



CITY COUNCIL AGENDA REPORT



DEPARTMENT: Community Development

MEETING DATE: January 20, 2015

PREPARED BY: Craig Jimenez, Planning Division Manager

AGENDA LOCATION: PH-1

TITLE: Appeal of Historic Preservation Commission Decision Regarding Property Located at 256 North Encinitas Avenue; Monrovia Historic Preservation Group, appellant

OBJECTIVE: To consider an appeal of the decision of the Historic Preservation Commission to assign a status code of 6L to the subject property.

BACKGROUND: In 2004, the City Council adopted the Neighborhood Compatibility Ordinance (2004-11) which put into place a comprehensive approach to address compatibility of new development in existing neighborhoods. One of the components added a section to the Monrovia Municipal Code requiring the review by the Historic Preservation Commission of demolition permits for residential structures in residential zones built prior to 1940. This ordinance puts up to a 120-day hold on the issuance of a demolition permit for affected structures. After the permit is filed, the 120-day period begins; the review is then set for the next available agenda of the Historic Preservation Commission.

An application for demolition for the house at 256 North Encinitas Avenue was filed on September 30, 2014. The house was built in 1921 and therefore subject to the demolition ordinance. The Historic Preservation Commission reviewed the demolition permit at their October 29, 2014 meeting.



After considerable public input and deliberation by the Commission, the review was continued to a Special Meeting scheduled for December 3, 2014. A subcommittee was established to conduct additional research on the property in an attempt to find information that would assist the Commission in making a determination on significance.

At their meeting of December 3, 2014, the Commission further discussed the property and based on the architectural merits of the structure, concurred with Staff's recommendation and assigned a rating code of 6L, indicating that the property does not meet the level of significance in order to grant individual designation as a historic landmark.

The Monrovia Historic Preservation Group filed an appeal of that decision on December 11, 2014 (Attachment 1). Appeals of decisions of the Historic Preservation Commission are made to the City Council.

ANALYSIS: The existing single-story, single family residence is 1,070 square feet in area and was built in 1921. It has two bedrooms and one bathroom. This Craftsman bungalow has clapboard siding with corner boards. The front facing gable roof includes overhanging eaves, exposed rafter tails, knee

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braces, and a pair of vertical slat vents in the gable face. Four square wood posts on top of a clapboard-sided porch rail support the shallow shed roof porch. Within the porch area is the paneled front entrance and flanking double-hung sash windows with plain surrounds. The wood-frame house sits on a raised foundation.

Although the project was not initially envisioned as a demolition, when the applicant's preliminary plan was reviewed by the Building Division Manager, he determined that since the majority of the home would no longer exist. The project, therefore, would be considered a demolition. It is not uncommon when an addition or remodel on an older structure is started that termite, dry rot or other structural issues are uncovered leading to the removal or much more of the original material than was originally planned which leads to "demolition by construction". In order to avoid that situation mid-construction, the precautionary stance was to review the project as a demolition, specifically since a second story was desired.

Role of Historic Preservation Commission

In addition to the review of requests related to locally designated historic landmarks, the Historic Preservation Commission serves several additional functions in the review of structures under the provisions of the Monrovia Municipal Code (MMC) including: the review of Potential Historic Landmarks, review of demolition permits, and determination of historic value for zoning incentives all of which involve the evaluation and assignment of a rating code.

In keeping with the voluntary nature of Monrovia's Historic Preservation Ordinance, the Historic Preservation Commission cannot deny demolition. They may postpone the issuance of the demolition permit up to 120 days from the day of submittal to allow time for the Commission to work with the applicant to provide alternatives to demolition. Once the City receives an application for demolition, the 120-day period begins, and the review is then set for the next available agenda of the Historic Preservation Commission. This request was received on September 30, 2014.

The provisions in the MMC state that the demolition review is advisory only and allows the Historic Preservation Commission to assist and guide the applicant on an advisory basis related to the retention of the structure and/or proposed modifications including the new structure. There was discussion during the meeting regarding the appropriateness of the Historic Preservation Commission to consider the plans for the replacement structure.

While the Commission clearly has the expertise to conduct this review, that power is not explicitly granted to the Commission. The Commission's primary role in this process is to review and determine the architectural significance of the structure in order to allow incentives to be utilized based on the provisions of the Monrovia Municipal Code. The replacement structure has no bearing on the architectural significance of the existing structure and should not be a factor in that evaluation.

California Historical Resource (CHR) Status Codes

A little over a decade ago, the California Office of Historic Preservation developed the *California Historic Resource Status Codes* to provide a uniform rating system for potential and designated historic resources throughout the state. This replaced the previously used *National Register Status Codes* which were inconsistent with state regulations related to historic resources including the California Environmental Quality Act (CEQA). As the City's draft historic resources survey was being developed, the Historic Preservation Commission began to use this rating system as part of its evaluation process to be consistent with accepted historic preservation protocol. Status codes range from 1 to 6, with 1 having the highest significance and 6, the least.

California Environmental Quality Act (CEQA)

The meaning and importance of the status codes has changed over time. State law and case law has also evolved to provide much greater protection of structures that are rated, either as part of a survey or individually. One of the primary changes has been in CEQA. The definition of a "historic resource" under CEQA is classified as a structure or property that has a rating of 1 through 5. What this means is that as part of the review of a future development proposal pursuant to CEQA, the potential effects on the resource must be considered. A "substantial adverse change in the significance of a historical resource" is considered to have a significant effect on the environment. This would include demolition.

Since the courts have determined that there is no way to mitigate the demolition of a “historic resource”, the environmental review under CEQA would likely be an Environmental Impact Report.

Historic Preservation Commission Review

The Historic Preservation Commission reviewed the request at their meeting of October 29, 2014, following extensive public input, the Commission discussed the property’s significance which focused primarily on Criteria 4 of the Historic Preservation Ordinance. Criteria 4 is applied to properties that are considered significant for their architectural merits. The item was continued to allow the Commission to do further research related to the significance of the house. A subcommittee of Commissioners Baker and Zuk were appointed to conduct the research.

The subcommittee, the applicant and Staff did further research on the property. Based on that additional information, it was determined that there was no evidence that other criteria could be met, specifically, on previous owners/occupants, architect or builder.

A Special Meeting of the Historic Preservation Commission was held on December 3, 2014 to continue the discussion and review the additional information. After further and thoughtful discussion regarding the property’s significance, the Historic Preservation Commission adopted the DPR Form for the property with a California Historical Resource Status Code of 6L which means that the structure is not “eligible for separate listing or designation under an existing local ordinance but is eligible for “special consideration in the local planning process”. Their determination is that the house did not reach the level of significance to be designated individually as a Monrovia historic landmark.

Monrovia Historic Preservation Group Appeal

On December 11, 2014, Monrovia Historic Preservation Group filed an appeal of the Historic Preservation Commission’s decision to approve the DPR Form with a status code of 6L. The basis for their appeal is articulated in their letter which is attached.

At both the October and December meetings, there was considerable discussion revolving the architectural significance, integrity, and as a component or contributor to a historic district. The Commission’s decision to assign a “6L” to the property was based primarily on their determination that the property did not reach the required level of significance to qualify as a Monrovia historic landmark based on both the architectural design and connection to a person of significance.

The house is a simple example of a Craftsman bungalow and if a property owner had filed for landmark designation, the Commission determined that it is not significant architecturally on its own merits. The owner raised the issue that he thought that the front porch was not original and there was further discussion by the Commission. The adopted DPR Form states solely that this building lacks sufficient architectural character or styling necessary for designation.

Another discussion point at the meeting as well as in the appeal letter focused on the possibility that the property could qualify as a contributor to a potential historic district. There are two status codes that apply to properties recognized as historically significant by local government related to contributors to local districts:

5D2 – Contributor to a district that is eligible for local listing or designation.

5D3 – Appears to to individually eligible for local listing or designation through survey evaluation.

At this time, there are no adopted or officially identified potential historic districts and the Commission and Staff are limited to the use of the City’s existing regulations. Therefore, the review must be based on the provisions of the Monrovia Municipal Code. Relying on the definitions contained in the Historic Preservation Ordinance below, there is no basis to determine that the property is a contributor to a potential historic district.

Potential “shall refer to those properties identified in the survey as having the highest possibility of qualifying for designation by the Commission; those properties included on the 1985 survey; and those properties added to the survey by resolution by the Commission from time to time.”

A Historic District is defined as “any area containing a concentration of improvements which have a special character, historical interest or aesthetic value, which possess integrity of location, design, setting, materials, workmanship, feeling, and association, or which represent one or more architectural periods or styles typical to the history of the city, and has been designated an historic district pursuant to this title.”

A contributor is defined as “any property which contains an improvement or natural feature included in the designation statement for an Historic District which provide substance to the district’s character; a contributor shall be considered a historic landmark in all respects.”

Pursuant to the current regulations in the Historic Preservation Ordinance of the MMC, any person can nominate for a district for designation; the application must be consented to by the majority of the affected property owners within the proposed district boundaries. The idea behind the current ordinance is that neighborhoods would decide when and if a district application should be submitted for consideration. At this point, there is no basis, context or evaluation for the review of a contributor to an undefined historic district.

Pursuant to the City’s existing regulations, the Historic Preservation Commission determined that this structure is not eligible for historic landmark designation. Therefore, based on this determination, Staff believes that the Commission’s decision to assign a California Historical Resource Status Code of 6L to the property is appropriate.

Impact of Moratoria

On November 18, 2014, the Monrovia City Council adopted two moratoria limiting demolition and construction of residential structures. The moratoria were amended and extended on December 16, 2014.

The property at 256 North Encinitas Avenue is exempt from the demolition moratorium since the application was filed prior to November 18, 2014. If the current rating code remains 6L, a demolition permit could be issued. However, pursuant to the City’s existing regulations, it must be issued concurrently with the building permit for the replacement structure. If a status code of 5S3 is assigned to the house, pursuant to CEQA, an extensive environmental review would need to be conducted as part of a new project that involved substantial modification or demolition (probably an Environmental Impact Report).

The property is not exempt from the construction moratorium. This property is in the RL (Residential Low Density) Zone. Under the provisions of the moratorium, new construction (additions and new dwellings) can only be single story.

FISCAL IMPACT: There is no direct fiscal impact related to the appeal.

OPTIONS: The following options are presented to the City Council for consideration:

1. Deny the appeal and uphold the Historic Preservation Commission’s determination that the house does not meet the criteria for individual historic landmark designation and maintain the status code of 6L as adopted by the Commission.
2. Uphold the appeal overturning the Historic Preservation Commission’s determination and find that the house meets the criteria for individual historic landmark designation and assign a status code of 5S3.

RECOMMENDATION: Staff recommends that the City Council deny the appeal and uphold the decision of the Historic Preservation Commission.

COUNCIL ACTION REQUIRED: If the City Council concurs, following the public hearing, the appropriate action would be a motion deny the appeal and uphold the determination of the Historic Preservation Commission.

City of Monrovia
Department of Community Development
PRIMARY RECORD

Primary #
HRI #
Trinomial
CHR Status Code 6L

Other Listings
Review Code

Reviewer

Date

Page 1 of 2 *Resource Name or #: 256 North Encinitas Avenue

P1 Other Identifier: _____

*P2 Location: Not for Publication Unrestricted

a. County: Los Angeles

c. Address: 256 North Encinitas Avenue City: Monrovia Zip: 91016

e. Other Locational Data: APN # 8519-028-010

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

This one-story Craftsman bungalow is capped with a front-gabled roof and sheathed in clapboard siding with corner boards. Roof elements include overhanging eaves, exposed rafter tails, knee braces, and a pair of vertical slat vents in the gable face. The projecting, full-width front entrance porch is located on the primary (west) elevation. Four, square wood posts atop clapboard-sided balustrades support the shallow hipped porch roof. Within the porch area is the paneled front entrance and flanking double-hung sash windows with plain surrounds. The wood-frame house rests on a raised foundation.

P3b Resource Attributes: (List attributes and codes) HP1. Unknown

*P4 Resources Present: Building Structure Object Site District Element of District Other

P5a Photograph

P5b Description of Photo: Front,
October 2014



P6 Date Constructed: 1921

Source: LA County Assessor

P7 Owner and Address:

Michael Randall
710 South Myrtle Avenue #165
Monrovia, CA 91016

P8 Recorded by:

City of Monrovia

P9 Date Recorded: October
2014

P10 Survey Type: Individual

P11 Report Citation:

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

Page 2 of 2 *Resource Name or #: 256 North Encinitas Avenue

B1 Historic Name: N/A

B2 Common Name: N/A

B3 Original Use HP2 – single family residence

B4 Present Use HP2 - single-family residence

B5 Architectural Style Craftsman Bungalow

B6 Construction History (Construction date, alterations, and date of alterations)

1921 - House built
 1952 - Addition built

B7 Moved: No Date Moved N/A Original Location _____

B8 Related Features:
 None

B9a Architect: Unknown b. Builder: Fred Burdick

B10 Significance: Theme: Residential Area: Monrovia

Period of

Significance: 1921 Property Type HP2 - Single Family Property

Discuss importance in terms of historical or architectural context as well as integrity.

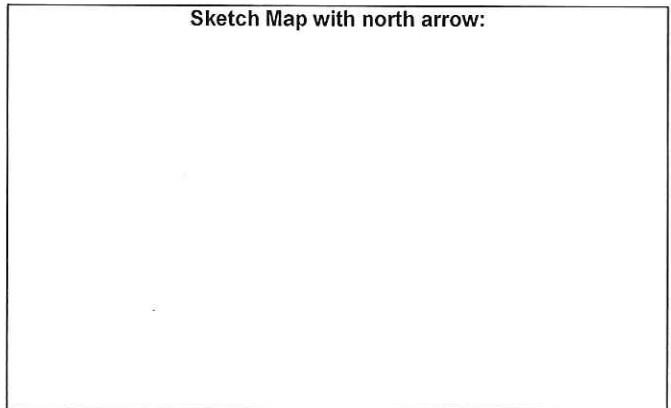
This building appears ineligible for the National Register and the California Register and for local designation. It does, however, appear eligible for special consideration in the local planning process because it is representative of the City's early residential development. The property lacks sufficient architectural character or styling necessary for designation.

B11 Additional Resource Attributes:

B12 References:
 LA County Assessor
 City of Monrovia Building Permits

B13 Remarks

B14 Evaluator City of Monrovia
 /Date October 2014





RECEIVED

DEC 11 2014

Office of the City Clerk
City of Monrovia

City Council Appeal

Date Filed: December 11, 2014
Subject: Demolition Review of Pre-1940's Residential Structure Located at 256 N. Encinitas Avenue
Appellant: Monrovia Historic Preservation Group
Applicant: Michael Randall, 710 S. Myrtle Ave #165, Monrovia, CA 91016
Appeal: Historic Preservation Commission Decision of December 3, 2014 – Agenda Item AR-2

Historic Preservation Commission Action:

Approved the DPR Form with a Status Code of 6L finding that the residence at 256 N. Encinitas Avenue does not have the architectural value that meets the criteria for local landmark status.

Basis for Appeal:

- 1) The Historic Preservation Commission was not asked and the staff report for the home did not consider if this structure has historical significance under the lower criteria for a contributor to a potential historic local district.
- 2) Historic Preservation Commission discussions took issue that the front porch on the 1921 Craftsman Bungalow was not original, and a motion failed to give an historic status code of 5S3 as an eligible contributor to a local historic district.
- 3) The Historic Preservation Commission did not consider The Secretary of the Interior's Standards as to reviewing the overall character/level of change, retention of later historic features, and/or reversibility of the front porch addition on the 1921 Craftsman Bungalow. These three areas are discussed below:

- a) Was the addition and the design of the front porch consistent with the style of a Craftsman Bungalow?

This porch addition is appropriate and consistent as found and exhibited by the same style open porch of the same age and design as the adjacent Craftsman Bungalow to the north of the subject property. A project is determined to meet the Standards based on the overall effect of all work on the historic character of the building. The single aspect of the addition of a compatible designed front porch on the overall character of the project is appropriate and consistent thus qualifying it as a potential contributing resource.

- b) Has the front porch been in place long enough so that this feature has acquired historic significance on its own right and should be retained and preserved?

It appears that the front porch may have been constructed in the 1950's, therefore it has been in place for approximately 64 years. The Secretary of the Interior's Standards consider that such changes over time may have acquired historic significance in their own right, be retained and preserved. In most cases, a property's significance is not limited to the date of its construction; features do not need to be original to be considered "historic" and character defining.

- c) If facts show that the front porch has not gained historical significance over time, the front porch could be removed allowing the Craftsman Bungalow to meet the criteria for listing as a contributor.

The "reversibility" requirement in removing later non-original building or non-historical elements, additions and inappropriate new construction and/or their replacement with conforming historic materials allows the opportunity to return the residence to contributing status.



- 4) Nothing in the survey description of the residence indicated that the 1921 Craftsman Bungalow residence was compromised as to its "significance" and/or that it had lost any of the seven attributes of "integrity".
- 5) The staff report gave no information as required in No. 4, above, but only mentioned that the residence "does not have architectural value." No information or background information was given on what this statement means.
- 6) The 2014 DPR Survey Form presented to the Historic Preservation Commission was never adopted by City Council and was incomplete as to required survey information regarding historical or architectural context as well as integrity. As such, it is not based on fact, and draws the wrong conclusion by not addressing potential local historically significant subject and/or surrounding properties.
- 7) The Planning/Building Division determined that the 1921 Craftsman Bungalow may be structurally compromised because of potential termite damage and dry rot and therefore reclassified the historical status of the residence to the non-significant and non-contributing rating of 6L. There was no information in the staff report as to the condition of the building. Typically, an owner requesting to demolish a structure would be required to have a Historical Structural Report done by an experienced preservation architect. There is a legal argument that the City circumvented the required CEQA process by approving projects without adequate analysis of Historic Status, thereby permitting demolition by ministerial action.
- 8) If the preservation of landmarks was limited only to that which has extraordinary distinction or enjoys popular appeal, much of what is precious in our architectural and historical heritage would soon disappear. It is the goal of the Historic Preservation Commission to ensure the continued protection, and thus the existence, of the whole collection of historic resources in Monrovia.
- 9)

Conclusion:

Based on the above points and concerns, the City Council should reclassify the property as a 5S3 contributing Historic Status code, so that the neighborhood has an opportunity to review any future development of this site and thus protect the neighborhood from incompatible in-fill development.

Submitted on behalf of the Monrovia Historic Preservation Group Board of Directors.


Jim Wigton
MOHPG President

256 N. Encinitas

Original Building Permit issued to Fred Burdich on 5/27/21 for a house and garage and a sewer permit on 8/9/21

On 3/11/52 a permit for an addition was issued to Mrs. E.R. Pahel

On 11/1/61 a re-roofing permit was issued to Gere Towne

On 6/28/84 an electrical permit for new service was issued to H. Kelly

On 5/4/06 and 5/18/06 permits for furnace hookups and 200amp service were issued to Jason G Ernst.

City Directory 1922-23 list Fred Burdich at 408 E. Olive

Telephone Directory 1924 has no listing for 256 N. Encinitas and Fred Burdich at 602 E. Maple

Telephone Directory 1927-28 no listing for 256 N. Encinitas and Fred Burdich at 408 E. Olive

City Directory 1928 256 N. Encinitas is listed as vacant

City Directory 1930 Harry C. Megill (Maud T) auto mechanic

City Directory 1931-32 256 N. Encinitas is listed as vacant (Megills have moved to 518 W. Olive)

City Directory 1937 Virgil Haas (Avis D) Clk Monrovia Motor Parts

City Directory 1939 Ditto

City Directory 1944 Virgil Haas (Avis D) Salesman Monrovia Motor Parts

City Directory 1948 Harry R. Tico (Florence L) plumber

City Directory 1950 Stephen A Freelove (Belle A)

City Directory 1952 Earl R Pahel (Donna A) electrician (Donna is clerk at SCGas Co)

City Directory 1953-54 Earl R Pahel (Donna) draftsman

City Directory 1955 Herbert L. Kelly Jr. (Olive M) Eng Aerojet Azusa

City Directory 1958 Eugene E Town (Josephine C) machinest Aerojet Azusa

City Directory 1959 Harold W. Noble (Frances) Noble Motor Parts

City Directory 1961 Vacant

City Directory 1963 Mrs. Anna-Maria Cullen-Carroll with Avon

City Directory 1965 Ditto

City Directory 1966 Ditto

City Directory 1967 James Potts (Mary) sign Painter

City Directory 1968 Ditto

City Directory 1970 Ditto

City Directory 1971 Ditto

Title search

6/29/2004 James & Mary Potts Family Trust sells to Ariel & Deborah Ruth Levy

11/15/2005 Levys sell to Jason G & Elizabeth A Ernst

8/27/2014 Ernsts sell to AVDC Construction

256 N Encinitas

House had an addition in 1952
The front porch also is not part of the original house

Fred Burdick 21 "owner"

-- No info found

Gene Towne 61 "owner"

Screenwriter -- http://en.wikipedia.org/wiki/Gene_Towne

H. Kelly "Permit"

-- no info found

Gloria Thompson "owner"

There are several Gloria Thompsons, the most decorated being a doctor who played music, but I lived in Baltimore:

LEVY, ARIEL; LEVY, DEBORAH RUTH "owner"

-- no info found

-- Deborah looks to be a psychologist

ERNST JASON G & ELIZABETH A "owner"

<http://www.biolchem.ucla.edu/labs/ernst/>

This is the one that likely will be him, the other is too young and an assistant professor.

Brian, Terry, Teresa, Bates "skip trace"

- No one, young couple that lives in Michigan

Marion Crouch "skip trace"

- Two of them, one in the UK and one in Tennessee, neither of which are known.

James & Mary Pots "skip trace"

- No one

Andrew & Kathleen Rudovsky "skip trace"

Previous owner of Tic Silver City 10 llc, no longer in business and was located in Nevada

Ocean Drafting & Design
7414 Apperson Street
Tujunga, CA 91042
(818) 314-9926

September 10, 2014

Historic Preservation Commission
City Hall
415 S Ivy Ave United States
Monrovia, CA 91016

Dear Commissioners,

256 N. Encinitas Avenue is a single story, 1070 square foot bungalow style craftsman home built in 1921. Architectural details include: Clapboard siding, louvered gable vent, and a gable ended roof with small Knee bracing supports. There are larger sized eave overhangs with exposed rafter tails. The windows are predominately double hung with wood frames; however, some of rear windows are of the aluminum slider type. The entry porch has a front entrance, and a hipped shed roof covering. Homes in the vicinity exhibit similar characteristics as the subject property.

APN 8519-028-010

Scott Kendall

Principal Designer