

Applicant Statement Regarding Mills Act Application for 1325 Sixth St.

We apologize for not being there in person to share our thoughts and our passion for the home's current aesthetic. We wanted to provide these written comments, so the Council could be informed of our view, the applicable guidelines, and its options to approve the application without further modification to the front porch or second floor balcony. We do not oppose the other conditions for the non-inclusion of the garage, ADU, or second story sunroom.

Executive Summary

The summary is lengthy. The most important takeaway from these comments should be that the Council understands it is to consider guidelines and standards to make a decision. They are not rigid requirements. The Council should consider and apply them as they were intended – to give factors for the Council to apply in reaching a conclusion within its discretion. The Council's main objection is to ensure the historic character of the home is preserved. With the current design that primary goal is achieved, and the Council may approve the application with the alterations in place to the front entry and the balcony railing. It is not just within the discretion, but it is appropriate given the design improvements, the faithfulness to the Spanish Eclectic design, the safety benefits, proper use of materials and workmanship, and the better view the public receives with the alterations in place.

The Historic Resource Commission members expressed their preference for the current design, but believed that they did not have the ability to permit the design to remain. That conclusion is not correct. The better design should not be destroyed because of a misunderstanding of the applicable standards and how they apply.

Spanish Eclectic Design Features

The home is Spanish Eclectic style. There is a lengthy Times of San Diego article explaining the features of a Spanish Eclectic home and its relationship to the 1915 Panama-California Exposition. The article details the primary characteristics of Spanish Eclectic architecture as (1) Stucco, (2) tile roof features, (3) columns, (4) wrought iron, including balcony railings, (5) arched windows and doors, (6) an asymmetry, among others. See <https://timesofsandiego.com/life/2016/11/05/weekend-design-all-about-californias-spanish-eclectic-style/>

The current residence at 1325 6th St. is a great example with each of the design elements of Spanish Eclectic Architecture present. It is extremely attractive.

When we presented to the Coronado Historic Resource Commission, we explained the benefits of the current design. The current design mirrors the second story design that is original to the home. The second story balcony was designed with three operable doors each with separate lights. The current front home design has three solid wood doors with separate windows matching the upstairs and consistent with the materials available in 1924. It must have been a very significant undertaking to source the doors and add them to the front. They also match the arched columns that define the front porch space. The exposure is southern, so it is the source of light to illuminate not only the interior room, but the dining room that follows.

It is all consistent with the original design and tracks it closely while adding more light and attractiveness. It is also more aesthetically pleasing to those who walk past the home. I have

received many favorable comments about the home and how people like its unique look. It is one of the few homes in Coronado that has received specific recognition for its front door. See the following excerpt from Premier San Diego Magazine.

PREMIER DESIGN INSPIRATION *luxury front doors*

An Open Door

These beautiful doors go from elegantly ornate to rustic simplicity and they all convey an aspect of the overall design aesthetic. The best part is that they are all from properties on the market and are ready and waiting to welcome you into your new home...



6. GORGEOUS SPANISH COLONIAL

In Coronado
Represented by Jan Clements,
Berkshire Hathaway HomeServices
California Properties

7. CARDIFF HIDEAWAY

In Cardiff by the Sea
Represented by Doug Barry,
Pacific Sotheby's International Realty

8. CUSTOM COVENANT GOLF COURSE VILLA

In Rancho Santa Fe
Represented by Janet Lawless Christ,
Coldwell Banker

9. GRAND ENTRANCE

In Fairbanks Ranch
Represented by Paul Fan,
Willis Allen Real Estate

10. STYLE AND SUBSTANCE

In Rancho Santa Fe
Represented by Linda Sansone,
Willis Allen Real Estate

11. WORLD-CLASS STYLE

In Fairbanks Ranch, Rancho Santa Fe
Represented by K. Ann Brizolis,
Pacific Sotheby's International Realty

12. CUSTOM SINGLE LEVEL MEDITERRANEAN

In La Jolla
Represented by Candace Leeds-Sears,
Pacific Sotheby's International Realty

For agent information go to the directory on pages 32 - 33



Available at

<https://www.facebook.com/photo/?fbid=10153231389722198&set=a.10151071890242198>

The Historic Resource Committee Members seemed to be unanimous in their agreement that the current design is better than the images available from 2010. They expressed agreement that it would be better to leave it, but they felt constrained by their understanding of the applicable guidelines and their ability to approve a Mills Act application with existing alterations. They felt they had to request reversion to match the images from 2010.

As a result, I want to focus on the applicable guidance to clarify that the outcome of this proceeding is not predetermined. Coronado has two applicable guidelines to consider for rehabilitation of a historic property (1) Secretary of Interior's Standards of Rehabilitating Historic Buildings and (2) Coronado's Guidelines for Alterations to Mills Act Properties. Each is designed to deal with application processes for rehabilitating and altering historic homes.

Neither has a direct application here, because we are not seeking to make any alterations. Instead, we are being asked to apply the standards to changes that previous property owners made.

Regulatory Scheme

The federal standards include 10 guiding principles that have no force of law and are not requirements. This is what was frustrating about the HRC meeting. Each member expressed the opinion that the current design is an improvement and does not seem to be out of character of the home, but they believed that the home had to be returned to its prior state. The issue is not nearly that cut and dried.

Coronado links the purported standards on their webpage. The link takes you to a an 88 page PDF. The PDF includes an abridged version of the standards and an elaborate set of subregulatory interpretations and guidance. Without being too formal on the law – subregulatory guidance has no force of law and is under increased scrutiny because it does not go through notice and comment rulemaking. The PDF materials are not the law.

The guidelines are found in a regulation. The regulation is 36 C.F.R. section 67.7. It is a result of rulemaking from the late 1980s and early 1990s. The language of the regulation is more informative than the PDF summary that Coronado provides. The PDF summary omits key language explaining why flexibility is important. It does not seem the HRC members were familiar with the regulation.

The regulation explains that “[...] a rehabilitation project must be determined by the Secretary to be **consistent with the historic character of the structure(s)** and, where applicable, the district in which it is located. 36 C.F.R. § 67.7(a). Also, the standards are not rigid. Instead, “The following Standards are to be applied to specific rehabilitation projects in **a reasonable manner**, [...]” 36 C.F.R. § 67.7(b).

The prefatory sections we cite are not in the PDF, but they are important, because they reiterate that the standards are guidance, but the most important principle is to be faithful to the historic character of the structure. The prior modifications have done that well. It is not complicated – they matched the original second story. The second story balcony is more prominent, because it is more visible from the street than the setback porch doors and windows.

Application of the Regulatory Guidance

The ten standards do not call for a different results. The first is met, because the original use (a single family residence) is still the current use. The second is met, because the historic character of the property shall be preserved. The second standard calls for “alteration of features and spaces that characterize a property.” This has not been violated, because the setback doors and winds do not create the main character of the home. Instead, the home is mainly characterized by the front arches, second story features, and asymmetry along with the small Spanish tile roof features. There should be no finding, and there has been no finding, that the front door and prior windows were central to the character of the home. In fact, they were not consistent with typical features of Spanish Eclectic homes, which typically have rounded windows and doors.

Standards 3 and 4 are inapplicable. Standard 5 is satisfied, because the altered design matches the historic features that define the property and uses materials consistent with what was available in 1924. Standards 6, 7, and 8 do not apply.

Standard 9 applies and deserves focus, “[...] exterior alterations, [...] shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.” The new work is consistent, matches the size, scale and features of the second story. They are also differentiated because each pane of glass is stamped with the applicable Code of California regulation for windows, which did not exist in 1924.

The regulation then calls for the workmanship to be consistent with the workmanship of the original construction. 36 C.F.R. § 67.7(c). (“The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question.”) There is no credible debate that the materials are consistent using solid wood doors, individual window lights, and even mortice locks, with period correct hardware.

There is further subregulatory guidance from the PDF linked by Coronado staff.

ENTRANCES AND PORCHES	
RECOMMENDED	NOT RECOMMENDED
<i>The following work is highlighted to indicate that it is specific to Rehabilitation projects and should only be considered after the preservation concerns have been addressed.</i>	
Designing the Replacement for Missing Historic Features	
Designing and installing a new entrance or porch when the historic feature is completely missing or has previously been replaced by one that is incompatible. It may be an accurate restoration based on documentary and physical evidence, but only when the historic entrance or porch to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing entrance or porch is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building.

See p. 112 - <https://www.coronado.ca.us/DocumentCenter/View/1027/Secretary-of-the-Interiors-Standards-for-Rehabilitation-PDF>

The subregulatory guidance addresses what is to be done with a historic feature has previously been replaced by one that is incompatible. We do not concede that the replaced design is incompatible, but even if it were, “it may be a new design that is compatible with the size, scale, material, and color of the historic building.” As explained above, there is no dispute that the current design is consistent and draws upon features from the second story.

Coronado guidance places more emphasis on the porch.

<https://www.coronado.ca.us/DocumentCenter/View/1025/City-of-Coronado-Alteration-Guidelines-for-Mills-Act-Properties-PDF>

For example section (D) states “Maintain and original porch, when feasible.” In this case, it is not feasible, because the alteration has already been occurred. So now we have a situation

where we are looking at an alteration and considering whether to go back in time and rehabilitate it, which is what the Secretary of Interior Standards provide guidance for. "Restoring an altered porch to its original design and configuration is recommended." Again, that is a recommendation that is to be guided by the principles that started this – what is the character of the building and is the design consistent with it. Given that the design is an improvement, follows the design of the original defining characteristics, and uses materials and workmanship consistent with the period, the Council may decide to allow the alteration to remain.

The HRC felt unduly constrained by what seems to be a limited understanding of the flexibility available to review of alterations.

Balcony

The same principles apply to the balcony. The wood balcony was not to code. The bedroom is used by our 7 year old child and we feel as though retrofitting the balcony to wood is an obvious and extremely dangerous hazard. The balcony receives constant sun exposure. Termites are everywhere. The wrought iron is consistent with Spanish Eclectic style, a material used in the period, and more durable. The Council has the ability to accept the alterations as they meet the Standards and Criteria.

Thank you for your consideration – Lily and Joe LaMagna