego Municipal Code Section 123.0203 (Attachment 1). The Code states that the action of the Board in the designation process is final unless an appeal to the City Council is filed. An appeal shall be in writing and shall specify wherein there was error in the decision of the Board. The City Council may reject designation on the basis of: factual errors in materials or information presented to the Board; violations of hearing procedures by the Board or individual member; or presentation of new information. At the public hearing on the appeal, the City Council may by resolution affirm, reverse, or modify the determination of the Board and shall make written findings in support of its decision.

A neighboring property owner filed an appeal with the City Clerk on September 7, 2017 (Attachment 6). The materials state three grounds for appeal, including one under “factual errors,” one under “violations of bylaws,” and one under “new information.”

#### APPEAL ISSUES

##### 1. Factual Errors:

The appellant states that there were “factual in materials or information presented to the Board.”

##### Staff Response

The City’s *Guidelines for the Application of Historical Resources Board Designation Criteria* (Criteria Guidelines) are an attachment to the Historical Resources Guidelines of the Land Development Manual, and provide guidance on how to evaluate a resource under the City’s designation criteria and establish significance. The Criteria Guidelines address and elaborate upon each aspect of the designation criteria. HRB Criterion C states that a building may be eligible for designation if it “Embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of

indigenous materials or craftsmanship.” The Board designated the subject property under HRB Criterion C as a resource that retains “the distinctive characteristics of a Spanish Eclectic style bungalow court apartments.” The property was also designated under HRB Criterion D as a “notable work of Master Builder Allen H. Hilton.” The appellant has not substantiated his claim that there were factual errors. Therefore, the HRB’s action to designate was not based on a factual error; and staff disagrees that a finding can be made to uphold the appeal on this ground.

2. Violations of Bylaws:

The appellant states that there were “violations of bylaws or hearing procedures by the Board or individual member.”

Staff Response

Section 123.0202(a) requires that the owner of a property being considered for designation is notified 10 business days prior to the HRB hearing. The notice for the August 24, 2017 is dated August 2, 2017 which is 16 business days prior to the hearing.

As noted previously, the Criteria Guidelines address and elaborate upon each aspect of the designation criteria. HRB Criterion C states that a building may be eligible for designation if it “Embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship.” The Board designated the subject property under HRB Criterion C as a resource that retains “the distinctive characteristics of a Spanish Eclectic style bungalow court apartments.” Furthermore, the Criteria Guidelines state that a property is significant under HRB Criterion D as a “. . . representative of the notable work or a master builder, designer, architect, engineer, landscape architect, interior designer, artist, or craftsman.” The property was designated based on information provided in the report and oral evidence provided at the hearing.

The appellant has not substantiated his claim that there were violations of bylaws in either noticing of the meeting or the manner in which the property was evaluated. Therefore, the HRB’s action to designate did not involve violations of the bylaws and staff disagrees that a finding can be made to uphold the appeal on this ground.

3. New Information

The appellant states that there is “new information.”

Staff Response

The appellant has not provided any new information regarding the property. Therefore, staff disagrees that a finding can be made to uphold the appeal on this ground.

CONCLUSION

The San Diego Municipal Code [123.0203](#) limits the findings for an appeal to the following:

1. *“Factual errors in materials or information presented to the Board”*
2. *“Violations of bylaws or hearing procedures by the Board or individual member”*
3. *“Presentation of new information”*

The required findings for an appeal cannot be made. No factual errors in material or information presented to the Board have been identified; no violations of hearing procedures by the Board or individual member occurred; and no new information relevant to the designation of the property has been provided. The designation was processed in

accordance with the Municipal Code regulations for Designation of Historical Resources (Chapter 12, Article 3, Division 2).

Therefore, staff recommends that the City Council deny the appeal and not reverse or modify the historical designation of Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments located at 1525-1537 Union Street.

#### ALTERNATIVES

Grant the appeal and reverse the designation of the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments located at 1525-1537 Union Street. This alternative would remove the historical designation from the property, which would no longer be subject to the Historical Resources Regulations of the Municipal Code.

#### City Strategic Plan Goal(s)/Objective(s):

None

#### Fiscal Considerations:

None identified.

#### Environmental Impact:

Pursuant to Section 15060(c)(3) of CEQA Guidelines, the activity is not subject to CEQA because the activity is not a project as defined in Section 15378 of CEQA Guidelines.

#### Equal Opportunity Contracting Information (if applicable):

None

#### Previous Council and/or Committee Actions:

None

#### Key Stakeholders and Community Outreach Efforts:

The key stakeholder is the owner of the property, JMAN LLC. The owner has hired Heritage Architecture and Planning to represent them during their appeal. If the designation is upheld, the property owner will be required to maintain their property consistent with the U.S. Secretary of the Interior's Standards and the City's Historical Resources Regulations; and would be required to process a Site Development Permit if demolition or substantial alteration of the resource were proposed.

Additional stakeholders include historic preservationists and SOHO, represented by Bruce Coons, Executive Director. Approval of the appeal may result in demolition or substantial alteration of the building which could be perceived as an impact by the historic preservation community.

A noticed public hearing was held on August 24, 2017. Notices of Public Hearing were sent to the property owner and their representative prior to the hearing before the Historical Resources Board, consistent with Municipal Code requirements. Notices were also sent to interested parties including Council District 3, the San Diego History Center and SOHO. In addition, the agenda of the HRB meeting was posted on the City's website.

Robert Vacchi

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Department Director

David Graham

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Deputy Chief Operating Officer, Neighborhood  
Services

Attachments:

1. San Diego Municipal Code Chapter 12, Article 3, Division 2
2. Historical Resource Research Report prepared by Heritage Architecture and Planning, dated April 2017
3. Staff Report to HRB No. 17-048 dated August 10, 2017
4. Letter from David M. Greeley dated August 21, 2017
5. Minutes of the HRB Meeting of August 24, 2017
6. Appeal dated September 7, 2017