

# **Historic Assessment Report and Review**

## **of the Mitigated Negative Declaration for the Proposed Project at 1732/1735 Ard Eevin Avenue and its Impact on the Historic 1903 Ard Eevin Residence**



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As an architectural historian and historic preservation consultant with 30 years in practice, I was engaged by the law firm of Chatten-Brown & Carstens, LLP to research and analyze the data for the historic property known as Ard Eevin, located at 851 West Mountain Street in Glendale, California, and the proposed project located adjacent to that address at 1732 and 1735 Ard Eevin Avenue, to determine whether or not the proposed project will have any adverse effect on the historic property and/or the Ard Eevin Historic District.

There is no question that the property known as “Ard Eevin” and the District of the same name are significant. The Ard Eevin Highlands Historic District was designated in 2008 by the City of Glendale. It consists of 87 homes, the centerpiece of which is the home named “Ard Eevin.” That the district was named in honor of a single residence gives enhanced credibility to the importance of that place and the role it played in the history and development of the area. Ard Eevin is also listed on the National Register of Historic Places, City of Glendale Register of Historic Places and is eligible for the California Historic Register as well. The house was built by architect Nathaniel Dryden, who also built the home known as El Miradero for Glendale developer Leslie Brand, which now serves as the Brand Library and the Virginia Robinson Estate in Beverly Hills. Dan Campbell became associated with Brand in business and purchased a 50-acre tract adjacent to some of Brand’s land in the Verdugo foothills. He built Ard Eevin there in 1903 and it remained in the family until 2012. Campbell’s brother, Arthur, emigrated from Ireland in 1902 and joined him in business. It was they who subdivided their holdings in the 1920’s to create the Cumberland Heights neighborhood, but kept the family home and property of Ard Eevin intact. Dan Campbell was known for both his generosity and lavish entertaining, both of which were noted in newspapers of the day and was involved with the financial end of the business, while Arthur seems to have been in managerial positions in the various companies established by his brother and Brand.

Beside the significance of the architecture and its long history and associations, the most unusual aspect of the Ard Eevin property is that it has maintained its rural setting, despite the development of other structures in the area. The view corridors at the front of the house, as well as from the north and east elevations, face the rustic scenery of hills, chaparral, trees, and wildlife.

It is not the intent of this report to build a case for the historic significance of Ard Eevin or other properties within the historic district; that has already been established and canonized. My role is to analyze the effects of the proposed project on Ard Eevin and the District and reach a conclusion or conclusions as to whether the proposed project conforms to the requisite guidelines set forth by the City of Glendale, California Environmental Quality Act (CEQA), or any other officially recognized body with regard to protection of historic resources.

The residential project that is proposed on the adjacent lot was first proposed in 2010 as two large residences. The request for that project was eventually withdrawn. The Glendale Planning Department prepared a Mitigated Negative Declaration (MND PEIF 2007-016) for the project, which stated that the project conformed to the surrounding neighborhood. Among the conditions which the MND claims are compatible are Consistent Architectural Concept, Scale and Proportion, Mass and Scale. Unfortunately, an MND does not require “findings.” A finding is a reason or rationale for a decision. If a finding were required, it would be almost impossible to make a justification for compatibility for the project on the aforementioned headings. A determination of compatibility must be based on consistency of design, not relationship to its surrounding. The proposed project does not meet even the most basic guidelines set forth by the City of Glendale of Context, Consistent Architectural Concept, and Scale and Proportion. It has no relationship to the nearby homes regarding any of the aforementioned standards.

The Ard Eevin Historic District consists of homes built between 1903 and 1955, characterized—and dominated—by Period Revival architectural styles such as Spanish Revival, Colonial Revival, Tudor Revival, French Norman and low, horizontal Ranch styles. Any new construction, in order to be consistent and compatible with the historic structures in architectural concept, scale, proportion, and massing, would need to look to these styles for guidance. The proposed project clearly does not. This is not to suggest that a new structure should imitate in design the existing architecture, but follow the lead in terms of its volumes and imposition.

The proposed new design bears no relationship to the setting. It is ultra modern in form, consisting of hard angles and surfaces and the construction materials are also hard and manufactured. This is in stark contrast to the natural rustic site on which the hillside undulates and slopes. In terms of size, the nearby homes are considerable smaller; all would be dwarfed by the proposed project. Therefore, I can find no rational basis on which the Glendale Planning Department found this project “compatible.”

The original parcel map application was withdrawn to allow for the filing of a new design review application. In light of the fact that it is a new application for a new project, a new MND is required. The City of Glendale Design Review Staff Report states that the environmental issues have not changed even though the project has. This is also disingenuous. If the parcel had been divided to accommodate two separate residential properties, there would be additional regulations with regard to setbacks, perhaps resulting in a very different configuration and size. This is not to imply that two would be better than one, only different. Also, as the decision for approving the project so clearly misrepresents the reality of the conditions, it is incumbent on the City of Glendale to produce a new MND for public review which would contain material which is germane to the actual proposed project.

The California Supreme Court (Friends of the College of San Mateo Gardens, Plaintiff and Respondent, v. San Mateo County Community College District, 2016/2017) recently stated and reaffirmed a decision on this very subject. When a project's impacts had been previously reviewed in an MND and substantial evidence shows that changes may have a significant impact, CEQA does not permit the adoption of an addendum and the lead agency must prepare either a new MND or an EIR, to wit: *"...defendants' use of an addendum violated these provisions because there is substantial evidence to support a fair argument that the project changes might have a significant effect on the environment."* That is certainly the situation here. The mere fact that the original proposal was for two houses and the current proposal is for one is an enormous change. It does not matter whether one or the other proposal could be considered to have a lesser impact, only that there is a difference between them.

Since the first proposal to do a lot split and build two houses was withdrawn, it is impossible to conclude whether or not that proposal would have been more or less intrusive than the current proposal. As no design was ever submitted, it is impossible to say whether they would have been more or less compatible. However, with smaller lots it is reasonable to assume that the houses themselves would have been smaller and therefore would have a lower impact on the historic and terrestrial resources.

The Historic District Design Guidelines set forth by the City of Glendale for non-contributing buildings state that they are geared towards "maintaining the visual coherence of the district as a whole." It is clear that the proposed project interrupts the visual coherence of the district, looming

obtrusively over not just Ard Eevin, but other adjacent homes in the district, imposing itself on the landscape and dwarfing every other nearby structure. The guidelines also discuss “infill construction,” the addition of new structures: *“The proximity of the project should complement the existing historic architecture without mimicking its style. Most importantly, new construction should respect the rhythm of massing and setbacks within a historic district. Each historic district will have varying character-defining features and infill construction guidelines should be tailored to reflect these characteristics.”* While the project property is not technically included in the historic district, it is more than just an “adjacent” property. It is land that was, until 1983, part of the historic Ard Eevin property and contributed to the historic context of that property. Even if the land had not originally been part of Ard Eevin, the proximity of such massive new construction would be detrimental to the context of the historic district. Therefore, the use of the word “adjacent” misrepresents the reality of the location. Had it not been for two occurrences: the subdivision and the artificial (and arbitrary) boundary of the District, the vacant land now proposed for the project would have been part of the District.

Although the lot split occurred in 1983, the land remained vacant and was maintained by the occupants of the Ard Eevin residence (both former and current), as a safeguard against fire and trespass. In the absence of any other owner conducting regular maintenance and to keep the property from becoming an attractive nuisance, the most recent occupants of Ard Eevin were forced to assume a custodial role.

When surveying and analyzing a community for a historic district of any kind, best practices advise recording, researching, and considering original landscaping for inclusion in the district. This may include trees and other plants, water features such as streams or even fountains, trails, and vacant parcels which adjoin any of the historic structures. In urban settings this can include “side yards” or double lots which many times originally contained tennis courts or formal gardens. If someone owns such a lot and proposes, for instance, to build a new structure on it, it would be imperative to have an understanding of its original use in order to determine the compatibility of new construction. This should have been done when the first survey was conducted for the proposed Ard Eevin historic district.

Although the project parcel is not within the District boundaries, its proximity and its former (literal) connection to the Ard Eevin property should put it in a unique category. Several extant remains of the original homestead are on the site. At the time of the surveys there was no other residence structure on the site, nor was one even contemplated at that time which would have

excluded it from consideration as a contributor. Even if a project had been in the planning stage at that time, the original nature of the parcel was in full evidence and should have been appraised as part of the survey to determine the boundaries of the District.

The area was first surveyed in 2004, as a prelude to the establishment of a historic district by the City of Glendale. The historic resources survey was for the Cumberland Heights Historic District, performed by Historic Resources Group, under contract to the City of Glendale for the project. A review of the documents which comprise the survey reveals some problems. While the historic significance of the area is quite thorough, the actual Department of Parks & Recreation (DPR) Sheet for the single most historic property in the area is flawed. The property description states that there are some exterior alterations, which include, “a detached four-stall garage constructed in 1918.” First, a detached garage is not an alteration to a historic structure. The very word “detached” puts it in a separate category as defined by the Secretary of the Interior Standards. It is an outbuilding which requires its own full evaluation. Further, a garage constructed in 1918 would be within the period of significance and therefore considered a historic structure which requires its own full evaluation. Both of the statements by the surveyors are categorically incorrect, which calls into question their use of guidelines, methodologies, research and fieldwork. It is quite likely that the garage was a replacement for a barn. By 1918 automobiles were coming into vogue and Campbell may well have sold his wagons and surreys and bought an automobile instead. Recognizing or considering this scenario would have been an opportunity to explore the role of the automobile in the development of the Cumberland Heights community.

Page 2 of the Historic Resources report states that, “*Alterations to the back of homes and the rear sides of homes were often not visible and not noted.*” This disclaimer is not sufficient to excuse leaving out significant features or portions of properties. In fact, the inclusion of the 1918 garage indicates that reviewers in the field were able to see a substantial part of the rear of that particular property.

Equally as egregious is that a major parcel of what had been the historic homestead property was completely eliminated from the evaluation of the property. Even though the land was vacant of any residential buildings, there were archeological remnants clearly visible. The area now the subject of new construction should have been catalogued and evaluated as part of the original landscape of Ard Eevin. Remnants of original utilitarian and ancillary ranch structures are still extant on the site and certainly would have been obvious to even the casual observer, let alone a trained field examiner. The DPR Sheet does reference the landscaping which is close to the house, with the

statement that, “*the property features lush shrubbery and mature trees,*” so it is unclear why the rest of the land was excluded. Vacant land must still be accounted for in a survey, even if there is intent that it will not remain vacant.

A second survey was performed in 2008, also by Historic Resources Group (Proposed Ard Eevin Highlands Historic District Evaluation City of Glendale, California Prepared for City of Glendale). By that time the land now proposed for new construction had a new owner but still no construction. That was a second missed opportunity to investigate the history of that parcel which had so recently (historically speaking) been attached to the Ard Eevin property.

That survey and subsequent Historic District was called the Ard Eevin Highlands Historic District, giving further credibility to the homestead’s significance. The evaluation states on Page 29 of the Executive Summary that, “*Because the Study Area is a portion of a larger area previously found eligible for local listing as an historic district, **the proposed district boundaries do not represent the totality of extant associated resources**, and justification of the current district boundary for the California Register of Historical Resources or the National Register of Historic Places would be difficult.*” (Emphasis mine) The Survey acknowledges the guidelines set forth by the California Office of Historic Preservation which state, “Districts with unusual boundaries require a description of what lies outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas,” (Technical Assistance Series #7, How to Nominate a Resource to the California Register of Historical Resources. California Office of Historic Preservation, revised September, 2001).

The Survey did not include any explanation of how the boundaries were being defined or why some properties were excluded. While the HRG Survey is limited to the built environment, it is easy to conclude that “extant associated resources” could also be understood to include the entire original Ard Eevin site, part of which is now the proposed project site. The intent is unclear and therefore open to interpretation. Although the lot split was in place when reviewed for that survey, unless someone had reviewed the Assessor’s maps they would not have known that such a split occurred as there was/is no visual or physical separation. In any case, the Executive Summary indicates recognition of additional historic resources, while the final boundary determination by the City of Glendale completely ignores that statement.

Glendale Municipal Code states that “Properties must contribute to each other and be unified aesthetically by plan or historical physical development.” Since there is no question that the

project site and the site of the historic home “Ard Eevin” share a historical physical development, there is no reason not to consider the inclusion of the former in the Historic District. The use of the term “vacant land” to describe that parcel is a misnomer. It is not completely vacant; it has tangible historic remnants on it.

The mistakes render those surveys ineffective at best and diminish their value. There may be other mistakes or exclusions in the information provided for other resources in the survey which may not come to light until they become the object of review for some other project.

However, a separate document, prepared by the City of Glendale, did address the historic remnants on the vacant parcel and their relationship to the Ard Eevin homestead. The June 26, 2005 City of Glendale Staff Report for recommendation of Ard Eevin to the National Register of Historic Places states on page 2: *“An 8.6-acre of undeveloped canyon parcel of land is behind the home and contains historic remnants from the early ranching and farming use. This parcel was not part of the designation for the Glendale Register, nor is it included in the nomination for listing in the National Register. Recently, the property was sold to a private party.”*

While the Staff Report concluded that the exclusion of the historic remnants on the adjacent land from the National Register nomination would not detract from the significance of the main house, it does not address the individual significance of the remnants themselves, while at the same time confirming their association with the historically designated property.

A more recent document dated April 3, 2017 by the City of Glendale Community Development Department, titled a Design Review Staff Report, was published in connection with the application to build on the vacant 8-acre parcel containing the historic artifacts. That document contains an *Assessment of Potential Environmental Factors* which might be affected by the new construction. The report references a survey report by Compass Rose Archaeological, Inc. which details the cultural resources. The Glendale document concedes that the artifacts may have significance but concludes that photo documentation is a sufficient mitigation to their demolition and deems their loss as less than significant. This opinion is expressed on Page 9:

*“Less Than Significant Impact With Mitigation Incorporated. The project site is currently undeveloped, but surrounded by single-family residences to the east, west, and south. If the Parcel Map is approved, the new lots will be developed with new single-family residences in the future.*

*The subject parcel is associated with the residence located at 851 West Mountain Street, which is listed on the Glendale Register of Historic Places and part of the Campbell homestead that was used as a ranch/citrus grove. The former owner retained the services of Compass Rose Archaeological, Inc. to conduct a survey of the site in August 19, 2002 in order to identify the existence of any cultural resources on the property. The survey concluded that the site contained potential historical artifacts such as foundations and pads of buildings that once stood on the property; however, the buildings have since been removed. Some of these buildings were a caretaker's house, a milk house, and a carriage house. Other items include an incinerator, a tractor, a feeding trough, and debris catching fences. All of these items are movable and can be relocated to another area of the site or off-site should they be disturbed during any construction. While these items may have historical significance pertaining to the subject site, their importance can also be adequately documented and retold with photographs and written history prepared by a trained professional. Given the nature of the artifacts, the above documentations would not compromise the story, meaning, and history of these items and their association to the subject site.”*

This opinion is rendered without benefit of a full analysis of the artifacts by a qualified historic consultant. In situations where there is a difference of opinion among experts the California Environmental Quality Act (CEQA) requires that when experts disagree, the more conservative approach be adopted. CEQA clearly states that if there is a possibility that the project may have a significant impact on the environment there is a need for overriding findings. Such issues may lead to a dispute among experts, which then requires preparation of an Environmental Impact Report to explore the facts in greater depth.

The following comes from the CEQA publication prepared by Kathryn J. Tobias, MRP, JD Senior Staff Counsel California Department of Parks and Recreation March 7, 2016, Copyright 2016: “15064. Determining the Significance of the Environmental Effects Caused by a Project:

*Guidelines 15064(h)(1): in marginal cases where it is not clear whether there is substantial evidence that a project will have a significant effect, lead agency shall be guided by following factors: Presence of serious public controversy; **presence of disagreement between experts.***  
(Emphasis mine)

*Substantial Evidence Issues need real “study” to achieve substantial evidence; citizen observations may be enough, if based on “facts” (surveys, studies, expertise), reasonable assumptions based on facts, and expert opinion supported by facts; substantial evidence is NOT: argument, speculation, unsubstantiated opinion, erroneous information, evidence of social or economic issues that do not result in physical impacts*

*(5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*

*(g) After application of the principles set forth above in Section 15064(f), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, **the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.***

*(Emphasis mine)*

The above references are not optional guidelines; they are directives for how to properly conduct a fair analysis to safeguard the public good.

There are other aspects of the proposed project which are problematic given its proximity to the historic district.

Although there are other houses close to Ard Eevin, none are as intrusive as the proposed project will be. Because of the topography, which puts it at a higher elevation, the proposed project would have greater visibility than any other and its multi-level design and massing gives it the appearance of an apartment building. Further, because the topography creates a semi canyon, sound will carry like a megaphone, intruding on the neighbor’s quiet enjoyment of their own property.

With further regard to the topography, it is entirely likely that that area serves as a wildlife corridor which is part of Idlewood Canyon. A building of that scale will almost certainly be an impediment to the wild creatures trying to survive in an increasingly encroaching unnatural urban environment.

The average square footage of the surrounding homes is approximately 2,800 square feet. The range in size of neighboring properties is given by the City of Glendale as “1,668 to 7,386.” This is disingenuous, as there is only one property that is over 7,000 square feet (879 W. Mountain Ave.), which raises the average and implies that the proposed project is somehow consistent with other homes which characterize the neighborhood. Although also out of proportion to the surrounding historic properties, that single outsized property is at a lower elevation than the proposed project and cannot be seen from any of the standard view corridors. Even if we were to accept at face value the square footage average, the proposed construction is still 200 square feet more than the largest home in the area. At what point is it acceptable to build “just a little larger?” The proposed project dwarfs every other property in the area by any criteria.

No one has suggested a “no-project” alternative. In other words, the applicant’s right to build is not in question, only how that building relates to its surrounding. Again, this is not an issue of aesthetics but of compatibility to a neighborhood which has long-established precedence and has met a high bar of qualifications to be designated as historic. As a special category, it is incumbent upon a municipality to protect the historic resources from any and all encroachments. In this case, the encroachment of the proposed project on the historic Ard Eevin home is palpable.

The current project seems to have been designed first and then the landscape forced to accommodate it. While re-design of the project is not within the scope of my authority, I can offer some suggestions which could make the proposed project less of an imposition on the surrounding area and neighbors. The most obvious change would be to reduce the size of the residence. The square footage is simply out of scale with everything in the area and there is no way to mitigate that. There appears to be a good deal of duplication with regard to the interior spaces which could be combined and downsized. For instance, the floor plan shows both a “Family Room” and a “Great Room,” a “Library/Study” and a “Media Room.” The plans contain a pool, a pond, and a “water feature.” Two separate garages also contribute to the large footprint. Also, although not habitable space, the many balconies and decks seem unnecessary and could be scaled back. Elimination/combination of some of these can allow for reorganization of interior spaces.

It seems a paradox that someone would take the natural rural beauty of a site and superimpose the most urban design and materials possible thus obliterating the very thing that makes the land unique and desirable. The design consists of hard geometric angles. Dominant materials are cement, plaster, sheet metal, aluminum, charcoal rock panels and laminate. There is no

incorporation of natural materials or softer, more fluid expressions that conform to the shape of the land. Even the window fenestrations make little use of the spectacular views afforded by the location and seem to be “off the rack” aluminum sliders.

Finally, creating a larger set-back from the front property line would ease somewhat the claustrophobic feeling of the immediate neighbors that would be created by a looming structure above them as well as add distance to decrease the noise level. A reduction in size would make this possible without putting more stress on the natural environment.

Inserting a new structure into a historic district requires finesse and sensitivity. Introducing modern construction onto previously pristine acreage also requires a kind of subordination of ego that allows the new structure to co-habit with the natural landscape. One hopes that the architect could channel the spirit of Frank Lloyd Wright in order to adapt the design to its environment rather than the other way around. In an era when concern for the environment has become a leitmotif of the national conversation, it is ironic that a project which rejects every prudent conservation management principle is being approved by a municipality which should be protecting that environment and its historic setting. To reiterate: no one is suggesting that nothing be built in that location, only that changes be made to the design to make it compatible with the existing historic and ecological resources. Indeed, a conservation management plan should have been required as part of any approval for construction.

It appears that the proposed project was approved without proper historic review, violating CEQA regulations as well as best professional practices. An independent analysis, performed as a “blind” examination, is the only legitimate way to reach a conclusion. Both the City of Glendale and applicant have vested interests in the outcome.

It is not impossible for historic resources, be they natural or man-made, to co-exist with modern development. Accommodating contemporary living requires sensitivity and understanding but it is not an impossible task. It is well known that many, many people live in older homes which have been updated with modern comforts while retaining the features and materials which make them unique. European cities have strict rules and enforcement with regard to historic properties yet still manage to accommodate new technologies and interior design sensibilities and to continue to build for the future. Historic and contemporary need not be mutually exclusive.

I have reviewed every document associated with these properties and I do not see how it is possible for some of the determinations to have been reached. Conflicting reports, incomplete assessments, and lack of foundation for many of the findings leave an impression of carelessness or, worse, perhaps an intentional result. This is not an accusation but a comment on appearances. There have been many opportunities over the years to document, research, and analyze the archeological remains and determine their level of significance. By waiting until a project is proposed for the site, the City of Glendale has given the impression that they are more interested in fees and taxes than good planning. While they had nothing to do with the 1983 lot split, they did acknowledge on several occasions that something of value was on that lot but did nothing to determine how the resources should be handled. This is a systemic failure, not associated with any one individual.

It is my considered opinion that: 1) the proposed project is out of scale for its location; the numbers don't lie; 2) that the proposed design bears no relationship to the historic district to which it is adjacent; 3) that the parcel contains extant historic and/or cultural resources which would be disturbed or overwhelmed by such construction; 4) that the process for evaluating/approving the proposed project was flawed; 5) that the process for evaluating the historic district was flawed; and finally, 6) that use of the MND prepared for a previous project is improper, especially when the underlying issues have not been resolved. Merely stating that the environmental issues are the same does not constitute an actual academic review and fact-based explanation or conclusion. The decisions made by Glendale do not even conform to their own guidelines by any rational application.

The only way to fully satisfy the legal requirements and criteria for evaluation of historic sites is to begin from the beginning. The relationship of the parcel to the adjacent historic property and surrounding historic district must be addressed first. Only then can a fair assessment be made of the issues involved in construction on the site. An EIR is the most thorough document for such an assessment. Finally, a decision can be made which takes into account all of the issues and impacts and serves the greater community. Doing so will result in a better project and true mitigation.