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May 2, 2021

The Honorable Mayor Devine and Members of the Glendale City Council
City of Glendale
613 E. Broadway
Glendale, CA 91206
via email

RE: Appeal of the Proposed Project at 534-538 N. Kenwood

Dear Mayor Devine and City Council Members:

The Glendale Historical Society is grateful for the opportunity to request your support of the appeal of the project approval at 534 – 538 N. Kenwood . You have received our previous comments as exhibits for the current agenda item. Our letters laid out a substantive, fact-based case against the project and the Mitigated Negative Declaration (MND) in great detail, and our case has not fundamentally changed despite minor changes to the project.

We write to urge you to overturn the DRB’s decision, reverse adoption of the MND, and return the project for a redesign that is more compatible with and does not adversely impact the historic property at 534 N. Kenwood. The property is a historic resource for purposes of CEQA, one of an ever-dwindling supply of Craftsman properties in South Glendale and one of only a handful in the swanky Aeroplane style. The towering three-story multi-family building is not appropriate for its site.

The May 4, 2021 Staff Report takes enormous pains to try to damage the credibility of Francesca Smith, a qualified architectural historian with more than thirty-five years’ experience evaluating historic properties and decades of experience reviewing project plans for conformance with the Secretary of the Interior’s Standards for Rehabilitation (the Standards). Ms. Smith reviewed this project before joining the DRB in 2020 (and would need to recuse herself from any future DRB consideration of the project). She finds the project as approved and revised would cause a substantial adverse impact in the significance of the historic resource.

There is a simple, though unacknowledged, reason that staff want to undermine Council’s confidence in Ms. Smith’s professional judgment. As the city’s attorneys know,

The Glendale Historical Society (TGHS) advocates for the preservation of important Glendale landmarks, supports maintaining the historic character of Glendale’s neighborhoods, educates the public about and engages the community in celebrating and preserving Glendale’s history and architectural heritage, and operates the Doctors House Museum. TGHS is a tax-exempt, not-for-profit 501(c)(3) organization, and donations to TGHS are tax-deductible to the extent permitted by law.

ample case law has established that a local agency cannot rely on an MND when there is a disagreement between experts about project impacts. Because a local agency *must* prepare an Environmental Impact Report (EIR) if a project *may* cause substantial adverse change in the significance of a historic resource, Ms. Smith's professional, fact-based opinion that the project at 534 – 538 N. Kenwood would cause a substantial adverse impact to the significance of the historic resource constitutes substantial evidence to support a fair argument that an EIR is required.

We will try to avoid reiterating the objections raised in previous documents. However, it seems that staff have not read all the written materials long labored over and submitted well over a year ago. Instead, and somewhat peculiarly, they focus much of their case on powerpoint slides prepared as part of a three-minute DRB presentation. Perhaps as a result staff's response to compelling criticism of the project from TGHS, a preservation expert, and the public is overly concerned with trivia and misses the forest for the trees. The revised project does not fix the fundamental problems identified before and at the DRB hearing. We ask you to grant the appeal and return this project for redesign or insist on preparation of an EIR.

Evidence of Aesthetic and Historic Resource Impacts

The Staff Report criticizes the appeal letter for providing “no evidence” that the project will have aesthetic impacts. Aesthetics is, strictly speaking, a category under CEQA that does not depend on expertise; lay persons' aesthetic judgments have value and are relevant to analyzing impacts, on the grounds that everyone is an “expert” when it comes to his or her own aesthetic. Numerous members of the public commented on the aesthetic impacts of the project (see partial list in exhibit 12). The Staff Report seems incredulous that people who value historic Craftsman homes—and TGHS has many, many members who do—and who have been dismayed over the years to see one after another bulldozed or altered beyond recognition in South Glendale, would have aesthetic objections to a giant Hardiplank-sided, faux-Craftsman-style building that towers some 17 feet taller than the 22'9"-at-its-tallest-point, two-story Craftsman.

Staff then criticize Ms. Smith for not tendering an “opinion” on “the Project's aesthetics within the context of the surrounding area” (p. 36). Why would she? She, TGHS, and the commenters are concerned with the aesthetic impact of the project on the historic resource not on the surrounding area. Discussions of aesthetics are not limited to impacts outside the project boundaries, particularly when a building is proposed to remain as in this case, and the building is a historic resource.

The above discussion is not to suggest that Ms. Smith's expertise in historic preservation is irrelevant in evaluating aesthetic impacts as well as impacts to the significance of historic resources. Her professional judgment, based on decades of experience reviewing plans and projects involving historic resources leads her to conclude that the massive, out-of-scale three-story multi-family building will have adverse aesthetic impacts on the historic resource. Her professional opinion about the impacts on the resource is at least as legitimate and credible as staff's opinion about the *lack of aesthetic impacts* on the surrounding neighborhood: “Based on staff's analysis and professional opinion the size, scale, massing, siting, and design of the proposed New Building is in keeping with, and in several cases improves upon, the dominant visual typology of most buildings in the

immediate area” (p. 37). This statement is revelatory, because it is so damning for staff’s case about the appropriateness of this development on the historic resource: the fact that the size, scale, massing, and siting are compatible with the surrounding neighborhood, with its in-fill development of three-story apartment and condominium buildings that has steadily replaced older single-family homes like the one in question, only highlights how inappropriate its size, scale, massing, and siting are in relation to the historic resource whose lot it will share (see Figure 1)..



Figure 1. Renderings are of course misleading, especially the height of the new construction relative to the Craftsman in this case, but the new construction does mesh nicely with the three-story multi-family building next door.

TGHS does not object to development on or adjacent to historic properties so long as such development respects the historic character of the property and is compatible with and subordinate to the historic resource. As Standard 9 states: “New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize a property. The new construction shall be differentiated from the old and *will be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment*” (emphasis added, as the Staff Report suggests confusion about the use of ellipses to draw attention to certain words and phrases by calling it “misquotation” [p. 25]). This project spectacularly fails to meet this Standard. It is, as staff note, compatible with the surrounding three-story infill development, not the Craftsman. It is Ms. Smith’s expert opinion that this project impacts the historic property such that its significance is impaired. Numerous members of the public attested to the aesthetic impacts on the historic resource. Staff has not demonstrated that these “comments on Project aesthetics lack credibility”; indeed, their own analysis of the project in relation to neighboring infill development inadvertently supports the public comments.

Speaking of Inapposite Legal Cases

It is surprising to see staff rely so heavily on *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, which they justify because the case concerned “whether opinions that the building is too large to be aesthetically compatible with its surroundings constitute substantial evidence supporting a fair argument that the project will have a significant effect on the environment” (Staff Report, p. 35). However, *Bowman* is substantially different because no historic resource was involved, either onsite or adjacent.

The building in question in *Bowman* was an affordable housing / mixed-use project for seniors that included a density bonus. There were no historic resource impacts. In *Bowman*, the Court concluded that “the aesthetic difference between a four-story and a three-story building on a commercial lot on a major thoroughfare in a developed area is not a significant environmental impact, even under the fair argument standard” (593). One sees immediately how different are the circumstances. The aesthetic difference between a two-story multi-family building and a three-story building *at this site*, surrounding *this historic, 108-year-old Craftsman*, cannot be dismissed. Also the lot in question in *Bowman* was zoned for commercial and mixed-use projects and was located “on one of Berkeley’s most heavily used thoroughfares” (Id. at 576). Both of these factors weighed in the Court’s decision. Kenwood is two lanes and zoned residential, very different from Sacramento St. in Berkeley. Lastly, the Court pointed to an extensive design review process in its decision. There were at least five public hearings and a mediation process to try to reconcile the public and developer’s goals before the appeal to Berkeley City Council. The project was redesigned several times to take public comments into account. It is absurd to suggest that the design review process in *Bowman* bears any resemblance to the single public hearing this project at 534 – 538 N. Kenwood received, and the trivial changes shared with the public a few days ago, despite substantive objections from TGHS, members of the public, and a qualified and respected historic preservation professional.

Staff again ignore the difference between decisions about projects involving historic resources and decisions about projects that do not involve them when they reject the relevance of the appeal letter’s reference to *Protect Niles v City of Fremont* (2018) 25 Cal.App.5th 1129). In that case, an EIR was required to disclose project impacts of “a 6-acre housing complex within a designated historic district—an area the City itself has recognized as a particularly sensitive context” (*Niles*, pp. 1142-43, cited in Staff Report, p. 37). Of course, Glendale has recognized the property at 534 N. Kenwood as a “particularly sensitive context” too, when it adopted the 2007 Craftsman Survey and the 2017 South Glendale Historic Resources Survey, both of which identified the property as a historic resource and neither of which discounted the garage. Plunking a giant multi-family building on the same property as a historic resource seems quite on *Niles*’s point. At any rate, the “context” is scarcely “entirely different” (p. 37). Staff’s attempt to discredit the relevance of the *Niles* decision to this project through the Court’s citation of *Bowman* is disingenuous at best, because *Bowman* did not involve a historic resource.

Finally, staff writes off *Georgetown Preservation Society v County of El Dorado* (2018) 30 Cal.App.5th 358 on the grounds that the “Appellant’s comments on Project aesthetics lack credibility.” This letter has demonstrated that staff failed to demonstrate any such thing.

The Period of Significance for This Property Is 1913 – 1922

The Staff Report asserts that the period of significance is 1913—the year the Craftsman property was built—and thus any alterations to the property after that date are not character-defining and not historic. The period of significance is incorrect; it is 1913 - 1922. Research by Ms. Smith revealed that the first known resident of 534 N. Kenwood was noted southern California *plein air* artist Frank Rennselear Liddell, who lived there with his wife and children from at least 1917 (first mention in the city directory; no original building permit exists) until he sold the property in 1922, the year before his death. HRG, the consultant who prepared the South Glendale Historic Resources Survey, missed his occupancy.¹ Francesca Smith's research on Mr. Liddell shows that he was an important figure in the early southern California art world, serving as a founder of the Painters' Club and first president of the California Art Club. Ms. Smith elaborated more on his achievements in the DPR form that she prepared on May 15, 2019 and which was submitted to staff before the DRB hearing in 2019 as well as to the State of California. The Staff Report makes no mention of this form and Ms. Smith's research. We attach a copy as well as a copy of the DPR prepared by HRG.

The period of significance matters because it is important to staff that the garage not be part of the historic property so that it can be demolished to accommodate the multi-family project on the same lot. Staff repeatedly assert that the detached garage is “non-original” (p. 3, 16, 29...), by which they mean the garage was not built the same year (1913) as the house. They provide new research to support that case, the most compelling of which is the difference in materials. TGHS welcomes the additional research but wonders why it was prepared so late in the game, after staff had previously decided the garage was “possibly original” (p. 30). Research of this kind should have been prepared earlier to justify a recommendation of demolition to the DRB, not generated after the fact for an appeal. This is an instance when staff has leaped to make recommendations that may negatively affect historic properties without fully having or presenting facts to a decision-making body.

The extended period of significance means that the garage did not need to be built in 1913 to qualify as part of the historic resource. The garage is extremely early; it is identified on the 1925 Sanborn map. In Ms. Smith's professional opinion, having evaluated the garage, which unlike other rear yard features, is accessible from the public right of way, the garage is original, character-defining, and should be considered part of the historic property. Its presence is identified in the DPR forms prepared by HRG and as part of the Craftsman Survey. The City has not made its case that the garage is not a character-defining feature, and demolition must be mitigated to a less than significant level.

Staff state that “TGHS argues, without evidence, that an existing 15-light window sash at its rear façade should be retained” (p. 32). Our evidence, presented in our documents, is that the developer's own consultant found the 15-sash window to be a character-defining feature (Figure 2). The window is a feature in an early addition at an unknown date.

¹ The most likely reason for the omission is because the consultant HRG forgot that many streets in South Glendale, including Kenwood, were renumbered in 1918. HRG noted “No such address in 1917 C[ity] [D]irectory,” but they were looking for the wrong number. This problem plagues the South Glendale Historic Resources Survey and is one reason TGHS has refuted the claim that it was an intensive-level survey.

TABLE 1
CHARACTER-DEFINING FEATURES AT
534 N. KENWOOD STREET, *Continued*


Character-Defining Feature	Thumbnail Photograph	Rank
15-Light Wood Casement Windows		S

Figure 2. Sapphos, Design Review and Rehabilitation Plan for 534 N. Kenwood, p. 7. “S” stands for “significant.”

Other Character Defining Features

Ms. Smith and TGHS recognize that the roof is not 108 years old! Our point was that the replacement is a rolled roof, and it is likely the original roof was in the same style. There is also a rolled roof on the garage. It is not readily conceivable, given the number of asphalt shingle roofs on extant Craftsman houses, as staff point out, that property owners dreamed up this new style in a flight of roofing fancy in the 1990s. It makes sense to maintain the existing roof appearance. The DRB found the argument sufficiently persuasive to make it a consideration.

Conclusion

There is much more to say about the staff report. In particular, and with all due respect, we note with some hilarity the observation that the wall of the one-story 1922 Craftsman at 538 N. Kenwood is two feet closer to the wall of the historic Aeroplane Craftsman than the wall of new three-story multi-family building would be, and staff’s complaint that this fact “is not acknowledged” by TGHS (p. 20). It is true—we are not perturbed by the proximity and siting of these two Craftsman houses next to each other, just as they were built one hundred years ago. And yes, TGHS continues to be perturbed at the proximity and siting of the new construction. The new building has not been moved farther from the historic resource, although the reference to “revised” project drawings makes it sound like it has been (p. 5), and the “wall to wall” measurement obscures how close it will be (10 feet eave to eave) (p. 20). Alas, it is still too close and overwhelms the historic resource.

We also concede that our complaint that the DRB approved a project whose final design was unknown is now moot (p. 39), and we are grateful to Council for requiring updated drawings at all appeal hearings. That is enormously helpful. We also believe, however, that it should not be necessary for Glendale residents to file a \$2,000 appeal to learn the final details of controversial projects such as this one.

We wish to conclude by focusing on suggestions for what Council might do by way of further direction regarding this project.

--The proposed new construction should be lowered in height by at least one story, and be sited farther from and step away in volume from the historic resource.

--The size of the proposed new units should be reduced. The revised materials from the architect did not include specifications for the size of the apartments. In the approved project, all new units are very large two bedrooms; all well exceed the 800 square feet minimum required for two bedroom units in Glendale, and the average new unit size is about 1350 square feet, or roughly 60 percent larger than the minimum. Two of the proposed units occupy two stories; having all units on a single floor would waste less space and reduce the project's volume, massing, and height.

--The front setback of the new construction should follow that of the historic building. It should not be brought five feet closer to Kenwood. The argument that one can still see the front of the historic house, and the "aperture of visibility" is only minimally affected, are beside the point (p. 23). The siting contributes to the impression of incompatible size, scale, massing, and siting. Staff points to a lack of "foundation in fact" for this claim. What can that mean? The fact is the building is moving closer to the street than the historic resource, and closer than the Craftsman that will be demolished to make way for it. The new building is significantly larger than its historic neighbor. Expert opinion and professional judgment find that an adverse impact. Common sense finds that a completely credible argument.

The Glen Ivy Apartments at the Goode House, at 113 N. Cedar, is a good illustration of how successful new construction need not overwhelm a historic building (Figure 3).



Figure 3. Note the one-story configuration of the new construction at the side elevations of the historic building and the generous setbacks of the new construction.

We believe that the proposed plans for the historic house and for the large new building and its related features do not conform to the Standards for Rehabilitation and that the proposed project would cause substantial adverse change and material impairment to the significance of the historic resource. Impacts could be reduced through redesign of the project to eliminate damaging aspects such as its size, height, articulation, and massing. Additional examples would be to retain rather than demolish the character-defining garage, retain and protect the historic property's immediate setting as is, and relocate the proposed new project beyond the boundaries of the historic property. New construction should retain the property's historic orientation. Any new construction should be compatible with the historic resource, not judged by its similarity to surrounding multi-family buildings. As proposed the project is not compatible with the historic resource. That is expert opinion predicated on fact.

As we have had opportunity to remark in a previous comment letter to the DRB, the point of retaining a Craftsman property, and one reason the South Glendale Historic Resources Survey and the Craftsman Survey were prepared and adopted, is to ensure that single-family houses that are historically significant can continue to tell the story of Glendale and its development from the early years of the twentieth century.

Unfortunately, the project as proposed drowns that story out. Related new construction is possible, but it needs to proceed with far greater sensitivity to the historic resource, and in particular to be reduced in size, scale, and massing, with a true rehabilitation plan based on a conditions assessment for the house and garage, to warrant adoption of an MND for this project. Otherwise a focused EIR that adequately addresses the impacts of this project, as well as cumulative cultural resources impacts, must be prepared.

Thank you for your consideration.

Sincerely,

Steve Hunt

Steve Hunt, President
The Glendale Historical Society

cc: Aileen Babakhani, Planner, City of Glendale
Jay Platt, Senior Urban Designer, City of Glendale
Arem Adjemian, City Clerk, City of Glendale

Attachment 1. DPR Form, 534 N. Kenwood Ave., prepared by F. Smith