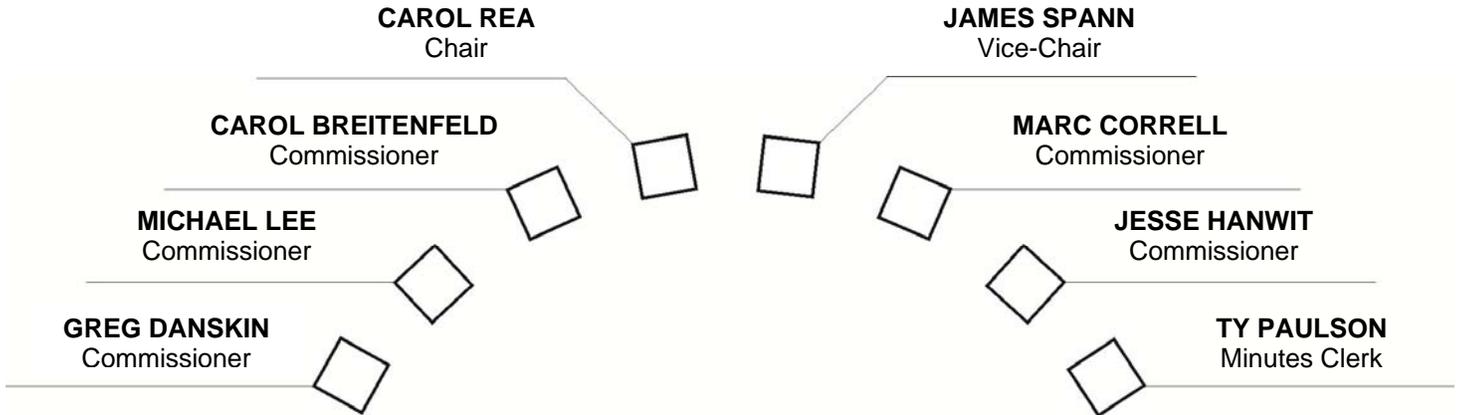


# CITY OF ESCONDIDO

## Historic Preservation Commission and Staff Seating



### AGENDA

#### HISTORIC PRESERVATION COMMISSION

201 N. Broadway  
City Hall Council Chambers

3:00 p.m.

June 7, 2016

- A. CALL TO ORDER
- B. FLAG SALUTE
- C. ROLL CALL
- D. REVIEW OF MINUTES: [April 5, 2016](#)

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The Brown Act provides an opportunity for members of the public to directly address the Commission on any item of interest to the public, before or during the Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the Chairman.

**Electronic Media:** Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and may be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Historic Preservation Commission are asked to state their names for the public record.

**Availability of supplemental materials after agenda posting:** Any supplemental writings or documents provided to the Historic Preservation Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services to individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643, with any requests for reasonable accommodation, at least 24 hours prior to the meeting.

**E. WRITTEN COMMUNICATION:**

"Under State law, all items under Written Communications can have no action and will be referred to the staff for administrative action or scheduled on a subsequent agenda."

**F. ORAL COMMUNICATION:**

"Under State law, all items under Oral Communications can have no action and will be referred to the staff for administrative action or scheduled on a subsequent agenda." This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

**G. PUBLIC HEARINGS:**

**1. LOCAL REGISTER & DESIGN REVIEW – Case No. HP 16-0001**

REQUEST: Local Register of a Weir Brothers' Adobe & Design Review of Modifications including Garage Conversion, Connecting Carport and Pool House Additions

ZONING/LOCATION: RE-30 / 2612 Loma Vista Drive

APPLICANT: Angelika Nederlof

STAFF: Paul

STAFF RECOMMENDATION: Conditional Approval

**2. MILLS ACT – Case No. HP 16-0002**

REQUEST: Local Register & Mills Act for the Victorian Stewart House

ZONING/LOCATION: R-1-6 / 439 East 5<sup>th</sup> Avenue (in the OEN)

APPLICANT: Brad & Claire Greene

STAFF: Paul

STAFF RECOMMENDATION: Approval

**H. CURRENT BUSINESS:**

**1. DESIGN REVIEW – Case No. ADM 16-0070**

REQUEST: Legalize small addition at rear of OEN residence

ZONING/LOCATION: R-1-6/ 245 East Tenth Avenue

APPLICANT: Porfirio Aguilar

STAFF: Paul

STAFF RECOMMENDATION: Conditional Approval

**2. AD HOC WORK GROUP REPORT ON UPDATING THE CITY'S HISTORIC GUIDELINES**

(Breitenfeld, Danskin, Taylor)

REQUEST: Staff

**3. AD HOC WORK GROUP REPORT ON MILLS ACT PROPERTIES**

(Breitenfeld, Rea, Spann)

REQUEST: Staff

**4. DISCUSS POSSIBLE TRAINING WEBINAR TOPIC AND DATES**

REQUEST: Staff

**Note:** Current Business items are those that under state law and local ordinances do not require either public notice or public hearings. Public comments may be limited to a maximum time of three minutes per person.

**I. ORAL COMMUNICATION:**

"Under State law, all items under Oral Communication can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda." This is the opportunity for members of the public to address the commission on any item of business within the jurisdiction of the Commission.

**J. COMMISSIONER COMMENTS**

**K. ADJOURNMENT TO NEXT REGULARLY SCHEDULED HPC MEETING on August 2, 2016**

**CITY OF ESCONDIDO**

**MINUTES OF THE SPECIAL MEETING OF THE  
ESCONDIDO HISTORIC PRESERVATION COMMISSION**

**April 5, 2016**

The regular meeting of the Historic Preservation Commission was called to order at 3:00 p.m. by Chair Rea in City Council Chambers, 201 North Broadway, Escondido, California.

**Commissioners present:** Chair Rea, Vice-chair Spann, Commissioner Hanwit, Commissioner Lee, Commissioner Danskin and Commissioner Breitenfeld.

**Commissioners absent:** Commissioner Correll.

**Staff present:** Rozanne Cherry, Principal Planner; Paul Bingham, Assistant Planner II; and Ty Paulson, Minutes Clerk.

**INTRODUCTION:**

Commissioner Hanwit introduced herself to the Commission.

**SELECTION OF CHAIR AND VICE-CHAIR:**

Carol Rea was selected to the Chair by a unanimous vote.

James Spann was selected to Vice-chair by a unanimous vote.

**MINUTES:**

Moved by Vice-chair Spann, seconded by Commissioner Lee, to approve the minutes of the October 6, 2015, meeting. Motion carried unanimously. Commissioner Danskin was absent from the vote. (5-0)

**WRITTEN COMMUNICATIONS:** Received.

**ORAL COMMUNICATIONS:** None.

**PUBLIC HEARINGS:** None.

## **CURRENT BUSINESS:**

### **1. DESIGN REVIEW – Case No. ADM 16-0046:**

REQUEST: Removal and reconstruction of previous additions to Local Register residence

Location: 215 West 15<sup>th</sup> Avenue

Paul Bingham, Assistant Planner, provided a description and background history for the subject property. Staff recommended approval of the request to demo the unpermitted chimney and rear patio that had been enclosed illegally into the side setback and create a smaller room addition in the rear with colors, materials, windows, and roofing to match the main house. Staff's primary concern was whether the rear roof addition should be a shed style roof or a gabled roof to better match the residence. Staff recommended approval with a gable roof.

Commissioner Danskin entered the meeting at this time.

Chair Rea and staff discussed the proposed square footage for the room addition.

**Kyle Openshaw, General Contractor**, noted that the goal was to renovate the house to make it appeal to potential renters. The proposed addition would be in the same location as the original rear patio cover, but unlike the larger unpermitted enclosure, would conform to the setbacks, creating a smaller footprint. He stated that the addition was approximately 240 square feet and would include a bedroom, bath, and laundry area. He indicated that the addition would help create a more useable backyard as well as upgrade the house that was in poor repair and difficult to rent out. He also noted that they would need to enhance the electrical.

Vice-chair Spann asked if the electrical would be brought back up to code. Mr. Openshaw replied in the affirmative.

Chair Rea asked if the patio roof was part of the original structure. Mr. Bingham replied in the affirmative.

Commissioner Hanwit questioned whether the windows of the main house were original and whether the new windows would match. Mr. Openshaw indicated that some of the windows were original, noting that the goal was to match the original windows at a reasonable cost. He also stated that he did not know the condition of the windows.

Chair Rea stated that she would be more supportive of approving an addition for an owner occupied residence versus a rental situation where the goal was to obtain more rent by altering the look of the original historic structure to accommodate an additional bedroom.

Vice-chair Spann expressed no issues with the proposed project but felt there should be some delineation from the original and new structure. He also felt that the original windows should be retained and that any new windows match the original windows.

Commissioner Lee and staff discussed the criteria in which the property was designated to the Local Register. Commissioner Danskin was in favor of the proposed project in concept but wanted to see more design details. Chair Rea concurred.

Chair Rea noted that the more original the property was, the more eligible it would be for the Mills Act.

Mr. Bingham noted that the Commission could authorize staff to administratively approve the project with Commission direction.

Commissioners Spann and Danskin were in favor of the roof addition incorporating a gable with the addition, and if room, step the wall back.

Mr. Openshaw noted that the subject roof already contained a step back.

**ACTION:**

Moved by Commissioner Danskin, seconded by Vice-chair Spann, to approve staff's recommendation. The motion included researching wooden windows where windows were being replaced and that the room addition would incorporate a gabled roof. Ayes: Spann, Hanwit, Lee, Danskin, and Breitenfeld. Noes: Rea. (5-1)

**2. DISCUSSION OF MAY'S HISTORIC PRESERVATION AWARD NOMINATIONS**

Rozanne Cherry, Principal Planner, referenced the nominations and then presented a PowerPoint presentation from Chair Rea.

Commissioner Danskin suggested incorporating the terms optimism, variety, space age, and the concept of simplicity into the presentation.

Discussion ensued regarding trimming down the slides or incorporating more of the photographs into one slide, taking out the reference to mobile homes, and including a picture of the Times Advocate Building taken along Pennsylvania Avenue. The consensus was to present six awards including an adaptive reuse award for the old North County Times building.

### **3. DISCUSSION OF HPC'S DESIGN REVIEW ROLE**

Chair Rea stated that she had recently noticed the Commission not being involved in the review of many historic or historic district properties where Certificates of Appropriateness were issued. She noted that the Commission's meetings were opportunities for public comment. Mr. Bingham referenced Article 40, Section 33-798, where the specifics of minor and major projects were detailed and requested input.

Chair Rea felt the Commission should weigh in more on architectural changes, such as a modification that was to occur to a historic commercial property on Grand Avenue.

Commissioner Danskin asked Mr. Bingham if one of the separating conditions between minor and major was that major involved permanent structural changes to a facility. Mr. Bingham generally agreed, adding that staff always retains the ability to refer a request they find difficult or controversial directly to the Commission, noting that they have done so in the past.

Mr. Bingham noted that staff had to balance minor projects, major projects, and code enforcement cases while being sensitive to the meeting schedule of the Commission and not to unduly delay a project. Mrs. Cherry noted that staff always looked at the City's Design Guidelines for historic resources as well as the Secretary of Interior Standards when considering projects.

### **4. UPCOMING TRAINING OPPORTUNITIES**

Rozanne Cherry, Principal Planner, and Paul Bingham, Assistant Planner, provided an overview of the upcoming training opportunities and requested input.

Chair Rea felt the Commission needed to look at opportunities to document historic resources. She also noted that on April 14 the OEN was holding a workshop on the Mills Act that would count towards training.

**5. UPDATE OF CERTIFICATES OF APPROPRIATENESS ON CITY'S WEBSITE**

Rozanne Cherry, Principal Planner, noted she and Mr. Bingham had been working with staff to update the posting of Certificates of Appropriateness on the City's website, stating that all of the 2014 and 2015 certificates were archived. Staff is now working on uploading certificates weekly.

Chair Rea questioned whether privacy issues were an issue since the Certificates of Appropriateness contained names and addresses. Staff offered to look into this. Discussion ensued regarding appropriate information to post.

**6. UPDATE REGARDING HPC BUSINESS CARDS**

Rozanne Cherry, Principal Planner, noted that staff had been working with the printer. The business cards would include the commissioner names, City logo, and the staff liaison.

**7. POSSIBLE OAKES ADOBE INTERPRETIVE PLAQUE FOR KIT CARSON PARK**

Rozanne Cherry, Principal Planner, provided the report and noted that the City Appearance Committee supported the proposal with Alexia Clausen potentially raising funds for the project.

**8. AD HOC WORK GROUP REPORT ON MILLS ACT MONITORING**

Chair Rea and Vice-chair Spann provided the update and noted that one of the Mills Act properties had burnt down approximately 17 years ago with nothing historic being left.

Vice-chair Spann did not feel there should be any back penalties for the owner. Mr. Bingham noted that taking someone off of the Mills Act did not include penalties, noting that it would wind down over 10 years.

Chair Rea noted that a second letter needed to be sent to the Mills Act owners who have not responded to the first visit request letter. The work group will provide staff with a list of those owners.

**9. AD HOC WORK GROUP REPORT ON UPDATING THE CITY'S HISTORIC GUIDELINES**

Chair Rea noted the group would be meeting after May.

**ORAL COMMUNICATIONS** - None.

**COMMISSIONER COMMENTS:**

Chair Rea thanked the City for replacing the roof on the train station.

Commissioner Danskin thanked Chair Rea for putting together the PowerPoint presentation.

**ADJOURNMENT:**

The meeting was adjourned at 5:10 pm. The next regular meeting was scheduled for June 7, 2016 at 3:00 p.m.

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Rozanne Cherry, Principal Planner

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Ty Paulson, Minutes Clerk

**HISTORIC PRESERVATION  
COMMISSION**

**Agenda Item No.: G.1  
Date: June 7, 2016**

**TO:** Historic Preservation Commission

**FROM:** Paul Bingham, Assistant Planner II

**REQUESTS:** Residence addressed as 2612 Loma Vista Drive (case number HP16-0001)

1. Local Register listing request,
2. Design Review of Modifications and
3. Consideration of the proposed CEQA exemption

**RECOMMENDATION:** Forward recommendations of approval to the City Council

**BACKGROUND:**

**City of Escondido Historical/Cultural Resources Survey**

A City of Escondido Historical/Cultural Resources Survey was completed in 1990 (Agis, May 1990). Close to 1,000 resources were inventoried in the survey for their significance. The Survey of 1990 was conducted in compliance with procedures established by the U.S. Department of the Interior, National Park Service and the State Office of Historic Preservation. A Historical/Cultural Resources Survey is a collection of information that identifies documents and describes the historical resources in the community. The survey also associates the resources with historical events and/or people. Among other preservation programs, the survey serves as the basis for historic preservation plans. The survey also fulfills a higher level of historic nomination requirements (Local, State and National), it allows for the applicability of Historic Building Code in regard to rehabilitation/renovation of structures, and justifies local, state and federal funding assistance.

**Local Register of Historic Places Listing**

The Historic Preservation Ordinance No. 2000-23, Section 33-794-5 identifies a process and criteria for listing historic structures on the City's Local Register. Requests for listing on the Local Register require that both the Historic Preservation Commission and the City Council conduct a public hearing to consider the request. The historic resource is evaluated against seven criteria and must meet at least two of the seven.

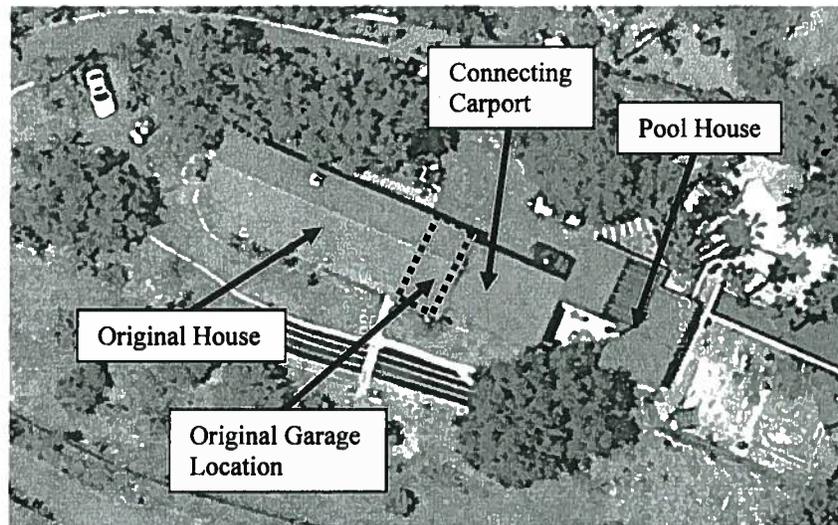
The subject property at 2612 Loma Vista Drive (APN 238-160-0900) consists of 1.05 acres with a single story Adobe Ranch residence built in 1952 by the famous Weir Brothers' Construction Company. The original owner of the property was L.R. Green, who produced adobe blocks locally and for whom L.R.



Green Elementary School is named. The property was part of "Homeland Acres," a subdivision of many adobe residences including two which won 2015 Historic Preservation awards, namely; "Hacienda de Vega" located at 2608 South Escondido Boulevard and "The Castle" located at 2775 Las Palmas Avenue. The property does not appear in the City's 2001 Historic Survey because the main house missed the search threshold by one year. The property is zoned RE-30. The original single bay garage on the north end of the subject property's main house was converted into a kitchen

during a past remodel and a large arcadia door fitted into the original garage door opening. A double

carport was then built to the north. This was later converted into a pool house and connected to the main house by a long carport roof. Except for the pool house conversion, it is believed all modifications were done prior to the property's annexation to the City on November 11, 1987. No other exterior changes to the main house have been made. It is the desire of the owner to rely on the Secretary of Interior Standards for historic properties and Historic Building Code. Staff believes this will help better preserve the historic integrity of the residence.



**ANALYSIS**  
**Escondido Historical/Cultural Resources Survey**

The applicant has conducted the required historic research and data collection, and has provided the information on the required format, State Department of Parks and Recreation forms (see attached). The information provided by the applicant, including historical background and descriptive analysis of the architectural style, is adequate for the purpose of determining the appropriateness of adding the structure to the survey. The applicant is not requesting a Mills Act contract at this time, although she may do so at a future date to assist in funding on-going preservation efforts. Local Register status is a requirement for Mills Act approval.

**Local Register of Historic Places Listing**

This request by the current owner, Angelika Nederlof, is to consider placing this resource on the Local Register.

The residence meets the following three of seven criteria (*note that only two are required for Local Register listing approval*):

1. Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation.

*The residence was designed and built by Weir Brothers' Construction Company, a famous local company started by Larry and Jack Weir and who built adobe homes in the southwestern United States and was also first owned by L.R. Green, once an important producer of adobe bricks.*

5. Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years.

*The existing Adobe Ranch was built circa 1952 and is currently 64 years old.*

6. Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district.

*The subject property is part of Homeland Acres, a subdivision of adobe homes, one of the largest concentrations of adobe structures in the United States outside of New Mexico.*

**Staff recommends approving the existing unpermitted modifications and recommending to Council approval of the Local Register listing and adoption of the CEQA exemption.**

Respectfully Submitted,

Paul K. Bingham  
Assistant Planner II

**P1. Other Identifier:**

\*P2. Location:  Not for Publication  Unrestricted \*a. County San Diego  
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)  
 \*b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_\_\_; R \_\_\_\_\_; 1/4 of Sec \_\_\_\_\_; B.M. \_\_\_\_\_  
 c. Address 2612 LOMA VISTA AVENUE City ESCONDIDO Zip 92025  
 d. UTM: (Give more than one for large and/or linear resources) Zone \_\_\_\_\_; \_\_\_\_\_ mE/ \_\_\_\_\_ mN  
 e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)  
BLOCK 30 OF HOMELAND ACRES ADDITION TO ESC. #2, MAP # 1241

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

TWO BEDROOM, ONE BATH TRADITIONAL ADOBE RAUCH, BUILT 1952  
 RED CLAY TILE ROOF, 4X6 EXPOSED RAFTER TAILS,  
 1,283 SQ. FT. LIVING AREA, APPROX. 81' X 25', SINGLE STORY,  
 STRUCTURE HAS BEEN PRESERVED AND MAINTAINED IN A  
 NEIGHBORHOOD OF ADOBE HOUSING.

\*P3b. Resource Attributes: (List attributes and codes) HP2 - SGL. FAMILY PROP. HP44 - ADOBE BLDG.

\*P4. Resources Present:  
 Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)



P5b. Description of Photo: (View, date accession #) \_\_\_\_\_

\*P6. Date Constructed/Age and Sources:  
 Historic  Prehistoric  Both  
1952

\*P7. Owner and Address:  
ANGELIKA NEDERLOF

\*P8. Recorded by: (Name, affiliation, and address) OWNER

\*P9. Date Recorded: \_\_\_\_\_  
 \*P10. Survey Type: (Describe) \_\_\_\_\_

\*P11. Report Citation: (Cite survey report and other sources, or enter "none.") \_\_\_\_\_

\*Attachments:  NONE  Location Map  Sketch Map  Continuation sheet  Building, Structures, & Object Record  
 Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List below)

**BUILDING, STRUCTURE, AND OBJECT RECORD**

Page 2 of 3 \*NRHP Status Code \_\_\_\_\_  
\*Resource Name or # (Assigned by recorder) \_\_\_\_\_

B1. Historic Name: WEIR BROTHERS CONSTRUCTION  
B2. Common Name: \_\_\_\_\_  
B3. Original Use: SINGLE FAMILY RESIDENCE B4. Present Use: SAME  
\*B5. Architectural Style: TRADITIONAL ADOBE RAUCH  
\*B6. Construction History: (Construction date, alterations, and date of alterations)

1952 - DWELLING & GARAGE BUILT, 1976 - GARAGE CONVERTED TO KITCHEN, W/ GARAGE DOOR CHANGED TO SL. SLIDING GLASS DOOR.

\*B7. Moved?  No  Yes  Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_  
\*B8. Related Features:

1976 - ADOBE COLUMN CARPORT BUILT  
1988 - ADOBE 4' HIGH RETAINING WALL @ CARPORT.

B9a. Architect: NONE b. Builder: WEIR BROS.

\*B10. Significance: Theme RESIDENTIAL ARCHITECTURE Area ESCONDIDO  
Period of Significance 1950 - 1988 Property Type SUBDIVISION Applicable Criteria N/A  
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

\_\_\_\_\_

B11. Additional Resource Attributes: (List attributes and codes) \_\_\_\_\_

\*B12. References: \_\_\_\_\_

B13. Remarks: \_\_\_\_\_

(Sketch Map with north arrow required)

\*B14. Evaluator: \_\_\_\_\_

\*Date of Evaluation: \_\_\_\_\_

(This space reserved for official comments.)

1.

THIS RESIDENCE IS AN ALL ADOBE STRUCTURE, CONSTRUCTED IN 1952 BY WEIR BROTHERS CONSTRUCTION CO., IN THE HOMELAND ACRES SUBDIVISION OF ADOBE HOMES.

2.

THE ORIGINAL ATTACHED ONE CAR GARAGE WAS CONVERTED TO A KITCHEN AND LAUNDRY ROOM IN 1970. THE GARAGE DOOR WAS REPLACED WITH A SLIDING GLASS DOOR, AND A PARTITION WALL BUILT FOR THE LAUNDRY ROOM WITHIN THE ADOBE WALLS.

3.

THE ADOBE HOUSE HAS BEEN PRESERVED AND MAINTAINED, WITH NO FORSEEABLE THREATS TO IT OR THE SITE.

**Angelika Nederlof**  
**2612 Loma Vista Dr.**  
**Escondido, CA**  
**92025**

**Nov 14, 1952 LR Green**

**Deed of Trust – Nov 20, 1952 / George Sinclair**

**Grant Deed - June 16, 1955 / John George & Aurora George**

**Grant Deed – May 21, 1973 / Ronald Lee Payne & Lynda E. Payne**

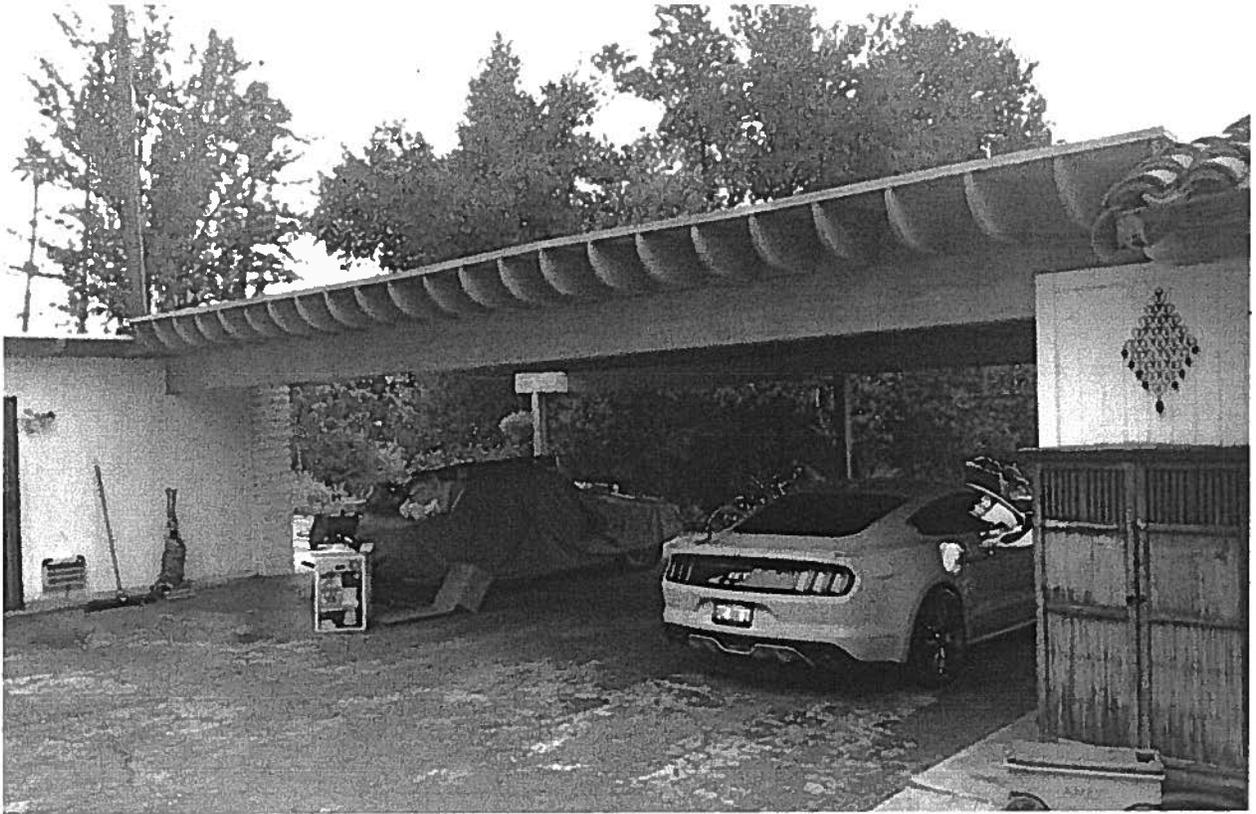
**Grant Deed – Nov 14, 1975 / Terry R. Berrettine & Norma B Berrettine**

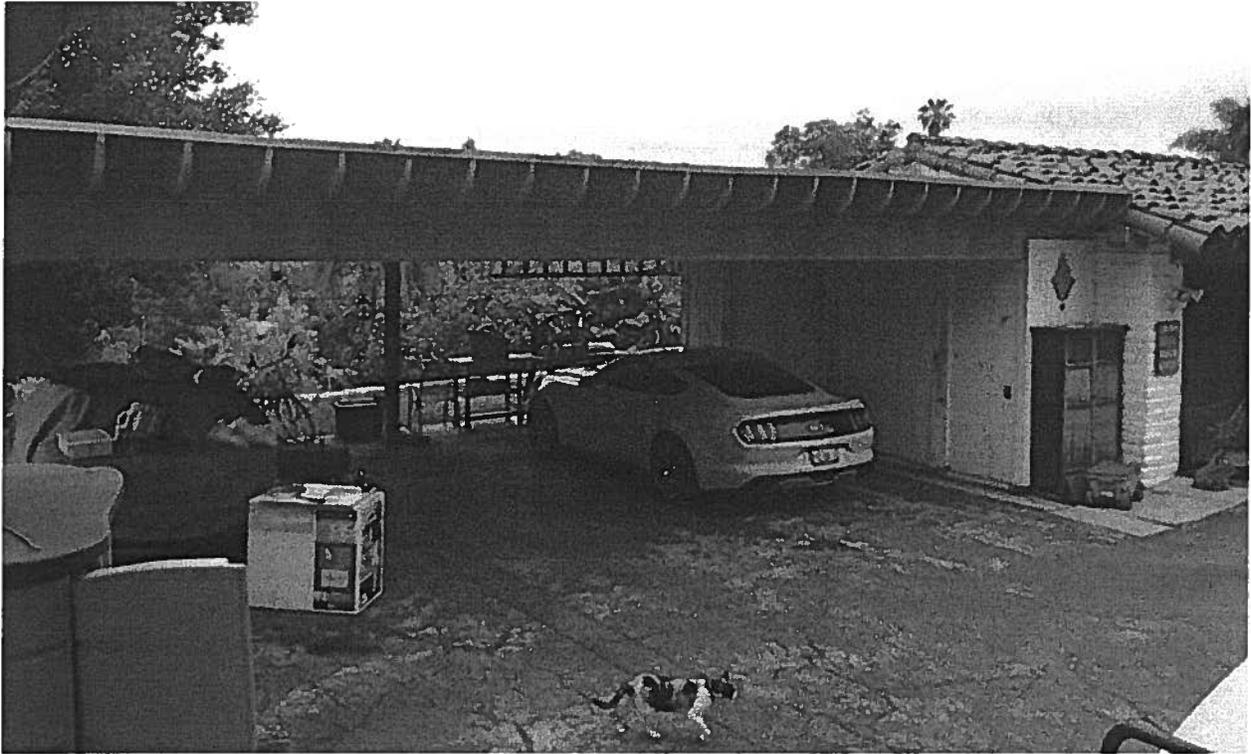
**Grant Deed – June 11, 1978 / Daniel H Dogherty & Lymnda R. Dogherty**

**Grant Deed – Oct 12, 1989 Gottfried Besenbruch**

**Quitclaim Deed Dec 22, 2014 – Trust to Susanne Besenbruch & Angelika Martin- AKA- Angelika Nederlof**











CITY OF ESCONDIDO  
PLANNING DIVISION  
201 NORTH BROADWAY  
ESCONDIDO, CA 92025-2798  
(760) 839-4671

**Notice of Exemption**

To: San Diego County Recorder's Office  
Attn: Chief Deputy Recorder Clerk  
1600 Pacific Highway, Room 260  
San Diego, CA 92101

From: City of Escondido  
201 North Broadway  
Escondido, CA 92025

**Project Title/Case No.:** HP 16-0001

**Project Location - specific:** Addressed as 2612 Loma Vista Drive (APN 238-160-0900), located on the west side of Loma Vista Drive north of Las Palmas Avenue.

**Project Location - City:** Escondido, **Project Location - County:** San Diego

**Description of Project:**

To approve listing the 1.04-acre subject property on the City's Local Register of Historic Places in the RE-30 (Single-Family Residential, 30,000 SF minimum lot size) zone, located in the E2 (Estate II) designation of the General Plan.

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Angelika Nederlof  
Address: 2612 Loma Vista Drive, Escondido, CA 92025

Telephone: (760) 294-1926

Private entity     School district     Local public agency     State agency     Other special district

**Exempt Status:**

Categorical Exemption: Section 15331, Class 31. "Historic Resource Restoration/Rehabilitation"

**Reasons why project is exempt:**

1. The project is within the RE-30 zone and the E2 designation of the General Plan and no variances are required.
2. The project will be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings.
3. The project will not be limited by the factors in section 15300.2 and will not adversely change the significance of a historical resource.

**Lead Agency Contact Person:** Paul K. Bingham

Area Code/Telephone/Extension (760) 839-4306

Signature: Paul K. Bingham  
Assistant Planner

5/20/16  
Date

Signed by Lead Agency  
 Signed by Applicant

Date received for filing at OPR:

## HISTORIC PRESERVATION COMMISSION

**Agenda Item No.: G.2**  
**Date: June 7, 2016**

**TO:** Historic Preservation Commission

**FROM:** Paul Bingham, Assistant Planner II

**REQUESTS:** Residence addressed as 439 East 5<sup>th</sup> Avenue (case number HP16-0002)

1. Local Register listing request,
2. Mills Act contract request and
3. Consideration of the proposed CEQA exemption

**RECOMMENDATION:** Forward recommendations of approval to the City Council

**BACKGROUND:**

**City of Escondido Historical/Cultural Resources Survey**

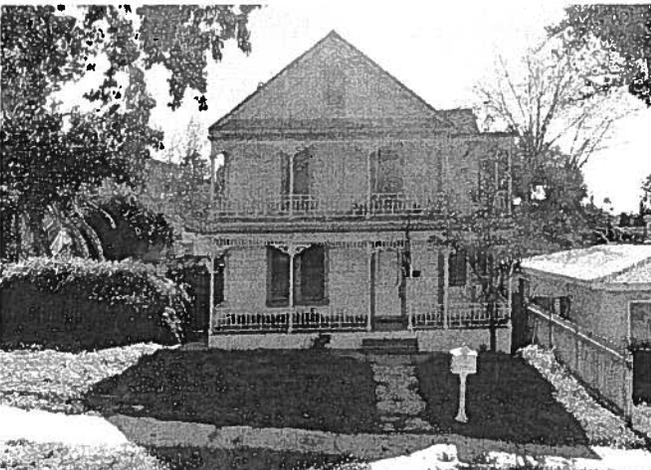
A City of Escondido Historical/Cultural Resources Survey was completed in 1990 (Agis, May 1990). Close to 1,000 resources were inventoried in the survey for their significance. The Survey of 1990 was conducted in compliance with procedures established by the U.S. Department of the Interior, National Park Service and the State Office of Historic Preservation. A Historical/Cultural Resources Survey is a collection of information that identifies documents and describes the historical resources in the community. The survey also associates the resources with historical events and/or people. Among other preservation programs, the survey serves as the basis for historic preservation plans. The survey also fulfills a higher level of historic nomination requirements (Local, State and National), it allows for the applicability of Historic Building Code in regard to rehabilitation/renovation of structures, and justifies local, state and federal funding assistance.

**Local Register of Historic Places Listing**

The Historic Preservation Ordinance No. 2000-23, Section 33-794-5 identifies a process and criteria for listing historic structures on the City's Local Register. Requests for listing on the Local Register require that both the Historic Preservation Commission and the City Council conduct a public hearing to consider the request. The historic resource is evaluated against seven criteria and must meet at least two of the seven.

**Mills Act Contract and Property Applying**

The Mills Act is a state law that enables owners of designated historic properties to enter into a preservation contract with their local legislative body and receive a substantial reduction in the property taxes. One of the incentives for the preservation of historic and/or cultural resources, approved in 1989, allows property owners of designated historic resources to enter into a Mills Act contract with the City. The revised Historic Ordinance 92-409, adopted by Council on October 28, 1992, clarified that a property owner may apply for a Mills Act contract if the resource has been listed as a Local Register property. The current owner is requesting that the subject property be approved for Local Register listing.



The subject property at 439 East 5<sup>th</sup> Avenue (APN 233-282-0500) consists of .20 acre with a two story Eastlake Victorian residence with ornate lacey porches and fish-scaled gables built circa 1880. The house was built by Alex Stewart, a blacksmith and farm machinery dealer. Mr. Stewart later became the

director of the Escondido National Bank. During World War I he served as Chairman of the City Board, the equivalent of Town Mayor. For more information, please see the attachments containing more background and history associated with this property. In 1992 this property was being considered for listing on the Local Register, but the owner at the time was successful in persuading the Commission to not include it, although it appeared to meet four of seven criteria for listing. The current owners desire to have the property included on the Register and to enter into a Mills Act contract for its continued preservation.

## **ANALYSIS**

### **Escondido Historical/Cultural Resources Survey**

The applicant has conducted the required historic research and data collection, and has provided the information on the required format, State Department of Parks and Recreation forms (see attached). The information provided by the applicant, including historical background and descriptive analysis of the architectural style, is adequate for the purpose of determining the appropriateness of adding the structures to the survey.

### **Local Register of Historic Places Listing**

This request by the current owners, Brad and Claire Greene, is to consider placing this resource on the Local Register.

The Stewart House meets the following five of seven criteria (*note that only two are required for Local Register listing approval*):

1. Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation.

*The structure was built by Alex Stewart, a blacksmith and farm machinery dealer who later became the director of the Escondido National Bank and served as Chairman of the City Board, the equivalent of being the Town Mayor.*

2. Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered.

*The existing Eastlake Victorian is one of particular interest due to its two levels of ornate wrap-around balconies. Its design is unique to the City.*

5. Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years.

*The existing Eastlake Victorian was built circa 1880 and is currently 136 years old.*

6. Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district.

*This residence is one of the most prominent on this very unique block where nearly every property is historic and listed on the City's Local Register.*

7. Escondido historical building that is one of the few remaining examples in the City possessing distinguishing characteristics of an architectural type.

*The existing Eastlake Victorian is one of a very few representatives of this era remaining in Escondido.*

### **Mills Act Contract**

The Mills Act contract is for a minimum of ten years, automatically renewed each year unless a notice of non-renewal is filed. The terms of the contract require that the property owner make a commitment to maintain the structure and surrounding property, per a maintenance schedule that has been included with this report (see attached). All improvements must be performed to the Secretary of the Interior Standards. In addition, the applicant has been informed that all exterior modifications require staff review. Staff feels that the proposed Mills Act Contract is appropriate since the property meets the established criteria for a historic resource, and adequate improvements have been listed.

Respectfully Submitted,



Paul K. Bingham  
Assistant Planner II

## **Mills Act Application List of Improvements**

Property Address: 439 East 5<sup>th</sup> Avenue  
Property Owners: Brad & Claire Green

1. Repair all significant exterior siding and trim wood damage and re-attach wood scroll finials in upper porch areas.
2. Repair front door hinge problem, prep, paint, and install new Victorian style decorative glass.
3. Install wooden stairs (instead of concrete) at the front of the house leading to the porch in original Victorian style.
4. Enclose leaning hazardous chimney with protective ship-lap boards that match the existing siding.
5. Prep and paint all window sashes with historically accurate paint color.
6. Paint exterior of house with historically appropriate colors.
7. Replace rotted wood planks on lower porch.
8. Install chimney liner and wood heating stove to improve safety of the heating utilities.
9. Professionally repair damaged original sash windows.
10. Restore upstairs bathroom, repair wood rot and replace damaged water pipes.
11. Restore downstairs bathroom, repair wood rot and replace damaged water pipes.

**NOMINATION REPORT FOR THE CITY OF ESCONDIDO  
LOCAL REGISTER OF HISTORIC PLACES**

Address of Resource: 439 East Fifth Avenue

Existing Use: Residence

Zoning: R-1-6

General Plan Designation: Urban 1

Tier Designation: Central/Tier 1

Construction Date: c1890

Meets Ordinance Criteria 2, 5, 6, and 7 for Local Register Listing.

**Justification for Register Listing:**

The primary significance of this house is its architectural style and almost unaltered appearance. The lacey two-story front porch is the dominant architectural feature. The house was built by Alex Stewart who is listed in the 1897 Escondido Directory as "Stewart, Alex, blacksmith." Family members claim that Stewart had the home building materials shipped around the Horn. Mr. Stewart is reputed to have moved to Escondido in 1890, and by 1905 he was listed as having the occupations of blacksmith, wagonmaker, and farm machinery dealer. Eventually, Mr. Stewart became a director of the Escondido National Savings Bank and a prominent member of the Chamber of Commerce. In the latter capacity, he was influential in road development and participated in various city projects. During World War I, he served as Chairman of the City Board, the equivalent of Mayor. He died in 1940 at his home. A picture of his two sons, Wallace and Hugh, sitting on a pony in front of the house in 1900 appears in "Escondido, a Pictorial History," by Frances Ryan.

This two-story Victorian home with shiplap siding and a tall gabled roof is in perfect condition. Vertical corner boards trim the edges and tall narrow double-hung windows are used throughout. The front-facing gable has enclosed eaves and a variety of fancy-cut shingles in rows. The shed-style roofed porch is two stories high and features carved posts and decorative sawn work on both floors. The railing pattern is geometric in feeling and is made of plain boards. A small roof of round shingles, with curved brackets, separates the first floor porch from the second floor porch, and a row of plain sawn work is placed below that. The front door features an arched window with pilasters on each side and panels below. A second door immediately to the west of this is plainer and has a small window beside it. A chimney reaches two stories high on the east side. This area may have been enclosed at a later time. A gable end with decorative fancy-cut shingles facing the west is the back.

Staff Recommendation:

Staff recommends this resource be deferred until property owner can be contacted to discuss the historic significance of the structure. On June 1, 1992, the property owner, Kent Threhold, requested not to be placed on the Local Register.

Commission Action:

On May 5, 1992, the Commission voted unanimously to defer until June 2, 1992, any decision to place this resource on the Local Register.

On June 2, 1992, the Commission voted unanimously not to place this structure on the Local Register.

City of Escondido  
**HISTORIC RESOURCES INVENTORY**

**IDENTIFICATION AND LOCATION**

1. **Historic Name** Alex Stewart House
2. **Common or Current Name** Stewart and/or Mount House
3. **Number & Street** 439 E. Fifth Avenue

**Ser.No.**  
**Natl. Reg. Status**  
**Local Designation**  
**Local Ranking** individ.signif.

- Cross-Corridor**
- City:** Escondido **Vicinity Only**      **Zip** 92025      **County:** San Diego
4. **UTM zone**      A E4931.40      B N36643.80      C Zone 11      D
5. **Quad map No.**      **Parcel No.** 233-282-05      **Other**

**DESCRIPTION**

6. **Property Category**      **If district, number of documented resources**
7. **Briefly describe the present physical appearance of the property, including condition, boundaries, related features, surroundings, and (if appropriate) architectural style.**

This two-story Victorian home with shiplap siding and a tall gabled roof is in perfect condition. Vertical corner boards trim the edges and tall, narrow, double-hung windows are used throughout. The front-facing gable has enclosed eaves and a variety of fancy-cut shingles in rows. The shed-style roofed porch is two stories high and features carved posts and decorative sawn work on both floors. The railing pattern is geometric in feeling and is made of plain boards. A small roof of round shingles, with curved brackets, separates the first floor porch from the second floor porch, and a row of plain sawn work is placed below that. The front door features an arched window with pilasters on each side and panels below. A second door immediately to the west of this is plainer and has a small window beside it. A chimney reached two stories high on the east side. This area may have been enclosed at a later time. A gable end with decorative fancy-cut shingles facing the west is the back. Another gable faces the rear (south).

The architectural style is: Eastlake Victorian

The condition is: excellent

The related features are: New board & batten addition in back. Not usable from street. Tank house is still intact.

The surroundings are: residential

The boundaries are:



8. **Planning Agency**  
City of Escondido
9. **Owner and Address**  
Marguerite M. Mount  
same
10. **Type of Ownership** private
11. **Present Use** residence
12. **Zoning**
13. **Threats** none known

## HISTORICAL INFORMATION

14. Construction Date(s) c1890                      Original location unknown                      Date moved
15. Alterations & date All porches have been enclosed or altered
16. Architect unknown                                      Builder unknown
17. Historic attributes (with number from list)

## SIGNIFICANCE AND EVALUATION

18. Context for Evaluation: Theme architecture                      Area  
Period                      Property Type                      Context formally developed?
19. Briefly discuss the property's importance within the context. Use historical and architectural analysis as appropriate. Compare with similar properties.

The primary significance of this house is its architectural style and almost unaltered appearance. The lacey two-story front porch is the dominant architectural feature. The house was built by Alex Stewart who is listed in the 1897 Escondido Directory as "Stewart, Alex, blacksmith." Family members claim that Stewart had the home building materials shipped around the Horn. He and his wife were from Nova Scotia and Massachusetts. Mr. Stewart is reputed to have moved to Escondido in 1890 and by 1905 he was listed as having the occupations of blacksmith, wagonmaker and farm machinery dealer. Eventually Mr. Stewart became a director of the Escondido National Savings Bank and a prominent member of the Chamber of Commerce. In the latter capacity he was influential in road development and participated in various city projects. During World War I he served as Chairman of the City Board, the equivalent of Mayor. He died in 1940 at this home. A picture of his two sons, Wallace and Hugh, sitting on a pony in front of the house in 1900, appears in "Escondido, a Pictorial History," by Frances Ryan.

## 20. Sources

"Escondido, A Pictorial History," Emily Wilt, historical society member.

## 21. Applicable National Register criteria

## 22. Other Recognition:

State Landmark Number

## 23. Evaluator

Date of Evaluation 1990

## 24. Survey type

## 25. Survey name

## 26. Year Form Prepared 1983

By(Name) Donald A. Cotton Associates

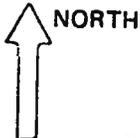
Organization Revised by Aegis 1990

Address 111 Spring Street

City & Zip Claremont, CA 91711

Phone (714) 621 1207

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):





CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Chief Deputy Recorder Clerk
1600 Pacific Highway, Room 260
San Diego, CA 92101

From: City of Escondido
201 North Broadway
Escondido, CA 92025

Project Title/Case No.: HP 16-0002

Project Location - specific: Addressed as 439 East 5th Avenue (APN 233-282-0500), located on the south side of East 5th Avenue between South Ivy Street and South Hickory Street.

Project Location - City: Escondido, Project Location - County: San Diego

Description of Project:

To approve listing the 0.20-acre subject property on the City's Local Register of Historic Places and entering into a Mills Act Contract in the R-1-6 (Single-Family Residential, 6,000 SF minimum lot size) zone, located in the U1 (Urban I) land use designation of the General Plan.

Name of Public Agency Approving Project: City of Escondido

Name(s) of Person or Agency Carrying Out Project:

Names: Brad & Claire Greene
Address: 439 East 5th Avenue, Escondido, CA 92025

Telephone: (442) 221-0560

Private entity School district Local public agency State agency Other special district

Exempt Status:

Categorical Exemption: Section 15331, Class 31. "Historic Resource Restoration/Rehabilitation"

Reasons why project is exempt:

- 1. The project is within the R-1-6 zone and U1 General Plan land use designation and no variances are required.
2. The project will be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings.
3. The project will not be limited by the factors in section 15300.2 and will not adversely change the significance of a historical resource.

Lead Agency Contact Person: Paul K. Bingham

Area Code/Telephone/Extension (760) 839-4306

Signature: Paul K. Bingham
Assistant Planner

5/20/16
Date

Signed by Lead Agency
Signed by Applicant

Date received for filing at OPR:



1. The house sits in the Escondido historict district area. It is known as The Alexander Stewart House. Alex Stewart migrated to United states to seek fortune. He went to Colorado to mine for gold in Leadville, sold his gold mine stake and moved to Escondido in mid 1880's. He had the house in Nova Scotia dismantled after his parents died and had the house shipped to California and reconstructed in 1890. Alex later became the chairman of the city board. He lived in the house until his death in 1940.

2. No

3. No

State of California --- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings \_\_\_\_\_  
Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 3 \*Resource Name or #: (Assigned by recorder) 439 E. 5th Ave.

P1. Other Identifier: \_\_\_\_\_

\*P2. Location:  Not for Publication  Unrestricted

\*a. County San Diego and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad Escondido Date 1894 T \_\_\_\_\_; R \_\_\_\_\_; \_\_\_\_\_ % of \_\_\_\_\_ % of Sec \_\_\_\_\_; \_\_\_\_\_ B.M.

c. Address 439 E. 5th Ave. City Escondido Zip 92025

d. UTM: (Give more than one for large and/or linear resources) Zone \_\_\_\_\_, \_\_\_\_\_ mE/ \_\_\_\_\_ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN 233-282-05

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)  
The 9100 sq ft. parcel at 439 E. 5th ave. contains a 2,206 sq ft. 2-storey Victorian house. This house dates to 1860 when it was built in Argyle Nova Scotia, Canada. The house was shipped by boat to Escondido in 1890 and reconstructed by 1894.

\*P3b. Resource Attributes: (List attributes and codes) R-1 Residential building

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



P5b. Description of Photo:  
(view, date, accession #) Photo 1, Camera facing South, December 24 2015

\*P6. Date Constructed/Age and Source:  
 Historic  Prehistoric  Both  
1894 / San Diego County recorder.

\*P7. Owner and Address: Claire Greene  
439 E. 5th Ave Escondido  
CA 92025

\*P8. Recorded by:  
(Name, affiliation, and address)  
Alex Stewart, Banker  
439 E. 5th Ave. Escondido CA  
92025

\*P9. Date Recorded: January 22nd, 1894

\*P10. Survey Type: (Describe) None

\*P11. Report Citation: (Cite survey report and other sources, or enter "none.") None

\*Attachments:  NONE  Location Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List): \_\_\_\_\_

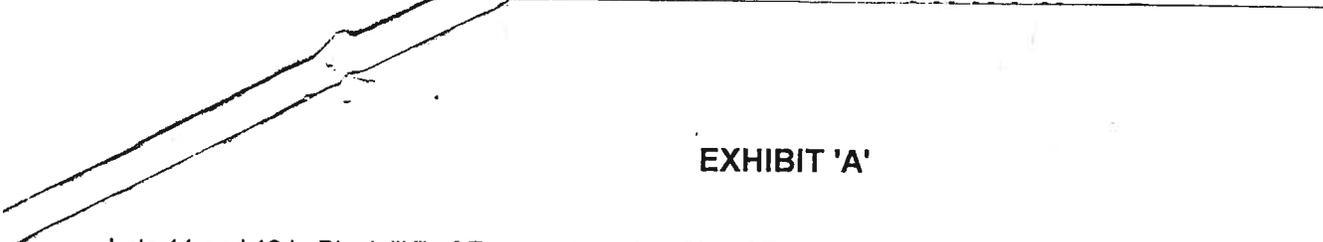
State of California -- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_

Page 3 of 3 \*Resource Name or #: (Assigned by recorder) 439 E. 5th Ave

Recorded by: \_\_\_\_\_ Date: \_\_\_\_\_

Continuation       Update



**EXHIBIT 'A'**

Lots 11 and 12 in Block "K" of Escondido, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 336, filed in the Office of the County Recorder of San Diego County, July 10, 1886.

Excepting From Said Lot 12, the Westerly 34.74 feet thereof







List of past and present owners of 439 E. 5<sup>th</sup> Ave. Escondido, Ca, 92025

Lizzy J. Roberts (no records exist of purchase.)

Sold on January 22<sup>nd</sup>, 1894 to Alexander Stewart.

Alexander Stewart sold to Hugh M. Stewart on Mar. 17, 1938

The microfilm records for the sale from Hugh M. Stewart to William H. Daniel and Mary C. Daniel were not available at the county office due to technical problems. The reel that we suspect has the information would not function in the viewer. County personnel could not get it to work either.

William H. Daniel and Mary C. Daniel sold the property to Marguerite M. Mount on Feb. 2, 1968.

Margaret Mount and D Kent Threlkeld received the property after the death of her Mother Marguerite Mount on Feb. 11 1993.

Margaret Mount quitclaimed the property to D Kent Threlkeld on July 22, 2009

D. Kent Threlkeld quit claimed the property to the D. Kent Threlkeld Trust on June 21, 2013

Current owner, Claire Ella Greene purchased the property May 19, 2014 from D. Kent Threlkeld Trust.





\*NRHP Status Code 552

Page 2 of 3 \*Resource Name or #: (Assigned by recorder)

439 E. 5th Ave.

- B1. Historic Name: Alexander Stewart House
- B2. Common Name: Private Residence
- B3. Original Use: Private Residence
- B4. Present Use: Private Residence
- \*B5. Architectural Style: Victorian
- \*B6. Construction History: (Construction date, alterations, and date of alterations)  
1894. Garage added in 1970.

\*B7. Moved?  No  Yes  Unknown Date: 1890 Original Location: Argyle, Nova Scotia

\*B8. Related Features:  
Eastlake Victorian construction.

B9a. Architect: Unknown b. Builder: Unknown

- \*B10. Significance: Theme Eastlake Victorian Area: Old Esccondido  
Period of Significance: 1860-1940 Property Type: Building Applicable Criteria: Historical Development  
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)  
One of the last Eastlake Victorian homes left in San Diego county.  
The first mayor of Esccondido lived here, Alex Stewart from 1894 to  
1940 and died in the house.

B11. Additional Resource Attributes: (List attributes and codes) N/A

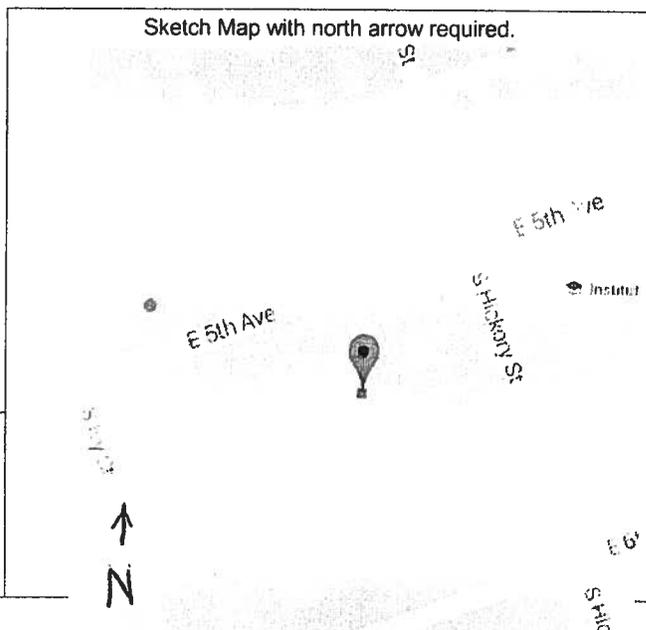
\*B12. References:  
www.wikitree.com/wiki/Stewart-14064

B13. Remarks:

\*B14. Evaluator: Alexander Stewart BO  
Brad Greene and  
Claire Greene  
12-24-2015 BO

\*Date of Evaluation: January 22nd 1894

(This space reserved for official comments)





**CITY OF ESCONDIDO**  
 Planning Division  
 201 North Broadway  
 Escondido, CA 92025-2798  
 (760) 839-4671  
 Fax: (760) 839-4313

FOR INTERNAL USE ONLY	
Case No.:	<u>HP16-0002</u>
Date Submitted:	<u>4/7/16</u>
Project Planner:	<u>P/S</u>
Fees:	<u>NA</u>
Receipt No.:	_____
<input type="checkbox"/> Incomplete	_____ Date of Notice
<input type="checkbox"/> Complete	_____ Date

**HISTORIC PROPERTY PRESERVATION  
 (MILLS ACT) APPLICATION AND AGREEMENT**

**APPLICANT/CONTACT PERSON**

Name (Print): BRAD GREENE  
 Address: 439 E 5TH AVE  
 City, State, Zip: ESCONDIDO, CA, 92025  
 Phone: 442-221-0560  
 Fax: \_\_\_\_\_  
 E-mail: BGREENE73@GMAIL.COM  
 Signature: *Brad Greene*

**OWNER** (If multiple owners/addresses, attach additional sheets as necessary.)

Name (Print): CLAIRE GREENE  
 Address: 439 E 5TH AVE  
 City, State, Zip: ESCONDIDO, CA, 92025  
 Phone: 858-216-0217  
 Fax: \_\_\_\_\_  
 E-mail: LGREENE79@GMAIL.COM  
 Signature: *Claire Greene*  
 (authorizing applicant to submit application)

**SITE INFORMATION**

Property Address: 439 E. 5TH AVE  
 Assessor's Parcel Number: 233-282-05-00  
 Historic Name: ALEXANDER STEWART HOUSE

**LANDMARK/LOCAL REGISTER INFORMATION**

Historic Designation:  
 Local     State     National  
 Date of Designation: \_\_\_\_\_  
 Local Register Listing:     Yes     No  
 Date of Listing: \_\_\_\_\_

**POTENTIAL STRUCTURE/PROPERTY IMPROVEMENT TIMELINE:**

Please list the improvements which are intended to take place over the next 10 years. List them in order of owner's priority. The improvements listed may be as specific or as general as the applicant prefers; however, physical alterations shall comply with the Secretary of Interior standards. Emergency maintenance not identified in this Agreement may be substituted for listed improvements. The listed improvements may be performed out of order, depending on the property owner's financial situation. Visits to the property by City representatives to monitor the progress will be performed every two to three years.

**PROPOSED IMPROVEMENTS**

- 1) Repair windows (11 openings upstairs or 22 window sashes), fix/broken/wood sashes, replace ropes
  - 2) Repair Windows (7 openings downstairs or 14 window sashes), fix/broken/wood sashes, replace ropes
  - 3) Complete restoration of downstairs bathroom
  - 4) Fix/repair downstairs bedroom ceiling
  - 5) Repaint Exterior house using historical colors
- (please see additional improvements attached)

- 6) Reinforce Chimney.
- 7) Reinforce porch foundation.
- 8) Renovate Kitchen.
- 10) Remove improper alteration of enclosed porch downstairs.
- 11) Complete wood repairs/window trims on the back of the house.

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

City Clerk  
City of Escondido  
201 N. Broadway  
Escondido, CA 92025

*THIS SPACE FOR RECORDER'S USE ONLY*

**HISTORIC PROPERTY PRESERVATION AGREEMENT**

This Agreement is made and entered into by and between the CITY OF ESCONDIDO, a municipal corporation (hereinafter referred to as "the CITY") and [Insert Owners' Names] (hereinafter referred to as "the OWNERS").

**Recitals**

1. WHEREAS, the OWNERS possess and own real property located within the City of Escondido, which property is more fully described in Attachment "A" to this Agreement (hereinafter "the PROPERTY"); and
2. WHEREAS, the PROPERTY is a qualified historical property in that it is privately owned, it is not exempt from property taxation, and it is listed in the Local Register of Historic Places; and
3. WHEREAS, both the CITY and the OWNERS desire to carry out the purposes of Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code; and
4. WHEREAS, both the CITY and the OWNERS desire to limit the use of the PROPERTY to retain its characteristics as a property of historical significance.

**Agreement**

NOW THEREFORE, both the CITY and the OWNERS, in consideration of the mutual promises, covenants and conditions contained herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. Applicability of Government Code and Revenue and Taxation Code. This Agreement is made pursuant to Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code and is subject to all of the provisions of these statutes.

2. Preservation of Property. The OWNERS agree to the preserve the PROPERTY and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code. In particular, the OWNERS agree to make all of the improvements identified in Attachment "B" during the initial term of this Agreement.

     OWNER'S INITIALS

3. Inspections. The OWNERS agree to permit the periodic examination of the interior and exterior of the PROPERTY by the CITY, the County Assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the OWNERS' compliance with this Agreement.

     OWNER'S INITIALS

4. Term of Agreement. This Agreement shall be effective and shall commence on the date this Agreement is approved by a resolution of the City Council and shall remain in effect for a period of ten (10) years thereafter.

5. Automatic Renewal. On the tenth (10<sup>th</sup>) anniversary of this Agreement and on each successive anniversary date (hereinafter referred to as "the RENEWAL DATE"), one (1) year shall automatically be added to the initial term of this Agreement unless notice of nonrenewal is given as provided in Paragraph 6 below.

6. Notice of Nonrenewal. If, in any year, either the CITY or the OWNERS desire not to renew this Agreement, that party shall serve written notice of nonrenewal on the other party. If the OWNERS elect to serve a notice of nonrenewal, the notice must be served on the CITY at least ninety (90) days prior to the RENEWAL DATE, otherwise one (1) additional year shall automatically be added to the term of this Agreement. Conversely, if the CITY elects to serve a notice of nonrenewal, the notice must be served on the OWNERS at least sixty (60) days prior to the RENEWAL DATE, otherwise one (1) additional year shall automatically be added to the term of this Agreement. Upon receipt by the OWNERS of a notice of nonrenewal from the CITY, the OWNERS

may make a written protest of the nonrenewal. The CITY may, at any time prior to the RENEWAL DATE, withdraw its notice of nonrenewal.

7. Effect of Notice of Nonrenewal. If, in any year, either party serves a notice of nonrenewal as provided in Paragraph 6 above, this Agreement shall remain in effect for: (1) the balance of the period remaining under the initial term of this Agreement; or (2) the balance of the period remaining since the last automatic renewal, whichever the case may be.

8. Cancellation. The CITY may cancel this Agreement if the CITY determines the OWNERS have breached any of the conditions or covenants of this Agreement or have allowed the PROPERTY to deteriorate to the point that it no longer meets the standards of a qualified historical property. The CITY may also cancel this Agreement if it determines that the OWNERS have failed to restore or rehabilitate the PROPERTY in the manner specified in this Agreement.

Co OWNER'S INITIALS

9. Notice of Cancellation. Notwithstanding the above, this Agreement cannot be cancelled until after the CITY has given notice and has held a public hearing as required by California Government Code section 50285. Notice of the hearing shall be mailed to the last known address of each owner of property within the same historic zone as the PROPERTY and shall be published in accordance with California Government Code section 6061.

10. Cancellation Fee. If the CITY cancels this Agreement in accordance with Paragraph 8, the OWNERS shall pay a cancellation fee of twelve and one-half percent (12-1/2%) of the then current fair market value of the PROPERTY, which is to be determined by the County Assessor as though the PROPERTY were free and clear of any of the restrictions contained in this Agreement. The cancellation fee shall be paid to the County Auditor at the time and in the manner that the County Auditor shall prescribe and shall be allocated by the County Auditor to each jurisdiction in the tax rate area in which the PROPERTY is located in the same manner as the County Auditor allocates the annual tax increment in that tax area that fiscal year.

Co OWNER'S INITIALS

11. No Compensation. The OWNERS shall not receive any payment from the CITY in consideration for the obligations imposed under this Agreement. The parties recognize and agree that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to the OWNERS as a result of the effect this Agreement will have on the assessed value of the PROPERTY because of the restrictions this Agreement imposes on the use and preservation of the PROPERTY.

12. Remedy If Agreement Not An Enforceable Restriction. In the event it is finally determined by a court of competent jurisdiction that this Agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of the California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this Agreement, for any tax year during the life of this Agreement, then this Agreement shall be null and void and without further effect and the PROPERTY shall from that time forward be free from any restriction whatsoever under this Agreement without any payment or further act by the parties.

13. Condemnation Proceedings. If condemnation proceedings are filed against the PROPERTY, or if the PROPERTY is acquired by a public agency in lieu of condemnation proceedings, this Agreement shall be null and void. If the condemnation proceedings are subsequently abandoned or the acquisition rescinded, this Agreement shall be reactivated retroactively and shall be in full force and effect without the need for any further act by the parties.

14. Entire Agreement. This instrument and its attachments constitute the entire agreement between the parties. The parties shall not be bound by any terms, conditions, statements, or representations, oral or written, not contained in this Agreement. Each party hereby acknowledges that in executing this Agreement, the party has not been induced, persuaded, or motivated by any promise or representation made by the other parties, unless expressly set forth in this Agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument and are of no force and effect.

15. Modification. No modification of this Agreement shall be valid or binding unless the modification is in writing, signed by all parties, and recorded with the County Recorder for the County of San Diego.

16. Binding Effect. This Agreement shall be binding on and inure to the benefit of all successors-in-interest of the OWNERS. A successor-in-interest shall have the same rights and obligations under this Agreement as the OWNERS.

17. Choice of Law and Forum. This Agreement and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of California. Any action or proceeding to enforce any provision of this Agreement shall be brought in the San Diego Superior Court, North County Division.

18. Headings. The headings of the paragraphs of this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.



23. Counterparts. This Agreement may be executed in any number of counterparts or by facsimile transmission, each of which will be deemed an original with the same effect as if all signatures were on the same instrument.

IN WITNESS WHEREOF, the CITY and the OWNERS have executed this Agreement as of the date set forth below.

**CITY OF ESCONDIDO**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Lori Holt Pfeiler, Mayor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Marsha Whalen, City Clerk

**OWNERS**

Dated: 2/6/16

By: *Clare Ann Jones*  
[Insert Name]  
(This signature must be notarized.)

SEE ATTACHED  
AGREEMENT

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
[Insert Name]  
(This signature must be notarized.)

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
[Insert Name]  
(This signature must be notarized.)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY  
JEFFREY R. EPP, City Attorney

By: \_\_\_\_\_

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Diego

On February 6<sup>th</sup>, 2016 before me, Ian Hutchinson notary Public  
(insert name and title of the officer)

personally appeared Claire Ella Greene  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Ian Hutchinson (Seal)



## Archived Webinars Available for Training

### 1. Making it Pay: Incentives for Local Governments (FREE)

Increasingly, municipalities throughout California are recognizing the intrinsic connections between economic sustainability and historic preservation. In the course of this webinar you will learn about some of the innovative and successful incentive programs local governments can adopt in their efforts to preserve the historic resources and character of their communities.

*Originally Recorded 05/12/2016 at 12:00 pm - 1:00 pm*

Speakers:

Shannon Lauchner, State Historian II, California Office of Historic Preservation  
Ili Lobaco, Former Planner, City of Monrovia

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### 2. Energy Efficiency and the Restoration of Historic Light Fixtures

This panel discuss will include lighting designers and lighting fixture manufacturers discussing examples of collaborative work on the renovation of historic fixtures with energy efficient, long-life light sources including LED technology. Examples will discuss historic research techniques, design, and documentation process, and manufacturing and engineering methods with examples of completed projects. You will get an overview of LED technology while learning of the unique challenges of integrating new sources into existing fixtures. Examples may include evaluation of replacements of façade lighting installations to improve maintenance and reduce costs while preserving the appearance of well-known and recognizable civic monuments.

Learning Objectives:

1. Help organizations considering restoration of historic fixtures with modern light sources understand the possibilities and challenges they may encounter.
2. Evaluate the energy savings and cost savings potential of modern sources such as LEDs.
3. Explore examples of the integration of modern equipment into existing historic fixtures.
4. Provide examples of the impact of modern illumination sources on the appearance and maintenance of historic sites.

*Originally Recorded 05/04/2016 at 12:00 pm - 1:30 pm*

Speakers:

Moderator: Angela McDonald, Commissioner, Vallejo Architectural Heritage & Landmarks Commission; Maryanne Berger, Specification—Bay Area, ALR; David Harty, Vice President, Construction, Jamestown LP; Paul Ivazes, Quality Lighting; Allen Reaves, Senior Project Manager, Borden Lighting; Justin Helm, Associate, Perkins + Will

**3. OHP Webinar - Putting it in Context: Purpose, Importance, Process of Historic Contexts (FREE)**

Historic contexts are an essential foundational element for successful review, survey, and consultation of historic resources. This webinar will provide a look at some of the more common types of contexts, what format works best for specific reviews or surveys, and the resources available through the California Office of Historic Preservation (OHP) and others to help prepare a well-developed context. OHP staff also will discuss the office's recently completed context, "Latinos in Twentieth Century California," the first statewide Latino context to be adopted by the National Park Service.

**Documents & Downloads:**

- Amanda-Blosser: Historic Contexts
- Jay Correia: Statewide Latino Historic Context and MPDs

*Originally Recorded 11/12/2015 at 12:00 pm - 1:00 pm*

**Speakers:**

Amanda Blosser, California Office of Historic Preservation

Jay Correia, Historian, California Office of Historic Preservation

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**4. Architectural Styles: Googie**

Googie Architecture is a uniquely Californian style of architecture inspired by post- World War II American futurism. The style is characterized by a car-oriented setting, the use of new building technologies, including neon, large plate glass, stainless steel, and plastic. Googie was inspired by Space Age optimism, including rocket-ships, atomic technology, satellites, and the space race with the Soviet Union. Googie can be found at the Space Needle in Seattle, the LAX Theme Building, Disneyland's Tomorrowland, and in motels, coffee shops, drive-in restaurants, and car dealerships across the U.S. In the East Coast, it is known as Doo Wop architecture.

This one-hour presentation by Alan Hess describes the history and character defining features of Googie Architecture and concludes with a brief discussion about threats to Googie, historic integrity, and adaptive reuse of Googie.

*Originally Recorded 11/10/2015 at 3:00 pm - 4:00 pm*

**Speaker:**

Architect and historian Alan Hess is the architecture critic of the San Jose Mercury News and a contributor to the Architect's Newspaper. He has written nineteen books on Modern architecture and urbanism in the mid-twentieth century. His latest book, Frank Lloyd Wright: Natural Design, Organic Architecture was published in October 2012.

He has written monographs on architects Oscar Niemeyer, Frank Lloyd Wright, and John Lautner, as well as architectural histories of Las Vegas and Palm Springs. Hess' other books include Googie: Ultramodern Roadside Architecture, Forgotten Modern, and The Ranch House. He is currently researching the

architecture of Irvine, California, one of the United States' largest master-planned communities of the 1960s and 1970s.

Hess was a National Arts Journalism Program Fellow at Columbia University's School of Journalism, and received a grant from the Graham Foundation for Advanced Studies in the Fine Arts to research the work of Brazilian landscape architect Roberto Burle Marx. He has a M.Arch degree from the Graduate School of Architecture and Urban Planning, UCLA.

His work has received the 2014 Award of Excellence from Docomomo-US for "Curating the City: Modern Architecture in L.A." Website (with the Los Angeles Conservancy), the 1997 Honor Award from the National Trust for Historic Preservation, and the President's Award from the California Preservation Foundation.

Hess has been active in the preservation of post-World War II architecture, qualifying several significant buildings for the National Register of Historic Places, including the oldest McDonald's drive-in restaurant (1953, Downey, CA), Edward Durrell Stone's Stuart Pharmaceutical factory (1958, Pasadena, CA), Wurdeman and Becket's Bullock's Pasadena (1947, Pasadena, CA), and Edward Varney's Valley Ho Motor (1957, Scottsdale, AZ.)

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## 5. Three Modern Resources: Tiki, Googie, and Brutalism

A look at three particularly quirky, threatened, and controversial styles of modernism that have only recently attracted the full attention of preservationists. You will learn about the historic background, character defining features, and materials used in three resources types of the recent past, including Tiki, Googie, and Brutalism. The session will close with a brief round table discussion focused on discussing the challenges of evaluating these resources.

You Will Be Able To....

1. Identify the character defining features of three unique architectural styles: Tiki, Googie, and Brutalism
2. Determine the key materials used in each of the three styles
3. Examine the challenges and approaches to evaluating resources that typically don't fall into the "highbrow design" category
4. Describe the history and evolution of three common types of late-20th century architecture

*Originally Recorded 10/28/2015 at 12:00 pm - 1:30 pm*

Speakers:

Alexander Bevil, Historian, California State Parks; Alan Hess, Architectural Critic and Columnist, San Jose Mercury News; Christopher McMorris, Architectural Historian, JRP Historical Consulting.