

## I Own It

By Joe Deegan, Dec. 28, 2006 San Diego Reader

San Diego — While delivering flyers in University Heights one day last spring, Mary Wendorf saw the tenants of an old home she admired moving out. They told her the house was to be torn down and a condo complex put in its place. For years Wendorf, a member of Uptown Planners community planning group, was friendly with the home's prior owner. But the woman died recently, and her heirs sold the property to a prospective developer. The woman "would be rolling over in her grave," Wendorf told me, "if she knew what was about to happen to her longtime home."

Local residents knew nothing of the sale or plans for condominiums at 4374 Cleveland Avenue. Upon investigation, however, they discovered that Jennifer Poiset, wife of San Diego dentist Mitchell Poiset, had obtained a building permit from the San Diego Development Services Department to construct a fourplex on the property. But Wendorf and others living nearby weren't about to acquiesce in the destruction of what they considered a neighborhood treasure. So on the advice of San Diego councilwoman Toni Atkins, they contacted the City's Historical Resources Board to obtain historic designation for the old Craftsman house.

The board is composed of volunteers with training in history, archaeology, architecture, land-use law, and related fields. The mayor appoints the volunteers, who are then approved by the city council. The board came into being as a response to the California Environmental Quality Act's demands that any building over 45 years old receive municipal review of its historicity before being torn down or substantially modified. In granting the Poisets a building permit at 4374 Cleveland, the City had already looked at the property and concluded that the house did not have historic significance by standards of the U.S. Interior Department.

Local residents felt they should have been notified that condos were going to replace the old house. But according to the Poisets' architect, Tim Golba, there is no "noticing" requirement for a fourplex in University Heights. Anything larger, he told me by phone, say, a six-unit building, would have required a "discretionary permit" that carries with it the responsibility to give written notification to neighbors within 300 feet of the project.

"And the community," said Golba, "is not in a historically protected 'overlay zone,' which would have prevented my clients from tearing down the house. Before buying the property they did their due diligence. If they had discovered an overlay zone, they would never have purchased it."

Nevertheless, said Mary Wendorf, "these surprises are happening in San Diego neighborhoods all the time. Almost overnight people will look out their windows and see another old home gone. They never even know what's coming."

But thanks to Wendorf's discovery, residents interested in the Cleveland Avenue home were able to have their voices heard. They formed the University Heights Historical Committee and collected 159

signatures on a petition to save the house through historic designation. As Toni Atkins suggested, they took the petition to the Historical Resources Board in June, a step that prompted the City's Development Services Department to order an expert historical review. For a report on the home, the department instructed Golba to hire a researcher from the historical consultants list the board puts on its website.

Golba, who has gone through the process often, hired attorney and historian Scott Moomjian to write the report on 4374 Cleveland, as well as on the house immediately behind it, which was to be demolished in the project too. Moomjian examined both houses and consulted San Diego County property records, which pinned down 4374 to a 1912 origin and 4376 to 1948.

To make its determinations, the Historical Resources Board uses six criteria involving such issues as whether renowned persons lived on the property or well-known historical events happened in connection with it. What became decisive in the case of 4374 Cleveland was Criterion C, which reads as follows: "[A building that merits historic designation embodies] the distinctive characteristics of the style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship."

Although the University Heights Historical Committee was attempting to save only the 1912 home, Moomjian acknowledged in his late-June report that both 4374 and 4376 Cleveland had been designed as Craftsman homes. But his report stated, among other things, that architecturally the homes' "style is common and not considered unique." In terms of their use, he argued, "Single-family residential use is common and is not considered unique."

However, uniqueness is hardly a requirement for historical designation, or only one Craftsman home would have been designated. Part of Moomjian's argument was that so many Craftsmans have already been designated in San Diego that another is not needed. He went on to make a stronger case. In his report, Moomjian considered a number of alterations to both houses, including a protective stucco-like coating and brickwork on the 1912 house that were not used on original Craftsmans. These, he felt, compromised the houses' historical integrity. A major conclusion of his report was that the houses were "not historically or architecturally significant. In their current condition," he wrote, "the buildings do not embody the distinctive characteristics of a type, period, or method of Craftsman construction." Therefore, they did not warrant receiving the City's official historic designation.

The practice of the Historical Resources Board is to allow the appellant to write its own report. Christine Mann, who received a master's degree from the New School of Architecture and Design in downtown San Diego, volunteered her time and on July 27 submitted a 50-page report for the University Heights group. Her report rebutted Moomjian on key points and made a case for the 4374 Cleveland's historic designation.

Among other issues, Mann focused on Moomjian's contention that Craftsmans were one-story houses and on this statement in his report: "The typical Craftsman residence usually includes a low-pitched gabled roof..." "In fact," wrote Mann, "the higher pitched gabled roof was created to accommodate a second story. Two of the most famous California architects, Charles Sumner Greene and Henry Mather Greene, are recognized for inspiring America to build simple one-and-a-half story bungalows.... Many of

these one-and-a-half story bungalows designed by the Greenes were publicized in magazines. Additionally many historically designated homes in Mission Hills have a similar higher pitched gable and second story.... In fact, in a Report from Mr. Moomjian for a similar home located [in Mission Hills] dated June 10, 2005, he states [that it] 'possesses many distinctive characteristics of the Craftsman style including, but not limited to, its high-pitched, side gabled roof with eave overhang....' "

Mann believes that **Moomjian** and several other experts listed on the Historical Resources Board's website **view their responsibility as proving what their clients want proved**. She cited Moomjian's occupation as an attorney to bolster her case.

I called **Moomjian** to ask him if he considers the historical-report-writing process to be adversarial in nature, like writing a brief defending a client in court. He replied that it is adversarial in cases of "involuntary site designation," such as at the Cleveland Avenue house, where someone other than the owner wants the house designated. "That's because clients don't want other people telling them what they can and can't do with their property," he said.

However, Ron May, an archaeologist also on the Historical Resources Board's consultant list, believes that when the Development Services Department asks for a report, it wants it to be objective. "The report should represent the house, not the client," he told me. **"But there are experts on the list who act as hired guns to serve only their clients' desires. And the developers know who they are."**

It occurred to me that in asking the developer to hire the researcher rather than appointing one, the City may not want the reports to be objective. After contacting the City's planning department to inquire, I received a call from Eric Symons of Mayor Sanders's office of communications. He said I might submit my questions regarding the historical-designation process through his e-mail address. "When Development Services...asks for a historical report on a property for the Historical Resources Board to consider," I wrote at the end of November, "does it expect the report to be objective rather than adversarial? If objective, what precautions are taken to ensure the reports are objective?" As of this writing, Symons has not written back.

After the property owners' and appellants' reports came in, the planning department's Kelly Saunders and Cathy Winterrowd wrote the city staff recommendation meant to guide the Historical Resources Board. "Staff's position," they wrote, "is that the issues which speak to the [historical] integrity of the property, namely the heavily textured paint, the replacement of the brick piers, the addition of [a concrete ramp in front], and the replacement of some wood windows, do impact and detract from the house and any potential significance to such an extent that the property is no longer eligible for designation.

"Furthermore, despite the Mann report's contention that the modifications are 'minimal alterations' which 'can easily be changed to restore the home to its original appearance,' the Board, as it is aware, may not condition designations to require restorations or modifications. All properties considered for designation must meet the criteria and be eligible for designation in their current condition."

Finally, echoing **Moomjian**, Saunders and Winterrowd wrote: "It should also be noted that the Craftsman style is not a unique or rare style within the City of San Diego and there are hundreds of Craftsman properties which have been designated, including several which are very similar in design and massing which exhibit far better integrity."

The decisive vote on 4374 Cleveland came in October, and the Historical Resources Board members who voted did not concur with staff. The board had first scheduled the University Heights committee's appeal for its August meeting. But at meeting time, only 8 of 15 board members showed up. The University Heights organizers would have needed all 8 votes to prevail. Yet the quorum for an official meeting was also 8, so the board could have gone ahead. "During the meeting," said Christine Mann, "Poiset threw a fit that we only wanted to stop development. He was very angry. He had such a sense of entitlement. And to think it's a Craftsman that's nearly 100 years old."

The board delayed the hearing until October 26. During the interim, the City changed the number of board members from 15 to 11, with the quorum being 6. When the October meeting came around, 7 board members attended. Six votes were needed for the appeal to succeed. The vote was taken, 5 board members voted in favor of the appeal, and 2 voted against it. So the appeal was denied. "Anyone who didn't show up," noted Mann, "was a vote for the developer."

In her report, Mann had argued that too much negative development had already occurred in University Heights. She explained to me later what she meant. "Too many ugly, boxlike condo buildings with parking rather than yards in front have already invaded University Heights," she said. This sentiment prompted a lecture in the city staff recommendations.

"Although the Board's function," wrote Saunders and Winterrowd, "is to address solely the historicity of the property..., the extent to which the Mann report addresses redevelopment in the community and the potential redevelopment of the 4374 Cleveland Avenue property merits a side note. Although staff acknowledges that there has been demolition of older homes over the years to accommodate new development which takes advantage of updated zoning allowances, historical designation should not be used to hinder or attempt to control redevelopment. The appropriate avenue for design controls is through the long range and current planning processes, not through designation of a property which does not meet the established Board criteria for designation."

But except in the most obvious cases, how is one to know whether a property meets "the established Board criteria for designation"? Councilwoman Atkins had told the University Heights Historical Committee to find out 4374 Cleveland's historical status from the board.

Nevertheless, contended the Poisets' architect, Tim Golba, investors must be able to know ahead of time whether investment properties are going to be held hostage to the historical-designation process. "My clients are not big developers," he told me. "This was a first-time thing for them. They figured they could proceed safely because the Cleveland house was in such ghastly shape. The chimney was almost falling off, the roof was badly bowed, and the interior looked like it had been finished from Kmart. The most that could be said for that house was that it was a period piece. Yet those people in University Heights acted like this was a watershed moment in historical preservation."

Christine Mann thought Golba greatly exaggerated the house's condition. "It doesn't matter anyway," she said, "because it is historical, not structural, integrity that is a criterion for historical designation." The City's staff report admitted the same point.

I asked Golba why he thought the board members on October 26 voted in favor of saving the house. "Lately," he said, "they've been erring in the direction of too much sensitivity to historical resources."

So maybe the Poisets should consider themselves lucky that they won with a 5-to-2 vote against them. On Friday, November 17, bulldozers appeared at 4374 Cleveland to tear the house down. By Monday it was rubble.