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July 11, 2017

Members of the Design Review Board  
City of Glendale  
633 East Broadway  
Glendale, CA 91206

**RE: PDR 1329554, 510 - 512 West Doran Street**

Dear Members of the Design Review Board:

The Glendale Historical Society is grateful for the opportunity to comment again on the proposed project at 510 – 512 W. Doran. Our non-profit organization has more than 700 members and works to preserve and celebrate Glendale’s rich history and remaining architectural heritage.

When TGHS first learned of a proposed project at 512 W. Doran a few years ago, we supported the idea of relocating the historic resource—a 1910 Transitional Craftsman—on the property to allow for development. We continue to do so. We objected, however, to the original plan to demolish one-third of the residence to accomplish this as well as to the size, scale, and proximity of the proposed new construction.

We were pleased that the City eventually required the preparation of an environmental clearance document and are glad that the proposed development of the site no longer involves the demolition of one-third of the Craftsman house. But for more than a year we have raised other significant issues associated with the project as proposed that remain unaddressed. Our opposition to components of the relocation, as well as to the size, scale, and proximity of the new construction remains, and for this reason so too do our objections to the Mitigated Negative Declaration—that it fails to require fully enforceable mitigation measures, defers mitigation, and inappropriately relies on an economic feasibility argument in analyzing the project. None of this complies with CEQA.

We reiterate that the proposed project does not conform to the Secretary of the Interior’s Standards for Rehabilitation, or the most basic principles in *Moving Historic Buildings* (John Obed Curtis, 1979), and that the mitigation measures offered do not reduce expected impacts to a less-than-significant level. We continue to believe that a focused EIR should be required before the project can move forward, and having failed to convince staff, we make our case to you. We ask that you not adopt the Mitigated Negative Declaration and either require preparation of a focused EIR so

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.

that project impacts are fully evaluated and alternatives are considered or, better yet, express your agreement with our position that historic buildings in Glendale deserve more thoughtful and sensitive treatment by instructing the applicant to redesign the project to reduce its considerable remaining impacts on the historic resource.

### **The Project Would Cause Substantial Adverse Change to a Historic Resource**

TGHS concurs with staff's finding that 512 W. Doran is a historic resource under CEQA. The Transitional Craftsman subtype is a rare resource in Glendale. Please see our analysis in the DPR 523 form, which found the property eligible for the Glendale Register under Criteria 3 and 5 and the California Register under Criterion 3. It was entered in the State historic database in June 2017 (19-192414).

We continue to assert that the project as proposed would result in "substantial adverse change" in the significance of a historic resource, which is considered a significant effect on the environment (*California Public Resources Code* or *PRC* Section 21084.1). The thresholds of substantial adverse change are established in *PRC* Section 5020.1 as "demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired" (emphasis added).

Relocation of a historic resource within its original parcel need not be a significant impact, but the proposed project not only would relocate the existing residence from its historic setting in the center of a generous, open lot but would crowd it into the front corner of the lot, fewer than five feet from the east property line and immediately adjacent to a paved driveway. Worse yet, it would surround it with out-of-scale new buildings. The historic resource is no less crowded than before the recent redesign, and scarcely less diminished in its proposed relation to the new two-story construction, even with the decision to leave the rear of the Craftsman intact.

TGHS understands that any development will alter the spatial relationship of the existing house to its historic setting, and we accept that fact as a compromise that balances the claims of preservation and the owner's desire to develop the property. But we strongly disagree with staff's conclusion, presented for the first time in the newly revised MND, that "the setting of the proposed project is *slightly* altered" and that "the spatial relationship between the house and its immediate setting will be *slightly* altered" (p. 13, emphasis added). Rather, the previous acknowledgement—"Staff agrees [with TGHS] that the spatial relationships of the existing site will be *completely altered* by the project"—is far more accurate an assessment of the irreversible impact the proposed new construction will have, even now that a portion of the house will no longer be demolished (Memorandum from Jay Platt, July 14, 2016, p. 4, emphasis added).

The complete alteration of the setting, site, and the house's relation to its setting is one reason that the project fails to conform to the Secretary of the Interior's Standards for Rehabilitation, which are a set of ten federal guidelines used to analyze alterations to historic resources, including setting, as well as to the principles of *Moving Historic Buildings*, the book that has for almost forty years served nationwide as the reference guide for such projects. This failure has as much to do with the new construction that surrounds the Craftsman as the previous proposal to demolish a portion of it.

## **The MND Improperly Relies on Unenforceable and Deferred Mitigation Measures**

As we pointed out in our comments on the draft MND and in a letter to the Design Review Board dated December 15, 2016, although the MND claims that significant impacts will be mitigated, the mitigation of impacts is not in fact guaranteed. The City offers as mitigation the requirement of a moving plan only after project approval, but a detailed moving plan should be prepared in advance. Mitigation cannot be prospective; mitigation measures must be specific regarding future actions to be accomplished if they are designed to reduce impacts. They must establish clear performance standards and specify methods in order to comply with the requirements of CEQA.

Relocation of a historic building is inherently damaging, and the proposed project involves the added complication of substantial new construction in close proximity to the historic resource. How would the resource be handled? Would it remain onsite? Would it be dismantled and reassembled? Would it be chopped in half and moved somewhere else temporarily? We have no idea. Absent a moving plan, nobody knows. Perhaps the City will decide not to issue building permits down the line, but the purpose of a public hearing is to give the public a chance to weigh in on the proposed project and the methods by which the historic resource will be preserved and protected; deferring such important documents until after the public hearing is closed withholds from the public—as well as the Design Review Board—critical information it should have in order to understand the project and its impacts as fully as possible.

There are other problems with the mitigation measures. After the building's relocation, if the wood siding from the façade is retained and reused, and if the existing windows are preserved, as the MND indicates is intended, then the impacts to those character-defining features would be reduced or eliminated. However, by including the qualifier “to the greatest extent possible,” particularly with no set definition of that term, mitigation is uncertain. This is what it means for mitigation measures not to be fully enforceable as required by CEQA Guidelines Section 15126.4(a)(2). If a low-bid contractor is responsible for the decision, he or she might do whatever is easiest, not what is most appropriate for the resource. We must repeat: if someone finds it infeasible to save wood siding and windows when the house is relocated, the project *could cause* a significant adverse impact that requires analysis in an EIR. Mitigation measures are not merely expressions of hope. Mitigation measures for a significant adverse impact can only be rejected if the City makes findings, supported by substantial evidence, following the preparation and review of an EIR that the measure is infeasible and prepares a statement of overriding considerations.

We pointed out these problems in our comments on the initial MND and in our letter of December 15, 2016. Six months later we are surprised and disappointed that there is still no detailed moving plan, nor have required drawings accurately depicting existing conditions been prepared, both of which should have been done before the application was deemed complete. By failing to do either of these things, and by failing to define “to the greatest extent possible,” or to determine what that might be prior to project approval, the MND improperly defers analysis of impacts to this historic resource. It does not matter when building permits would be issued, because at the time of project approval, it will be unknown to what extent the identified character-defining features can or would be preserved. This is improperly deferred mitigation, which is forbidden under CEQA.

## **The MND Improperly Relies on Economic Feasibility in Analyzing the Project**

As we pointed out in our comments on the draft MND and in a letter to the Design Review Board dated December 15, 2016, staff have inappropriately considered economic feasibility in evaluating this project, despite its substantial adverse impact on a historic resource and disagreement with fundamental principles of the Secretary of the Interior's Standards as well as *Moving Historic Buildings*.

The MND makes clear that because the building will be relocated and the site redeveloped the project does not meet Standards 9 and 10. It uses economic feasibility to justify the project's non-compliance with Standard 10, which states that "New additions and adjacent or *related new construction* will be undertaken in such a manner that, if removed in the future, *the essential form and integrity of the historic property and the environment would be unimpaired*" (emphasis added). Staff write: "As noted in National Park Service documents, economic feasibility can be considered when assessing a project against the Standards, which appears to be appropriate given the project goals and the various zoning code restraints on the site" (p. 16). The MND elsewhere relies on economic feasibility to support the project, as when it dismisses the Standards as "a set of federal guidelines for the treatment of historic properties that the National Park Service indicates should be applied to projects in a reasonable manner, taking into consideration economic and technical feasibility" (p. 14). The Standards are in fact codified in the Glendale Municipal Code and clearly referenced in CEQA. They are not optional. The Staff Response to our comments on the draft MND likewise asserted that the Standards "take into consideration economic and technical feasibility. This means that if it is not feasible to retain and repair all the existing windows, whatever rehabilitation required must comply with the Secretary's standards" (Response 1-7).

That's not what it means, but it doesn't matter. Although the Secretary of the Interior's Standards for Rehabilitation may allow *consideration* of economic feasibility in their application, that does not alter the requirements of CEQA. CEQA takes precedence in California. CEQA *only* allows the consideration of the economic feasibility of a mitigation measure *after a preparation of an EIR and Statement of Overriding Considerations*. And economic infeasibility must be clearly demonstrated rather than hinted at or asserted. Under CEQA, "the fact that an alternative may be more expensive or less profitable *is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project*" (emphasis added, *Preservation Action Council v. City of San Jose* 141 Cal.App.4th 1336). Staff's response to our previous citation of this case dismisses it as irrelevant because the proposed project would not result in any impacts that are not mitigated. This misses the point: for all the reasons stated above, we don't know if they will be mitigated or not. If after approval they decide that the mitigation is not economically or technically feasible, then the impact remains significant. This information can only be disclosed in an EIR.

## **Disagreement Among Experts and the Fair Argument Standard**

Two experts have stated that the proposed new construction should be reduced in size and scale so that the project defers to rather than overwhelms the historic resource to avoid substantial adverse impacts. Francesca Smith is a qualified architectural historian with more than thirty years'

experience, who meets and exceeds the Secretary of the Interior's Professional Qualification Standards in history and architectural history. She has noted that the project fails to comply with the Secretary of the Interior's Standards for Rehabilitation because of the outsized new construction—"The new buildings should be far more visually subordinate to the existing building"—and urged "a revised design with fewer, smaller units that do not overpower the existing building." Reconsideration of the project design is necessary because the setting "is part of the historic resource" (Letter from TGHS, June 22, 2016, pp. 6, 2).

Virginia Paca is a qualified historic architect who has been involved in historic projects in southern California for more than thirty years, including serving as project architect for the restoration of Glendale's Southern Pacific Railroad Depot (listed in the National Register of Historic Places). In a letter addressed to the DRB on December 13, 2016, she found that while it is appropriate to move the house forward on the lot, given the setbacks of nearby single-family houses, it "is a house with a lot of mass, both vertically and horizontally and it needs open space around it that is proportional to its massing." "Moving it 4.5 [feet] from the east property line... is unacceptable." In addition, "any new structure on the street façade should be no higher than one story, and not just the first 10 feet or so. Any new, two-story structures should be located at the rear of the property to minimize their impact on the historic structure." She further points out that the project "needs to respond not only to the poorly designed, two story, multi-family structures on the street, but also to the historic one-story single family homes that constitute more than half of the properties in the neighborhood."

Although there have been some changes to the project configuration to allow for the retention of the rear third of the Craftsman, and architectural details have been altered, the overall massing and scale of the new construction and its impact on the historic resource have not improved.

When a City has found that a resource is historic, and is trying to determine whether a project will have a significant adverse impact on a historic resource, the fair argument standard applies. Staff response to our previous comments about this misunderstood the nature of an MND when it suggested that the City is not "trying to determine whether the project would have a significant impact[;] rather the MND determined that there is an historic resource" (Response 1-9 December 2016). The City's determination that the property is historic predated preparation of the MND, whose purpose is precisely to determine whether an impact on that historic resource is significant; it fulfills CEQA's basic intent to inform the public and decision makers about the potential significant environmental effects of a project (CEQA Guidelines 15002(a)). If a project could cause an impact on a historic resource, the MND must demonstrate that those impacts would be avoided or reduced to a less-than-significant level with the implementation of prescribed mitigation measures. Two experts, a qualified architectural historian and a qualified historic architect with decades of experience in similar projects, have found that the project as proposed would cause a significant adverse impact on a historic resource even with the relevant mitigation, which triggers preparation of an EIR.

## **Conclusion**

We offer four distinct arguments in this document, amplifying previous letters and comments, each one of which the City must adequately refute to prevail in its assertion that the project would not cause a substantial adverse impact to a historic resource. The City has not satisfactorily refuted

them. We assert again that the proposed mitigation measures would not reduce project-related impacts to an insignificant level, and for the reasons we have laid out—that mitigation measures are improperly deferred and not fully enforceable as required under CEQA, and thus may not prevent significant adverse impacts, and that economic feasibility cannot be considered in decisions regarding mitigation measures in an MND. We note, finally, that because the City is trying to determine whether the project would have a significant adverse impact on a property it has found to be a historic resource, the fair argument standard applies. Two experts independently find that relocating and crowding the historic house with much larger new buildings would cause a significant adverse impact.

Therefore we again state that a focused EIR should be prepared before approving this project to fully analyze the impacts of the proposed project on the historic resource and to consider project alternatives. There is an alternative to preparation of an EIR, however, and that alternative is one reason a body such as the Design Review Board exists. The project could be returned for redesign to address our concerns and reduce the impacts of the new construction on the historic resource to a less than significant level. The new project should include more thoughtfully designed buildings and less new construction overall, fewer parking spaces and paving, and should retain more of the existing, open historic resource setting in order to avoid impacts. No one wants an EIR for its own sake; a better outcome would be a better project.

Thank you for your time and consideration.

Sincerely,

*Greg Grammer*

Greg Grammer, President  
The Glendale Historical Society

cc: Jay Platt, Senior Urban Designer, City of Glendale  
Vista Ezzati, Planning Assistant, City of Glendale