

HISTORIC RESOURCE COMMISSION
MEETING MINUTES

Regular Meeting

October 7, 2009

The regular meeting of the Coronado Historic Resource Commission was called to order at 3 p.m., Wednesday, October 7, 2009, at the Coronado City Hall Council Chambers, 1825 Strand Way, Coronado, California, by Chairperson O'Brien.

MEMBERS PRESENT: Commissioners Crenshaw, O'Brien, Ryan and St. Denis

MEMBERS ABSENT: Commissioner Jones

STAFF PRESENT: Ann McCaull, Associate Planner
Martha L Alvarez, Recording Secretary/Minutes Preparer

APPROVAL OF MINUTES

The minutes of August 19, 2009, were approved as submitted.

The minutes of September 16, 2009, were approved as submitted.

DIRECTOR'S REPORT

Ms. McCaull reported that staff is planning to submit to City Council a follow-up report on the Joint Historic Resource/City Council meeting to address questions that arose during the joint meeting, e.g. funding methods that have been identified, fiscal impacts on the Program to date. Ms. McCaull said she will present this report to City Council at their October 20 meeting.

ORAL COMMUNICATIONS AND OTHER MATTERS

Mayor Casey Tanaka said he understood that yesterday's City Council meeting was difficult for members of the Commission. He stated that every member of the City Council was unanimous in their support of the work the members do individually as a Commission. Mr. Tanaka said the City Council is fully aware of the pressures and difficulties that face a Board that has any level of authority. He stated that when a Board makes a difficult decision, it may upset some element of the group that they serve. As a Councilmember and a Mayor, there have been many times where he has made a decision where he understands that he will alienate one half or the other. It is the least pleasant part of the job. He wanted to remind the Commission that City Council is very happy with the work that the Commission does. He also reminded the Commission that 3 to 2 votes happen from time to time and that it reflects the difficult nature of a decision. He commented that the City Council decision was almost a 3 to 2 vote as well. He stated that when an appeal is heard from any Commission, they consider it very carefully and they do their best to make a determination on what they feel the Ordinance supports. He feels that this was at the heart of the City Council's discussion at yesterday's meeting.

Commissioner Ryan thanked Mayor Tanaka for being present at the meeting and for supporting the Commission. He said that two Councilmembers expressed non support for the Historic Resource Commission and the historic element during yesterday's meeting. He recalls in 2003 when City Council members were 100 percent supportive and said he feels that support today is no longer unanimous.

Mayor Tanaka said he feels that the goal of having a joint meeting was for the Commission to better understand the policy direction of the City Council, and also for Council to have an opportunity to receive policy recommendations from the Commission. The Council is receptive to expertise advisement from the Commission although they may take a different direction. Mr. Tanaka said that it is unfortunate that an appeal serves as an opportunity for the two groups to dialogue. He noted that the dialogue is about the Ordinance and not about the individual members. He pointed out that the Commission's work is inherently subjective. One person's idea of historic may not be someone else's. Mr. Tanaka said he pointed out at yesterday's City Council meeting that the real discussion about the property in question was about what part of the property was determined to be historic—the front house, entire property, or gardens. He does not feel it is surprising to have a 3 to 2 vote on this type of item. There are many important issues to consider i.e. density and properties in the sale cycle; however, City Council must base their decision on the letter of the law and what the law of the Ordinance says. The City Council must be mindful of lawsuits and they must make sure that they are able to defend in court the decisions that are made. Mr. Tanaka said that yesterday's meeting was an opportunity to receive feedback, not in how they feel about Commissioners, but on how to interpret the Ordinance.

Scott Aurich thanked the Commissioners that supported the project. He said the comments he made about the Commissioners who were not in support of the project were aimed at their positions and were not personal. He said he understood the time, energy and effort the members invest when serving on the Commission. He is hopeful that they can continue to have a working relationship. He felt that the decision was overturned because the basis for the Commission's decision was outside the criteria. He also stated that approval should not be contingent on whether a property is on the market for sale. He hopes they can develop a better working relationship with the Commission, and that the Commission will look to the criteria that is presented to them and try to offer the community much more of a "carrot than the stick that has been wielded in the past." Simply denying a project and not trying to cooperate with the public is not the manner to obtain support and encourage preservation. He concluded that he is an advocate of preservation.

Kevin Rugee, 1024 Isabella Avenue, said that the vote taken at yesterday's City Council meeting was a difficult vote and a tough-fought battle. He stated that he respects all of the members of the Commission and their decisions. He said he understood that the Commission may not always agree with him but he will return and there will be other battles fought. He hopes, however, that in the future they can all work together to come up with an alternative that allows a property owner to continue to use their property in a manner they feel they have a right to. At yesterday's meeting, one Councilmember voted against any changes which he feels denies the property owner the right to change the property. He does not feel this is right nor promotes historic

preservation. He has worked with the Commission for many years and hopes that they can continue to have a good working relationship.

Chairperson O'Brien thanked Mr. Rugee for the work he has done in the community.

The following item which was scheduled at the end of the meeting was heard next.

DISCUSSION

Discussion regarding the City Council's action on appeal of Historic Resource Commission's decision to deny a Historic Resource Alteration Permit for the historically designated residence addressed as 1127 F Avenue and located in the R-1A (Single Family Residential) Zone. (HAP 3-09 Mark and Susan Mulzet)

Ms. McCaull updated the Commission on action taken by the City Council.

Scott Aurich reminded Vice Chair Crenshaw and Ryan that the first time the item was heard by the Commission, the applicant requested some encroachments into the setback that would have done everything the Commission asked for when it was denied a second time by the Commission. The encroachment and setback were designed because the owners were sensitive to preserving as much as could be preserved. He reiterated that the reason the Council approved the project was not because they do not respect the Commission's decision making methods but the particular decisions that were made by the Commission relating to those issues were not within the scope of the criteria. He feels that clarifying the issue of property in the sale cycle is important. He hopes that through this dialogue something productive emerges on how to approach future items.

Chairperson O'Brien stated he is very proud and appreciative of the Commission's effort that has been put forth. He understands that it is tough taking the hits sometimes, but he feels that the Commission has done a marvelous job. He feels that the Commission understands their roles and the power that is given them by the City Council and Mayor and he feels that they do the best they can.

Commissioner St. Denis said she is very thankful to Mayor Tanaka for coming and speaking to the Commission because they feel a bit bruised and battered. It is uncomfortable because as a Commission they are often divided; however, it is never personal. She stated that she has such respect and genuine affection for all of her fellow Commissioners. The Standards and Ordinances are intentionally flexible so that they can be interpreted at the local level by individual cities that see it as their own historic preservation program. She was encouraged by one of the speakers at the San Diego Preservation Workshop, David Marshall, a top preservation architect, who said that the San Diego Historic Commission is often divided 4 to 3 because of the way the Standards are written. Ms. St. Denis said she is uncomfortable when someone says one of the Commission members should be removed because of an opinion.

Vice Chair Crenshaw read into the record the following statement, “As a volunteer and longtime supporter of Coronado and its history, I was very surprised at the appeal process yesterday. I am not as upset with the results as I am with the process. This was not a level playing field. I would like to voice some concerns just for the record—and these are just my concerns. Coronado Municipal Code 1.16.040 on administrative hearings was included on our information packet. One of the sections state that the City Manager of Coronado or the Manager’s designee shall present the position of the City and shall be denoted as the presiding officer. The position of the City was ‘that the City Council uphold the decision of the Historic Resource Commission and deny the appeal.’ Rachel Hurst, Director of Community Development, who was designated as the Presiding Officer did not present the position of the City of Coronado. Mayor Tanaka started immediately with witness testimony which was limited to three minutes. With no background information available to the audience, the City provided no history, none of the reasons for the HRC’s denial or any of the background documentation. The seven witnesses that spoke had a total of 30 minutes. Mr. Rugee, the applicant, spoke with a PowerPoint presentation, that was also totally included in the packet, for over 40 minutes. According to the list of parties and witnesses, Mr. Scott Aurich was listed as a witness and should have been limited to three minutes. Instead he spoke for over 15 minutes and was allowed to voice his personal feelings and recommended to the City Council removal or at best re-training of those three members that voted that voted against his permit. We were literally bombarded and assailed. The Commission discussion following this was a real eye-opener for me. It is evident that the members of the HR Commission are working at dual purposes with the City Council. The question of preservation versus rehabilitation is a real issue and something that has never been addressed properly or properly documented. We need to review final resolutions to confirm the verbiage that is indeed what was intended. Obviously, members of the Commission that approved the 2004 historic designation disagree with the wording of the final Resolution. We as a Commission have to be perfectly clear with our setting precedents on everything we approve or deny. We need to be more consistent in everything we do—from approving historic homes for Mills Act to granting exceptions and variances to homes requesting changes. We al realize this is a public forum and that we are under a much larger microscope to public opinion. What has happened to public decorum. When our citizens believe that can make statements in front of our City Council that affect personal integrity and are not held accountable, where are we headed? It is a challenge. Having a difference of opinion is just that—an opinion. Am I wrong to expect anything better?”

Commissioner Ryan thanked Mr. Aurich for coming because in one of his letters, he states that the Commission members “need to be re-trained.” Mr. Ryan said he hopes that this will be his continuing education class. Mr. Ryan referred to a statement he read before the City Council yesterday. One of the first points was about process. He does not like to approve T’s and C’s when he does not know who the future owners will be—he does not feel it is good contract law; however, he has on many occasions voted to support projects in a sale cycle. It is also a concern when property owners are not present at the meetings. He stated that RSIP is the R-1 law and is always a consideration.

Chairperson O’Brien stated that everyone now has an opportunity to go forward.

PUBLIC HEARINGS

HAP 6-09 **FRED AND MARTHA JAY** – Request for Historic Resource Alteration Permit for proposed alterations to the historically designated residence addressed as 700 B Avenue and located in the R-1AE zone.

Director McCaull introduced the staff report as outlined in the agenda.

The applicant's representative, Kevin Rugee, 1024 Isabella Avenue, gave a brief overview of the request and answered questions.

The applicant, Martha Jay, 700 B Avenue, stated that the windows were replaced in 1986, and now they wish to replace them with windows that match the rest of the home.

PUBLIC COMMENT

There were no members of the public wishing to speak at this time.

COMMISSION DISCUSSION

Commissioner Ryan said this is a gorgeous house and is pleased that the owners are present at the meeting. He is in support of the request.

Vice Chair Crenshaw asked about the water heater located on the side of the house.

The applicant, Fred Jay, 700 B Avenue, clarified that it is a water softener which will be moved to another location.

Vice Chair Crenshaw said she is pleased with the lovely addition to the Winchester home.

Commissioner St. Denis agreed and said she will support the application. She is also very pleased with the carriage house.

COMMISSION ACTION

VICE CHAIR CRENSHAW MADE A MOTION TO APPROVE THE REQUEST AS SUBMITTED.

THE FOLLOWING FINDINGS WERE MADE:

- A. THAT THE PROPOSED ALTERATION IS CONSISTENT WITH THE PURPOSE AND INTENT OF THIS CHAPTER, THE HISTORIC PRESERVATION ELEMENT AND THE GENERAL PLAN.

- B. THE PROPOSED ALTERATION WILL NOT ADVERSELY AFFECT THE HISTORICAL, ARCHITECTURAL OR AESTHETIC VALUE OF THE HISTORIC RESOURCE.
- C. THE PROPOSED ALTERATION WILL RETAIN THE ESSENTIAL ELEMENTS THAT MAKE THE HISTORIC RESOURCE SIGNIFICANT.
- D. THE PROPOSED ALTERATION WILL NOT ADVERSELY AFFECT THE HISTORIC RESOURCE'S RELATIONSHIP TO ITS SURROUNDINGS AND NEIGHBORING HISTORIC RESOURCES.
- E. THE PROPOSED ALTERATION WILL COMPLY WITH THE SECRETARY OF INTERIOR'S STANDARDS AS SET FORTH IN SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966.

COMMISSIONER ST. DENIS SECONDED THE MOTION.

AYES: Commissioners Crenshaw, O'Brien, Ryan, and St. Denis.
NAYS: None.
ABSENT: Commissioner Jones.
ABSTAIN: None.

The motion passed with a vote of 4-0.

There is a 10-day appeal period.

HRPA 7-09 **FLAGSHIP HAWAII LP** – Request for Historic Preservation Mills Act Agreement for the historically designated residence addressed as 300 First Street and located in the R-1B (Single Family Residential) Zone. *(Continued from the meeting of September 16, 2009)*

Chairperson O'Brien recused himself and stepped down from the dais.

Ms. McCaull introduced the staff report as outlined in the agenda.

Vice Chair Crenshaw asked about the restricted value of the property and whether it includes the second story addition.

Ms. McCaull responded that the restricted value includes the single story home. The addition is calculated at the normal value to arrive at a total of \$510,000, i.e. normal taxation of the second story addition.

Commissioner St. Denis commented that it is about an \$8,000 City investment.

PUBLIC COMMENT

Nancye Splinter, 1027 G Avenue, stated that the Mills Act funds are limited at this time and must be reserved for historic homes that need to be preserved and protected in their original state.

Many do not believe that houses that have been completely fixed should qualify for the Mills Act, that is, be at the top of the list. When a major architectural feature like the fabulous sloping roof is punctured in order to add a second story addition, the house is no longer in its original state. She said that the second floor is visible on all four sides because of the unusual lot. It is a magnificent remodel. She said that the O'Brien's and their partners have done a fabulous job. The attention to detail is wonderful. The house that exists today has a wonderful feel to it but it has changed significantly to qualify for the Mills Act funding.

Ms. Carrie O'Brien, 1140 Coronado Avenue, said she is part owner of the home and is helping to market the home. She reiterated that their intention was to save and restore the house. She said that this was originally a waterfront home. The point of the second story was to re-create some of the bay front ambience and bring the view back to the house—the second story gives the home a view of the bay. There is precedence for adding a second story to historic buildings. Bruce Coons helped them on the project by sharing the story of the historic building in Coconut Grove, Florida, where a second story was added in a similar manner. She pointed out that the second story addition is not receiving a Mills Act benefit.

The applicant's representative, Mark Blore, 513 2nd Street, gave a brief overview of the original materials that were saved and answered questions.

COMMISSION DISCUSSION

Commissioner Ryan said this home is a poster child of something that was intended to be bulldozed and torn down. The owners then went through the process of saving it. It is now such a part of Coronado's history, especially before and after the war. Mr. Ryan stated he would support the request.

Commissioner St. Denis said that one of the things she learned from the Preservation Workshop is the importance of historic context, which is much more important than the individual buildings. Armand Jessop built the Manor House and then he proceeded to build these beach cottages that were beachfront facing the bay. When he arrived at this end of the street, the entire ambience changed. It became a very tropical area of Coronado. This home and other surrounding homes were built like Hawaiian plantation homes. This is what William Hebard saw when he built this long, low covered veranda to sit in the rocking chairs and enjoy the view. That historic context is lost. Ms. St. Denis said she sat on the home's porch this morning and realized that the view is significantly changed. She feels that it needs to be recaptured. Ms. St. Denis stated she would support the Mills Act application request.

Vice Chair Crenshaw said that she was involved in the process of saving this structure in 2006, and is very pleased that this home was saved. She read that the property frontage is actually on Alameda and that the sides face Palm and First although the address is technically on First Street. She noted this because the front façade is not affected. She also noted that although the site was not designated as historic, the owners did keep all of the landscaping. Bamboo fencing was installed and all tropical plants and shrubs were kept. She feels that the addition is exquisite and suggested that the application be approved with the restriction that the second story addition not

be included.

COMMISSION ACTION

COMMISSIONER RYAN MADE A MOTION TO RECOMMEND TO CITY COUNCIL APPROVAL OF THE REQUEST AS SUBMITTED, WITH THE CONDITION THAT THE SECOND STORY ADDITION BE EXCLUDED FROM THE MILLS ACT BENEFIT BECAUSE IT IS NEW CONSTRUCTION ADDED TO THE HISTORIC STRUCTURE.

COMMISSIONER ST. DENIS SECONDED THE MOTION.

Commissioner St. Denis added that Municipal Code 70.20.090, Item B, states “Flexibility and land uses and adaptive re-use in any residential zone, a historic resource may be used as a residential use, a combined residential and commercial use, solely as a commercial use, or any other use permitted by the City Council through a major special use permit.” Ms. St. Denis suggested the Commission keep their minds and hearts open to creative ideas received by the public for this home, e.g. appropriate commercial use.

AYES: Commissioners Crenshaw, Ryan, St. Denis.
NAYS: None.
ABSENT: Commissioner Jones, O’Brien.
ABSTAIN: None.

The motion passed with a vote of 3-0.

Chairperson O’Brien returned to the dais at 4:14 p.m.

DISCUSSION

Discussion regarding the City Council’s action on appeal of Historic Resource Commission’s decision to deny a Historic Resource Alteration Permit for the historically designated residence addressed as 1127 F Avenue and located in the R-1A (Single Family Residential) Zone. (HAP 3-09 Mark and Susan Mulzet)

Note: This item was taken up earlier in the meeting.

HR 5-09 **City of Coronado:** Preliminary discussion regarding proposed amendments to Chapter 70.20 regarding the City’s Historic Preservation Ordinance pertaining to Historic Districts and Chapter 70.22 regarding City Council review of Historic Resource Commission recommendations for alteration permits involving zoning exceptions. *(continued from the meeting of September 16, 2009)*

Ms. McCaull introduced the staff report as outlined in the agenda.

Vice Chair Crenshaw asked about the benefits of having an historic district.

Ms. McCaull said one of the main benefits of having an historic district is that the Commission can preserve the character of the district in terms of the amount of development that occurs. Each district that comes forward could propose their own set of criteria or guidelines to help regulate the development within its own district.

Commissioner St. Denis said this is why other cities choose to have historic districts.

Commissioner Ryan said that one of the benefits of having historic districts is that, even when there is an ever-changing political field, it is more difficult to take apart an historic district, creating one more layer of protection.

Commissioner St. Denis said that the 75 percent criteria may have a role in this. She asked about the process involved in creating an historic district.

Ms. McCaull said that an application for an historic district has never been presented to the City. There is a variety of ways that this can be accomplished and said that the Commission would want to be responsive to the applicants who are proposing a district. The Commission would ask that the applicants create some general concepts of what they envision as being the rules and regulations for themselves. There is not only historic homes within a historic district but also contributing homes that have not been designated historic. The Code states that contributing resources are designated resources. There can be a contributing resource that has not been designated yet and a district regulation may, for example, state that “any alteration to a contributing or designated resource will need to be approved by the Commission.” This would be helpful because even though the resource is not designated historic, the Commission and the neighborhood would have some comfort level in that the alterations made to the contributing structure will not impact the integrity of the larger district.

Vice Chair Crenshaw said these are wonderful definitions but suggested they need to be more specific.

Chairperson O’Brien said he agreed with staff inasmuch as the applicants would provide the specifics of their request.

Commissioner Ryan suggested that the definitions remain general to encourage the public—too specific a definition tends to discourage the public. He asked about the percentage of residences necessary to form an historic district.

Ms. McCaull said that generally it is over 50 percent. When the zone change was requested in order to increase the minimum lot size, it was 51 percent. This also applies to decal parking.

Commissioner St. Denis said she prefers the 51 percent to apply to historic districts as well. She stated that many cities have this percentage.

Commissioner Ryan agreed.

Ms. McCaull suggested that one of the amendments could state, "...Historic districts...at least 51 percent of the buildings shall be contributing." This means that 51 percent of the buildings would need to be historic.

Vice Chair Crenshaw asked if the building must be designated.

Ms. McCaull said that currently the definition of a contributing resource is "designated."

The Commission agreed that this should not be a requirement.

Commissioner St. Denis said that the building should be required to be a resource that contributes to the historic nature and not a historic resource.

Ms. McCaull then suggested that the definition of a contributing resource be amended to state, "...means a resource."

Commissioner Crenshaw asked if one of the requirements is for a building to be 75 years or older.

Commissioner St. Denis suggested it need only to contribute to the character, e.g. a Dorothy Howard Craftsman.

Commissioner St. Denis suggested the following: "51 percent of the property owners would need to be in favor of being part of an historic district."

Commissioner Ryan agreed.

Chairperson O'Brien suggested that a contributing house be 75 years or older but not designated and suggested that the Ordinance be changed so that a contributing property has some merit.

Commissioner St. Denis suggested the definition of contributing as follows: "It contributes to the character and scale of the neighborhood."

The Commission agreed.

Vice Chair Crenshaw suggested that a description of the benefits/incentives be included.

Commissioner Ryan suggested a plaque recognizing homes in a historic district.

The Commission agreed.

Martha Jay, 700 B Avenue, said that some homeowners will choose not to apply for historic designation; however, she hopes that if enough homeowners apply, a historic district can be formed.

The Commission agreed to change the language under 70.20.020(M) to read, “The City’s Ordinance identifies a “contributing resource as ‘historic resource,’ and requires that 51% of the homes within the district be ‘contributing.’”

IS 2-09 City of Coronado: Preliminary discussion regarding proposed amendments to the City’s California Environmental Quality Act (CEQA) Guidelines pertaining to the Historic Resource Commission’s review authority in the City’s CEQA review process. (continued from the meeting of September 16, 2009)

Ms. McCaull introduced the staff report as outlined in the agenda.

Chairperson O’Brien suggested that if an applicant’s request is denied by the Commission and they wish to pursue a CEQA review process, they can have that opportunity at the Council level on an appeal. Therefore, the Commission does not have to become involved in the CEQA process. Mr. O’Brien stated he would prefer the Commission not become CEQA experts.

Ms. McCaull clarified that CEQA is the California Environmental Quality Act, and EIR is the Environmental Impact Report.

Commissioner St. Denis said she did not feel she was qualified to become involved in the legal aspect of the CEQA review process.

Commissioner Ryan asked if the CEQA review process overlapped with the zoning rules and regulations.

Ms. McCaull stated that historic preservation is part of the CEQA.

Commissioner St. Denis said she feels that this review process should be at the Council level.

The Commission agreed that no changes would be forthcoming from the Commission with reference to the proposed amendments to the City’s CEQA Guidelines; that the City Council be the initial decision maker for direction in how to proceed with the environmental document; that the Commission would then review the document and if a determination by the Commission is made to deny the application request, that the City Council be the final decision maker for the certification of an environmental document via the appeal process.

MISCELLANEOUS

Chairperson O’Brien announced that at their meeting of November 4, Pella Windows will make a presentation about their new window product. Mr. O’Brien said he was impressed with their model windows. In addition, at a future meeting, Mr. O’Brien said he would like to speak about window restoration and Pella Window’s approach to a historically correct wood window.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:46 p.m.

Rachel A. Hurst, Director of Community Development,
Redevelopment & Housing Services