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**Review of Materials Submitted to Appeal Eligibility for Chula Vista Sears Building,  
Chula Vista, San Diego County, California**

Dear Ms. Tessitore-Lopez,

This letter report provides the results of ASM's review of the materials submitted to the Chula Vista Council to appeal the eligibility status of the Sears building located at 565 Broadway in Chula Vista, San Diego County, California. That eligibility status was recently upheld on December 4, 2013, by the City of Chula Vista Historic Preservation Commission (HPC). The appeal follows the submission of an Expert Technical Analysis Report (ETAR) to the HPC prepared by Heritage Architecture (HA) for the Chula Vista Sears building, in which no action was taken on the part of the HPC to change the eligibility status of the Sears building. This letter report provides background for this review and ASM's response to the issues raised in the Letter of Appeal.

**BACKGROUND**

ASM first evaluated the Chula Vista Sears building as part of the *Chula Vista Historic Resources Survey (2012 Survey)* completed by ASM for the City of Chula Vista (City) in November 2012 (Davis et al. 2012). The 2012 Survey was completed in two phases (Phase 1, windshield/reconnaissance and Phase 2, intensive evaluation) and was undertaken to help achieve the goals and objectives of the City's Historic Preservation Ordinance and new Historic Preservation Program, and to specifically identify those buildings, structures, and landscapes eligible for the City of Chula Vista Local Register of Historical Resources. The Chula Vista Sears was first brought to ASM's attention through the public input process of the survey, in which it was recommended for consideration as a potentially historically significant building for its association with the 1960s commercial development of the Chula Vista Center. During a Historic Preservation Commission meeting in the spring of 2012 during Phase 1, the Chula Vista Sears was also recommended for inclusion in the survey as a property that the community felt to be historically significant. As such, the Chula Vista Sears was included, and at the conclusion of which Sears was recommended eligible for the Chula Vista Local Register, California Register of Historical Resources (CRHR), and National Register of Historic Places (NRHP) for its association with commercial development during the City's Maturation Period, and also as an excellent local example of the Modern Commercial style. It was one of only six commercial buildings recommended eligible under these criteria of the 12,000 buildings surveyed citywide.

Following the conclusion of the survey, Heritage Architecture (HA) was hired by SNR Dentons US (Dentons) on behalf of the property owners in May 2013 to conduct a more intensive evaluation of the building (Heritage Architecture and Planning 2013). HA established that the Chula Vista Sears was completed in 1966, and as such must be evaluated for the NRHP under Criterion Consideration G for resources less than 50 years of age. HA recommended that the building did not meet the level of exceptional significance to be eligible for the NRHP. HA further concluded that the Chula Vista Sears was not eligible for the Chula Vista Local Register, nor the CRHR as it was not associated with any historic events or individuals significant in history. HA further stated that as a result of alterations to the building since its original date of construction, the structure had lost too many distinctive features of the Modern style, such that it was no longer a good example of any particular architectural style.

ASM subsequently conducted a thorough review of the documentation and research compiled by HA focusing on the original drawings and historic images located in newspaper articles at the time the Chula Vista Sears building was completed. ASM had not previously obtained or considered this historical documentation at the time of our original evaluation due to the limited scope of research ASM was able to conduct for each property during the citywide survey. As a result of the peer review of HA's research and evaluation, ASM continued to recommend the Chula Vista Sears building eligible for the Chula Vista Local Register as it is related to significant events in history—the commercial development of Chula Vista during the City Maturation period—and as an excellent local example of the Modern style as well. Having gained clarity regarding its construction date, ASM revised the recommendation of eligibility for the NRHP or CRHR to ineligible, due to the higher age threshold of the state and national registers (50 years vs. Chula Vista's 45).

After hearing presentations from both HA and ASM at their meeting on December 4, 2013, the HPC upheld Sears eligibility status. Therefore, on December 17, 2013, Dentons submitted an appeal to the City Council.

## **RESPONSE TO APPEAL LETTER**

ASM has reviewed the grounds for the appeal, and has provided the below response to each argument presented.

### **PROCEDURAL HISTORY**

Dentons states that the Sears building was not “initially identified as eligible.” This statement illustrates a misunderstanding of the 2012 Survey process and the point at which properties (Resources) were recommended eligible by ASM. Only after Phase 2, were Resources identified as eligible, but not initially. Only resources that were more than 45 years of age (age thresholds were identified using County Assessor's data) were included in Phase 1 of the survey. ASM also solicited public input to ensure buildings valued by the community were included in Phase 1. ASM made our recommendations of eligibility after developing a historic context for the City, conducting the reconnaissance/windshield survey (Phase 1), and then a more intensive survey of those buildings identified as most likely to be eligible (Phase 2). The survey was conducted following nationally accepted standards, specifically the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* and specific survey guidance

developed by the National Park Service: the NRHP Bulletin 24, *Guidelines for Local Surveys: A Basis for Preservation Planning*.

Dentons states that the 2012 Survey conducted by ASM was superficial. In no way can the survey or decisions made as a result be classified as superficial—they were made through a comprehensive survey of the city’s built environment, the development of a historic context or framework within which to evaluate those buildings, the establishment of evaluation criteria, and careful and reasoned consideration of all resources surveyed including comparisons of similar resources. These recommendations were made by individuals who exceed the *Secretary of the Interior’s* professional qualification standards for Architectural Historians, including myself, Shannon Davis. As ASM’s Senior Architectural Historian, I have more than 17 years of professional experience in the field of historic preservation, including eight years in which I served as an Historian with the NRHP.

Dentons inaccurately characterizes my presentation at the December 4, 2013, HPC meeting pertaining to integrity. My suggestion that the HPC apply a litmus test often used unofficially for assessing integrity (i.e., would a person associated with a building during its period of significance still recognize the building today) was only made after addressing the seven aspects of integrity (as defined by the NRHP and followed by Chula Vista under CVMC 21.03.084). The seven aspects of integrity are the basis upon which ASM made our original recommendation of eligibility and subsequent confirmation thereof fully outlined in our letter of September 17, 2013 (Letter Report Attachment 1). An important factor to consider when determining if a building retains sufficient integrity is the rarity of the resource—for instance, where there are few examples of the resource type (in this case Modern Commercial buildings), there can be greater loss of integrity than for those resource types where multiple examples of the type remain. After summarizing the seven aspects of integrity and the rarity of the resource in my presentation, I described the litmus test that is utilized by the staff of the NRHP (including myself during my tenure there) and that the National Historic Landmarks program unofficially employs and shares openly with members of the public who have difficulty with the concept of integrity.

Dentons further mischaracterizes my statements regarding the potential for restoration and eligibility. At the HPC meeting on December 4, 2013, I stated that “the crux of my opinion is that there is enough that remains”—when placed into context of the discussion, the “that” I referred to is integrity of materials, workmanship, and design. It is correct that the Sears building, or any building, can still be eligible despite some loss of integrity. In response to a question from a commissioner, I explained that one of the reasons some loss of integrity is allowable is that the authors/creators of the NRHP bulletins that define and provide guidance on eligibility, wanted eligibility or designation on the NRHP to serve as a catalyst for further restoration. I clearly stated that the potential for restoration relates to the purpose of the historic preservation movement in general—and not, as suggested by Dentons, that it was a factor in determining whether or not sufficient overall integrity of the building remains. In my professional opinion, the commissioners were not applying a “restorations standard” as suggested by Dentons, but upheld the eligibility of the Chula Vista Sears based on their belief that despite some loss of features and materials, the building still retains sufficient overall integrity for local eligibility.

ASM's Response to Letter Brief #5 – Legal Analysis of the Sears Store

***A. Criterion 1***

Dentons states that the HPC's finding is "unsupported by the evidence" and that the HPC "ignored the detailed information and analysis" provided by HA in the ETAR. Denton further states that the HPC relied on "inaccurate information" from ASM and the 2012 Survey. The HPC fully reviewed the ETAR as well as ASM's letter of review of that document. The HPC decision was fully based on the evidence and information from ASM's survey, the ETAR, ASM's letter of review, and the testimony provided by both HA and ASM. I know of no inaccuracies either in the ETAR or in our letter of review. We initially only had available to us an approximate date of construction and an understanding that the Sears building was part of the development of the Chula Vista Center. That initial recommendation of eligibility was supported by the HPC based on that general understanding of the role Sears played in the most significant local commercial development of the 1960s. Dentons incorrectly states that in our citywide survey report, ASM concluded that the Sears store was associated with the 1962 opening date of the Chula Vista Center. The 1962 date was only cited in our report as the opening date for the Center, but not Sears, and so the HPC could not have referred to such a fact in making their decision. With the more detailed research conducted by HA, ASM continued to uphold our original recommendation that the Chula Vista Sears is eligible for the Chula Vista Local Register under Criterion 1 for its association with the commercial development of Chula Vista during the City Maturation period (1940-1970). In fact, with the more detailed information provided by HA, we were able to more definitively argue that the building is eligible under Criterion 1 as Sears was the final development project of the landmark Chula Vista Center (1962-1966), planned as the South Bay's anchor shopping center and Chula Vista's first example of this type of twentieth-century retail destination. The HPC was presented with precise and accurate information pertaining to Sears' relationship to the development of the Chula Vista Center, and their upholding of our recommendation of eligibility under Criterion 1 was based on that factual evidence. Macy's, the other anchor store of the development, was not included in the survey because it did not appear to be old enough based on the Assessor's data, nor was it specifically recommended for consideration by a member of the public (in which case we might have looked further into its date of construction to determine if it was old enough to include in the survey).

Dentons incorrectly states that I failed to "dispute or rebut the lack of historical significance before or during the hearing." My letter of September 17, 2013, clearly supports my recommendation that the Chula Vistas Sears is eligible under Criterion 1 (provided before the hearing). In that letter, I stated "shopping centers evolved nationally during the mid-twentieth century as a major departure from earlier commercial centers and strips—usually smaller store fronts concentrated along major avenues, evidenced in Chula Vista along Third and Broadway avenues. The Chula Vista Center was planned as a large-scale retail destination that would be anchored by large department stores connected by a series of smaller stores, incorporating pedestrian circulation that was separated from the large parking areas planned on the periphery of the center, with easy access from the major transportation arteries (Heritage Architecture and Planning 2013; Longstreth 2000)." During the hearing I referenced the letter, which the commissioners acknowledged they had received. I further rebutted "the lack of historical significance" when I stated that "I stand by a recommendation that it is eligible under Criterion 1 for its important association with the commercial development of Chula Vista during the City Maturation period."

### ***B.1 Criterion 3: Possibility of Restoration***

While there were questions and discussion among the HPC pertaining to the potential for restoration of the building, it does not follow that restoration potential was the basis for their vote to uphold its eligibility status on the citywide survey. In fact, Commission Stillman stated “since my colleagues have all ventured into topics that are not directly under discussion, I’d like to take the opportunity to put out there that there is a lot of currency with an idea of adaptive reuse.” Such a statement reflects her understanding of the decision that they were making, and while related to topics such as restoration and adaptive use, these were in fact not directly a factor in their decision making.

### ***B.2 Criterion 3: Significant Integrity Standard***

Dentons states that the HPC applied the incorrect standard of whether integrity had been completely lost instead of assessing whether or not significant integrity remains. There is no evidence to substantiate that statement. The presentation and discussion at the December 4, 2013, HPC meeting pertaining to integrity illustrates that the issue was carefully considered by both the HPC and ASM. While there is a difference of professional opinion by the subject matter experts (ASM and HA) as to whether or not significant integrity remains, it was precisely that issue which the HPC considered based on the evidence provided by both subject matter experts. This is illustrated by Commissioner Fink’s specific question: “It’s been stated that the building has lost a significant degree of design, setting, materials, workmanship and feeling. And my question to you (David Marshall) first is what is a significant degree? And then I’m going to pose it also to Ms. Davis.” Both Mr. Marshall and I provided responses to this, both of us acknowledging that it is not a precise definition, with many factors that play a role in determining whether or not significant integrity remains. In fact, Mr. Marshall stated “It’s not definable” and “There’s not a percentage, it varies from building to building.” Commissioner Fotiadi asked Mr. Marshall to estimate the loss of integrity by a percentage of exterior building material that had been renovated/alterd at the Chula Vista Sears. Although such an estimate is not a generally acknowledged approach to assessing integrity, Mr. Marshall estimated that 35% to 45% had been altered. While ASM’s assessment of integrity of materials is not rooted in a quantitative analysis, I concur with the lower range of that estimate as more than 60% of the historic building fabric and elements appear to remain. With a majority of the building materials intact, the integrity of materials (with integrity of materials being just one of seven aspects considered when discussing integrity) is fair which is a factor in my conclusion that Sears possesses good overall integrity.

Contrary to Dentons’ assertion, the HPC did not possess “overwhelming evidence” that the Chula Vista Sears has not retained integrity of design, setting, materials, and feeling. The HPC had evidence presented by HA to support that opinion, but also had evidence from ASM that refuted it. ASM argued that while some of the original design elements from its completion in 1966 (the period of significance for the property) have been lost or altered, the Chula Vista Sears still retains many features and elements of its original construction that are typical of the Modern style in Southern California including its two-story horizontal massing, flat roof, angular lines, brick and concrete block walls, lack of applied ornament, wide overhanging canopies, barreled canopy on the south façade, metal screen and charcoal gray Mirawal panels on the upper portion of the main/north façade, no upper floor windows, exterior circulation patterns around the periphery of the building shaded by the canopies, landscaping elements including planters and palm trees, and large expanses of surface parking on three sides of the building. Although the

loss/alteration of some of the Modern design elements does impact the integrity of design, materials, and workmanship, and there have been some intrusions to the original setting, it is ASM's opinion that those impacts are not significant enough to result in a complete loss of those aspects of integrity. The building still retains a significant degree of its building materials dating to the period of significance, the requirement for eligibility for commercial buildings from the City Maturation period as established by the *Chula Vista Historic Resources Survey* (Davis et al. 2012). Furthermore, the Chula Vista Sears retains good integrity of location, feeling, and association. As the Chula Vista Sears is recommended eligible under Criterion 1 as well as 3, location, feeling, and association are among the most important aspects of integrity for a property to retain in order to be eligible for the Chula Vista Local Register. Some loss of design, materials, and workmanship is acceptable, as established by the eligibility criteria in the *Chula Vista Historic Resources Survey* (Davis et al. 2012).

Contrary to Dentons' assertion that ASM did not "rebut any of Heritage's evidence," I recognized and acknowledged the features and materials of the building that HA identified that have been lost both in my letter of September 17, 2013, and in my testimony of December 4, 2013, for consideration by the HPC. I further addressed the degree to which the seven aspects of integrity have been impacted by those losses in material and physical features. While I did not cite the NRHP guidance to a significant degree, my opinions and recommendation were rooted in this guidance, as well as the definition of integrity in the Chula Vista Municipal Code. For buildings such as the Chula Vista Sears, eligible under both Criteria A and C, NHRP Bulletin 15 states:

### **Criteria A and B**

A property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). . . .

### **Criterion C**

A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible *if* it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.

ASM followed the above guidance in making our recommendation of eligibility in that the building largely retains its "essential physical features," and following the reasoning that while it has lost some historic materials and details, it does retain "the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation." While the pattern of windows has been obscured, and there is some loss of texture and ornamentation, the majority remains intact.

### ***B.3 Criterion 3: Rare Example***

HA and Dentons insist that the Chula Vista Sears is not a rare example. However, HA acknowledged in their testimony on December 4, 2013, that they only identified one nearby example (Macy's) that they felt was a better example of a comparable resource. However, no local, state, or federal regulation or guidance quantifies the number of similar resources that can be eligible. ASM's opinion is that HA's consideration of the rarity of this resource was inadequate. ASM considered 12,000 other resources during the 2012 Survey, and as a result we are better able to speak to the rarity of this particular type of resource.

The Chula Vista Sears is one of only six commercial buildings identified in the citywide survey that represent good local examples of the Modern style, arguably the most influential national architectural style of the twentieth century. Macy's is also another good local example, which was only omitted from the citywide survey because we did not have accurate year built information for this building at the time of the survey--45 years or older was the methodology agreed-upon with the City to determine which of the 25,000 properties within the survey area would be considered in Phase 1. Macy's omission from the survey does not constitute an inaccuracy of the 2012 Survey, or its recommendations, but simply illustrates an inadequacy that can exist in County Assessor data, an information tool used by many cities to determine which buildings to survey. Within the local context, only 0.05 percent of all buildings surveyed were recommended as eligible for this architectural style. Even with the addition of Macy's to the number of comparable resources, this is still a very small percentage. Although there is not a quantifiable number of resources that can exist for a resource to be considered rare, with such a small number of good examples of this property type and architectural style extant in Chula Vista, I continue to argue that it is a rare example.

NRHP Bulletin 15 offers guidance on assessing integrity for rare resources.

Comparative information is particularly important to consider when evaluating the integrity of a property that is a rare surviving example of its type. The property must have the essential physical features that enable it to convey its historic character or information. The rarity and poor condition, however, of other extant examples of the type may justify accepting a greater degree of alteration or fewer features, provided that enough of the property survives for it to be a significant resource.

An example is provided:

#### ***Eligible***

A one-room schoolhouse that has had all original exterior siding replaced and a replacement roof that does not exactly replicate the original roof profile can be eligible if the other extant rare examples have received an even greater degree of alteration, such as the subdivision of the original one-room plan.

ASM argues that despite the loss or concealment of the original plate glass display windows, original signage, alterations to original entryways, and the interruption of the horizontality of the form by the 1980s canopies, that the rarity of the resource justifies "accepting a greater degree of

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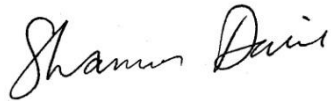
alteration or fewer features” as “enough of the property survives for it to be a significant resource.”

## **CONCLUSION**

After thorough review of the comments submitted to the City Council by Dentons, on behalf of Sears and HA, ASM continues to recommend that the Chula Vista Sears is an eligible resource. Throughout the letter of appeal Dentons falsely characterizes the accuracy of ASM’s citywide survey, our presentation to the HPC, and the important issues that the HPC thoroughly and fairly considered. It is my professional opinion that the HPC made a decision based on any accurate information and applied the correct legal standards.

Please contact me as needed, if you have questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Shannon Davis".

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Attachment A: References



## **ATTACHMENT A: REFERENCES**

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