



Appeal of HPC Determination 1239 Rossmoyne Avenue

Appeal Case No. PAPP-003276-2024
City Council - August 13, 2024

General Information

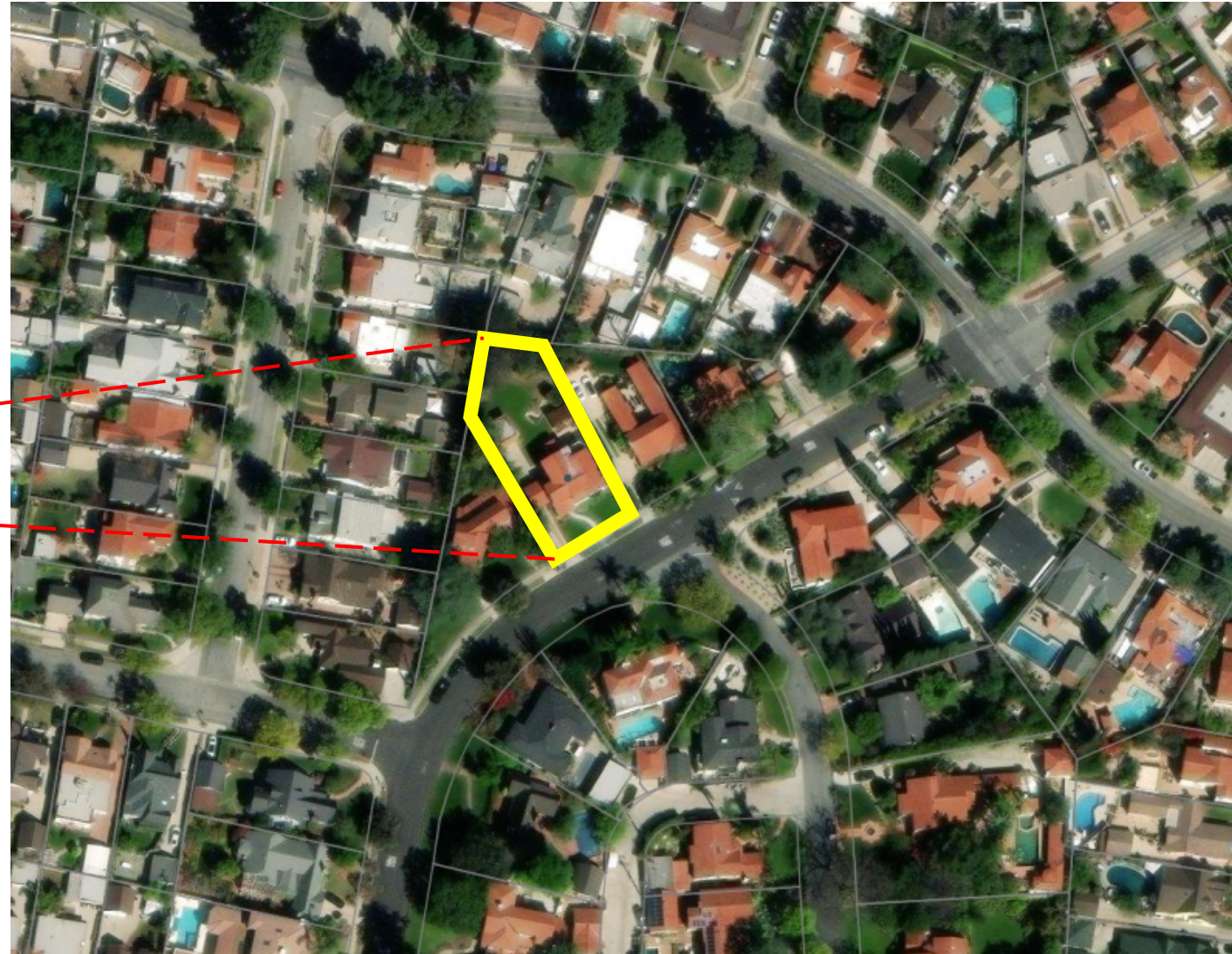
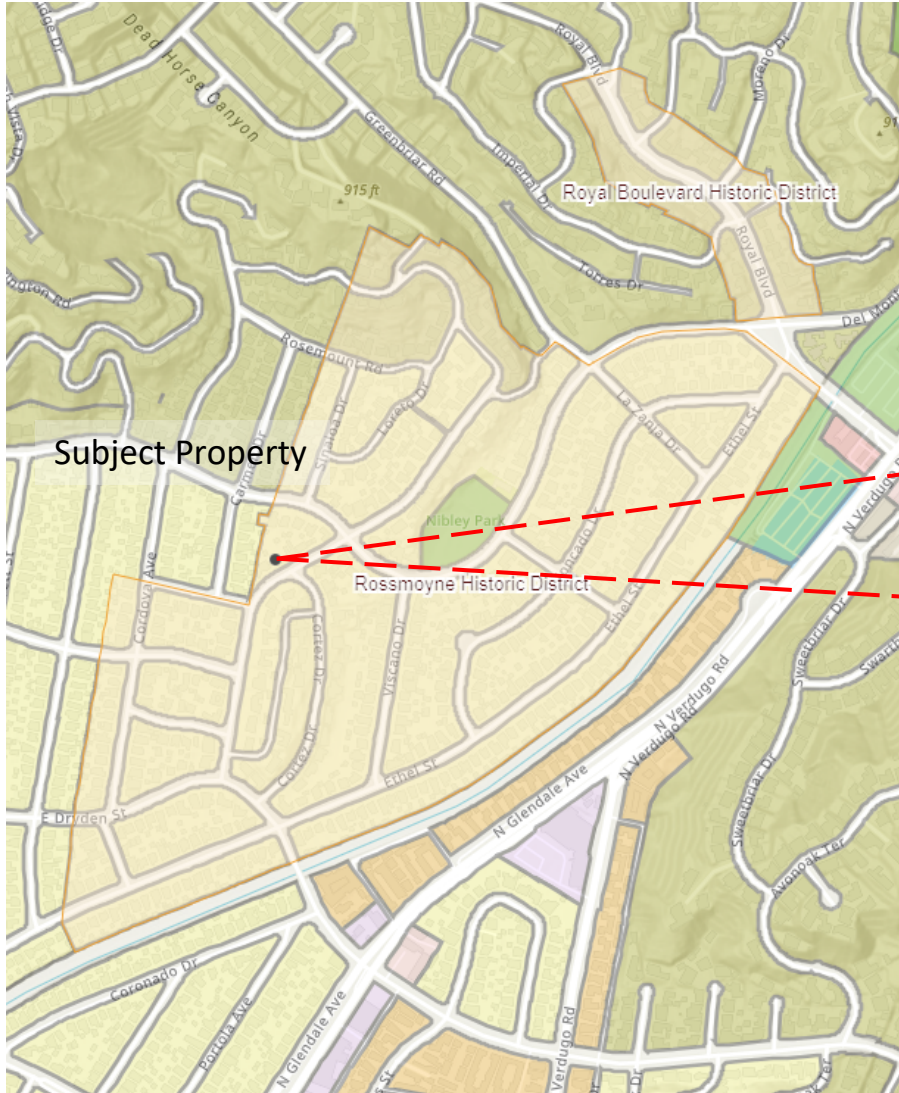
Appellant: Lermont Akopyan
Property Owner

Request: **Remove** two of the Historic Preservation Commission's conditions of approval.

Applicant: Edgar Markosyan, ARCSTEM INC.

Case No.: Design Review Case No. PDR-003119-2024

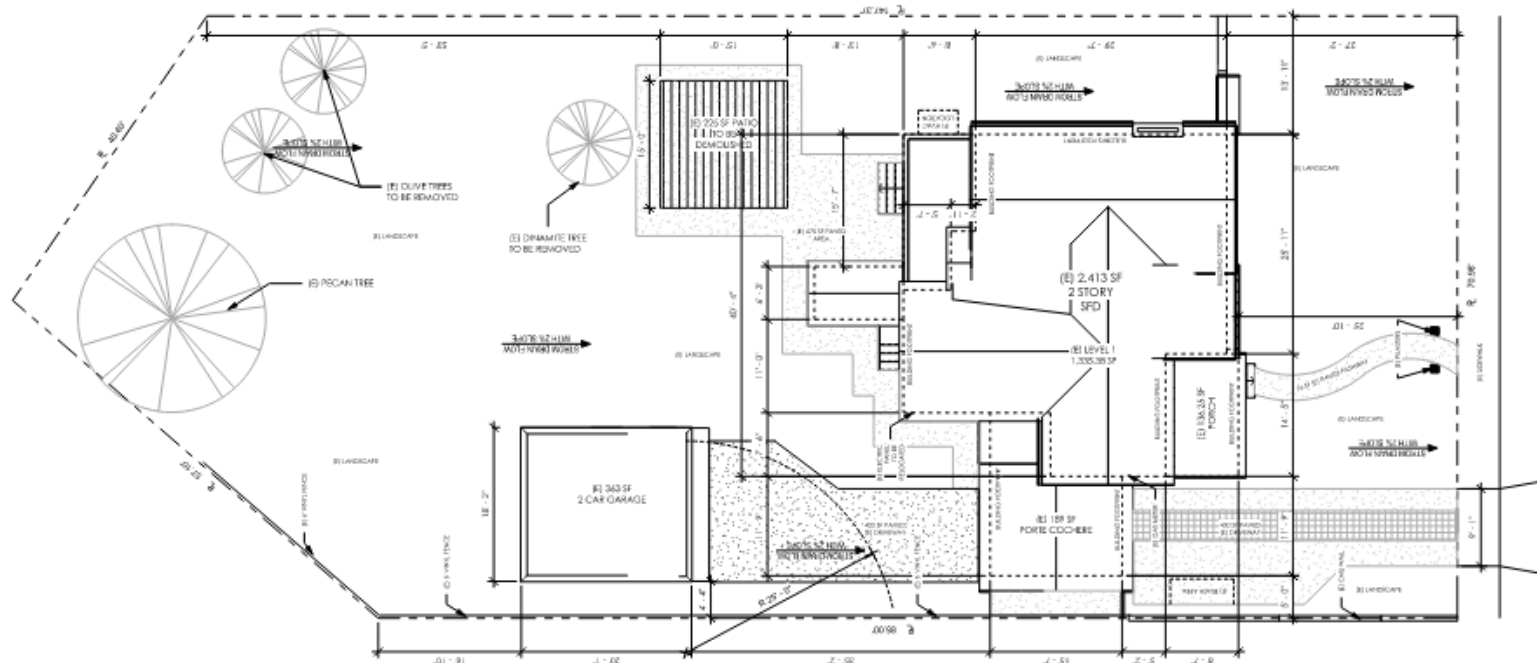




Location Map



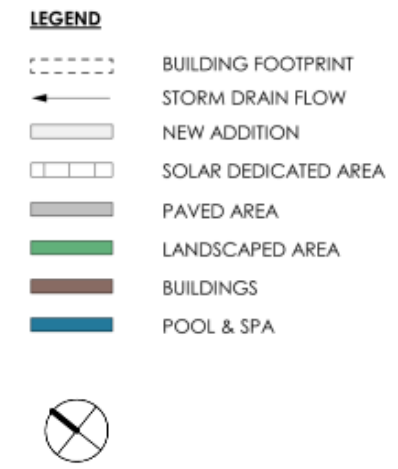
ArcSTEM Inc

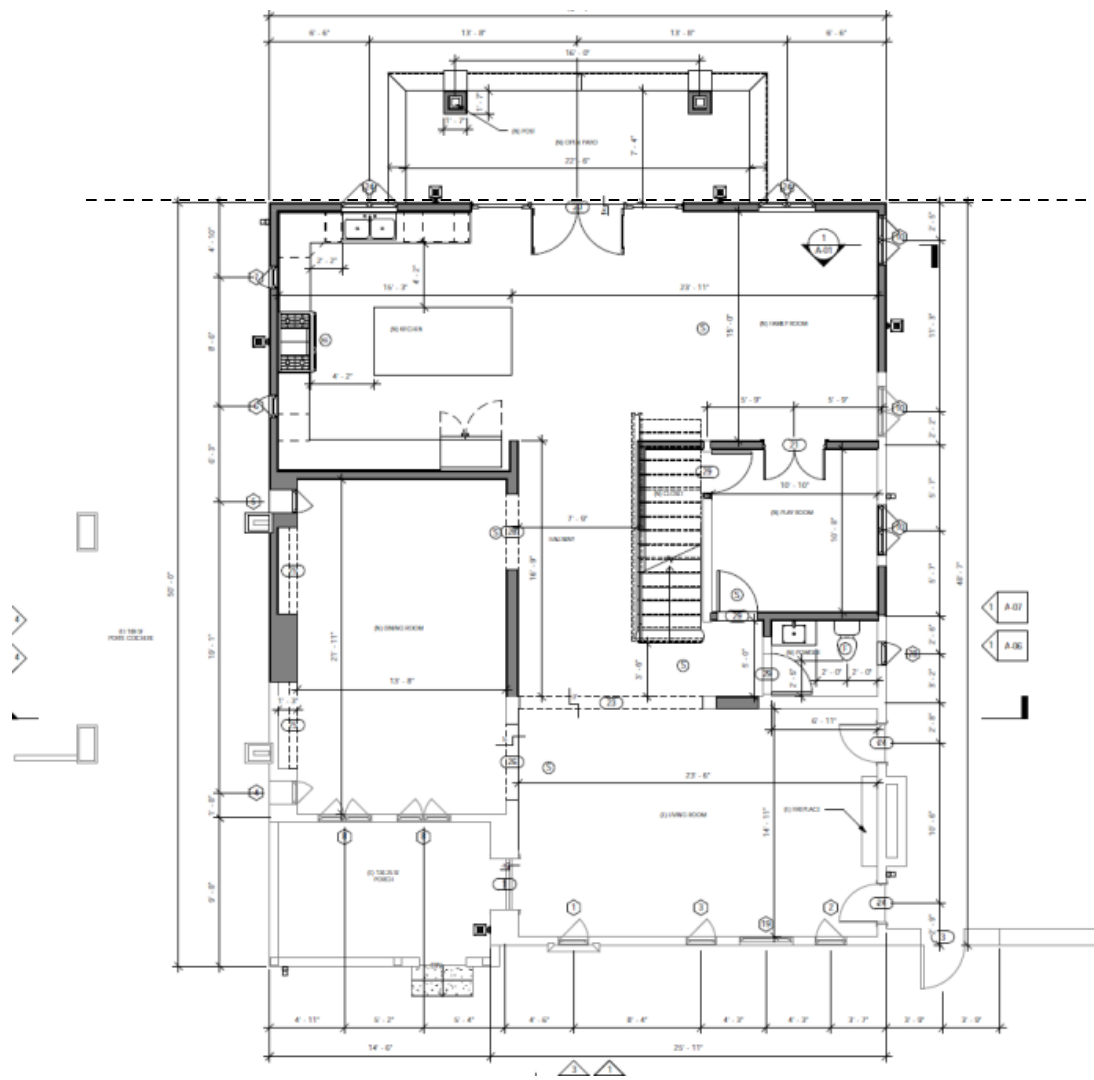


EXISTING SITE PLAN



PROPOSED SITE PLAN



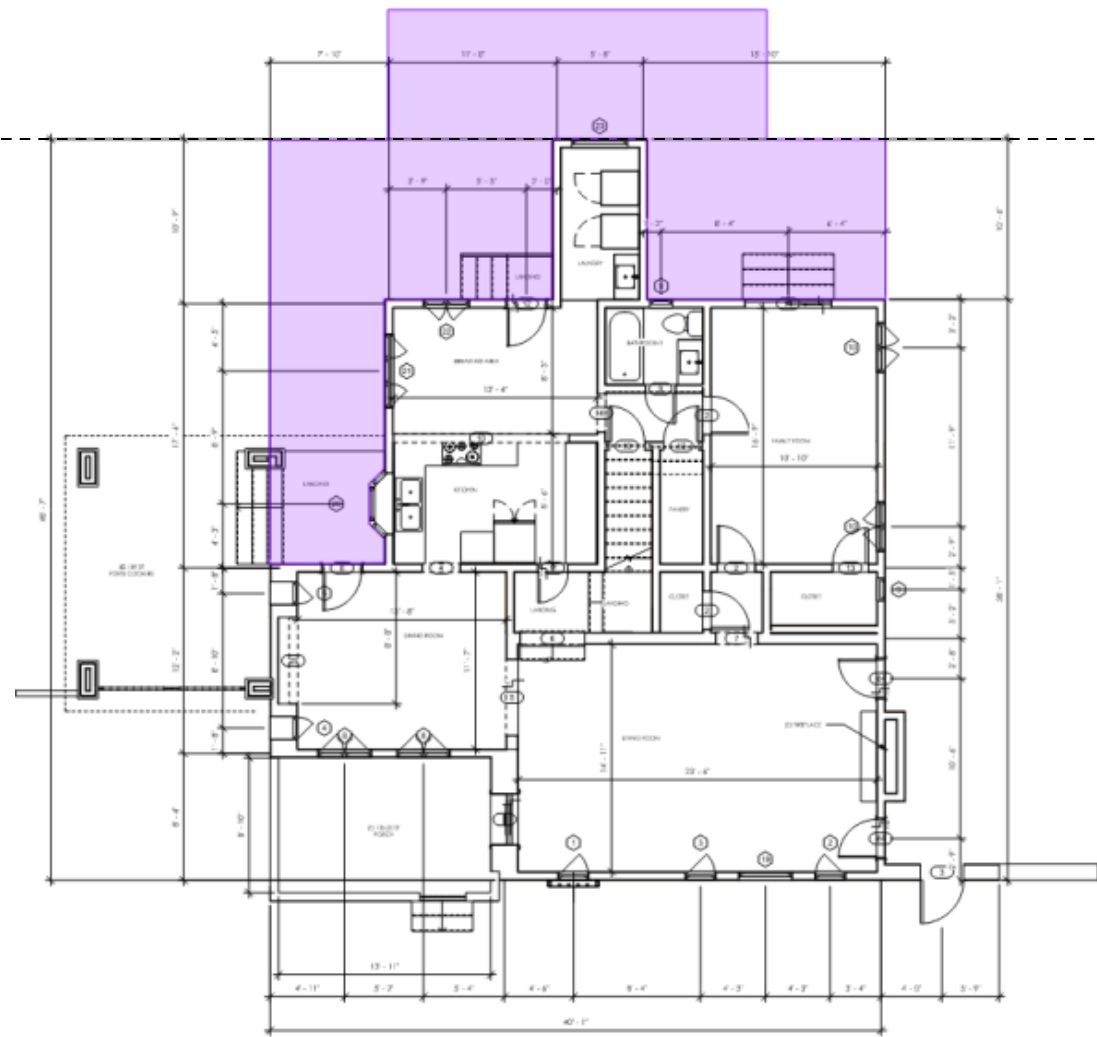


1 LEVEL 1 @ FLOOR (N)

(N) FLOOR ADDITION 489.0 SF

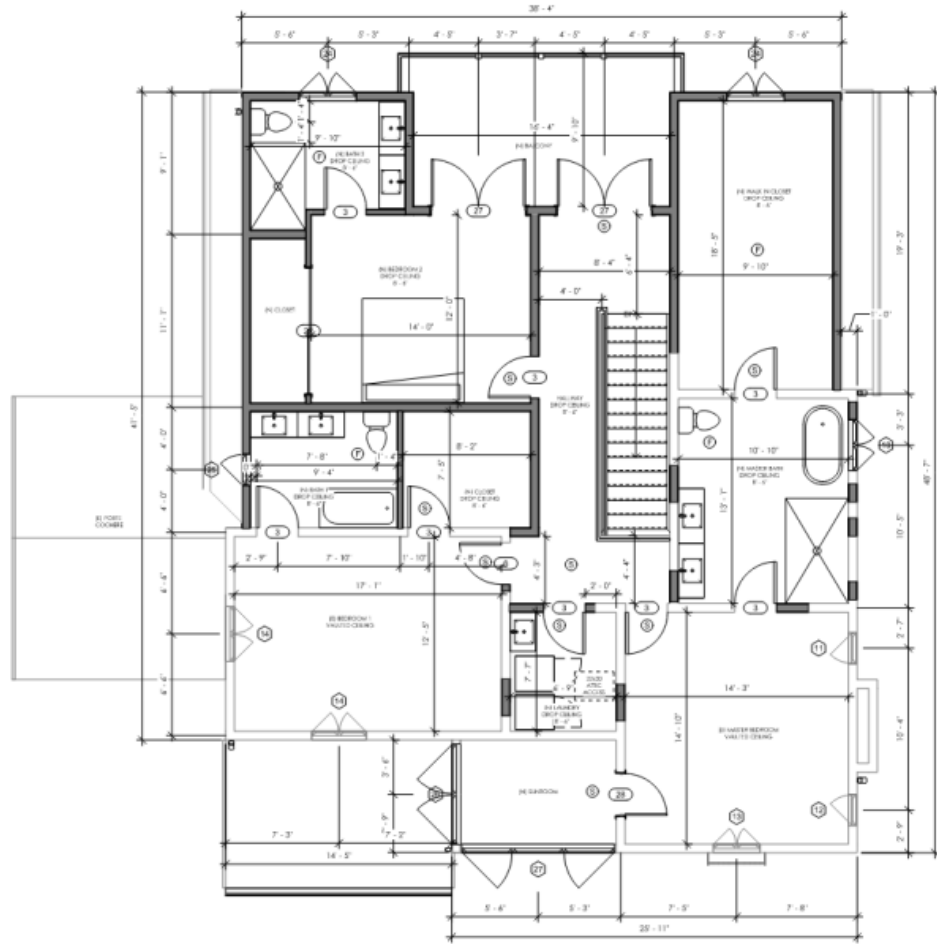


PROPOSED AREA



1 LEVEL 1 @ FLOOR (E)

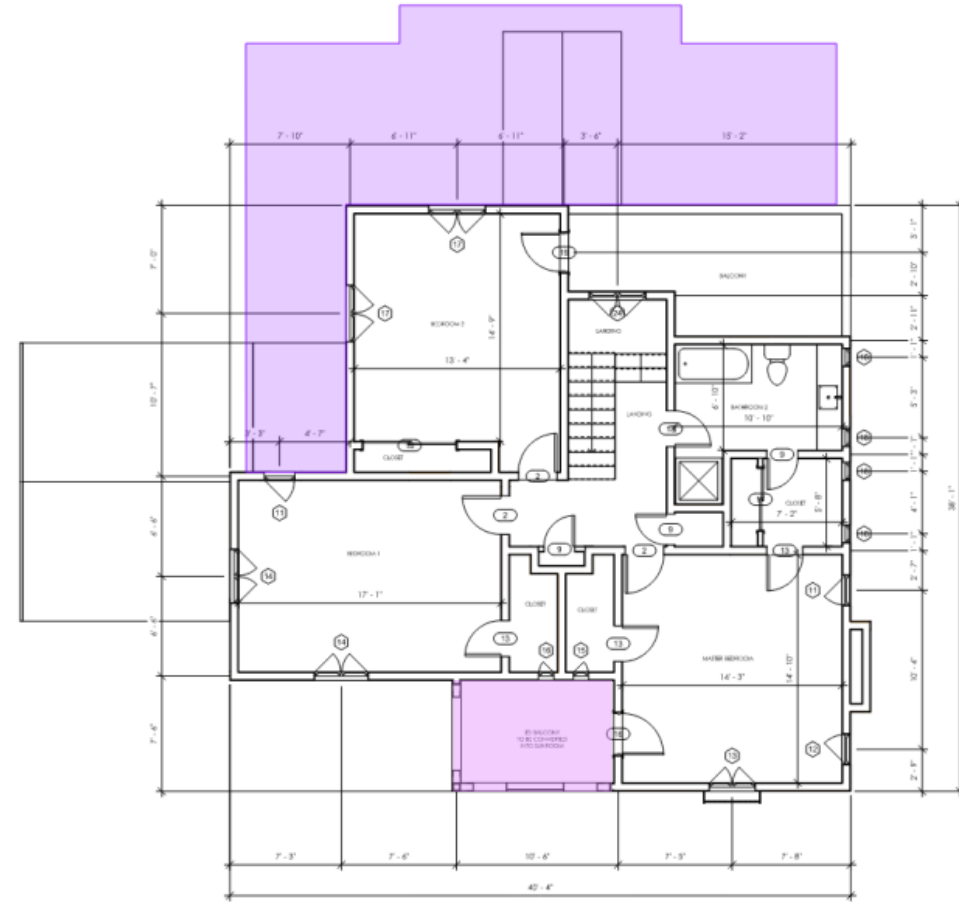
(E) FLOOR AREA 1,335.38 SF



1 LEVEL 2 @ FLOOR (N)



(N) FLOOR ADDITION 598.0 SF



1 LEVEL 2 @ FLOOR
1/4" = 1'-0"

(E) FLOOR AREA 1,077.62 SF



PROPOSED FRONT (SOUTH ELEVATION)



PROPOSED REAR (NORTH ELEVATION)





PROPOSED EAST ELEVATION



PROPOSED WEST ELEVATION





PROPOSED PERSPECTIVE



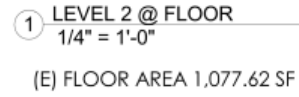
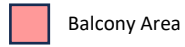
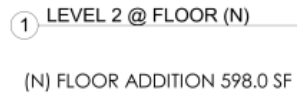
EXISTING PERSPECTIVE

HPC's Conditions of Approval | **Applicant's Appeal**

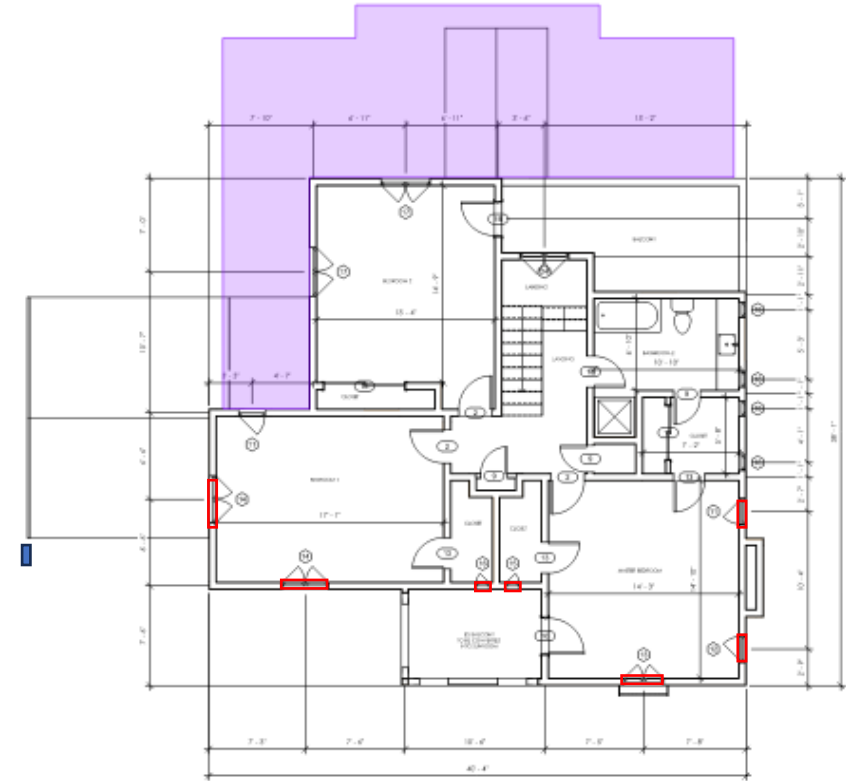
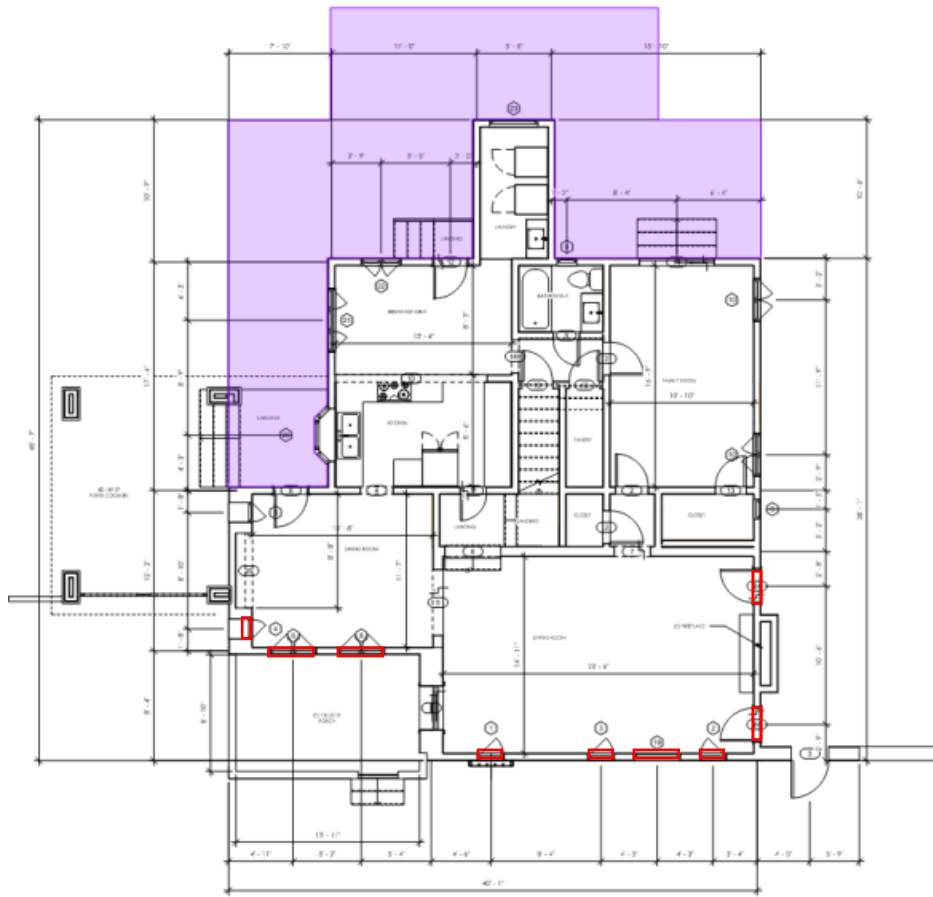
- 1. The second-floor balcony shall not be enclosed.**
2. The existing decorative gable vents shall be retained.
3. The damaged "Hollywood" driveway must be either repaired or replaced in kind using either a grass or gravel center and side strips. The existing front walkway is not original but can be retained due to its unobtrusive visual character. The concrete paving at the porte-cochere and rear portions of the driveway shall be retained or, if damaged, replaced in kind and must be consistent extending past the porte-cochere.
- 4. The following existing wood windows, as shown on Drawing Sheet A-05 in the project plan that was reviewed by HPC, shall be retained: Windows 1, 2, 3, 4, 8, 11, 12, 13, 14, 15, 16, and 19. New windows shall be limited to the addition and less visible portions of the side facades.**
5. Stucco must be smooth with appropriate textures for Spanish Colonial Revival and not flat smooth stucco.
6. Applicant shall work with staff to reduce the size of the covered patio and attached bathroom for Zoning code compliance.



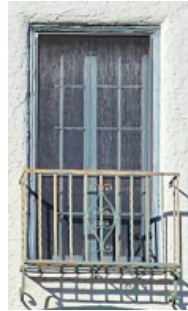
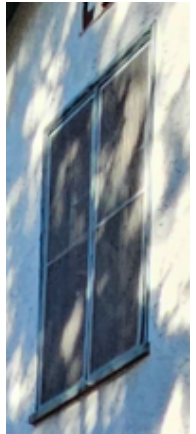
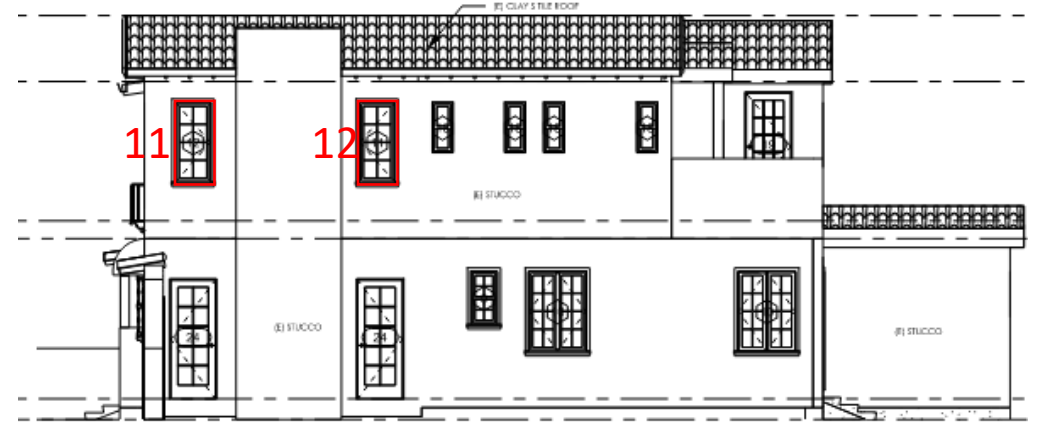
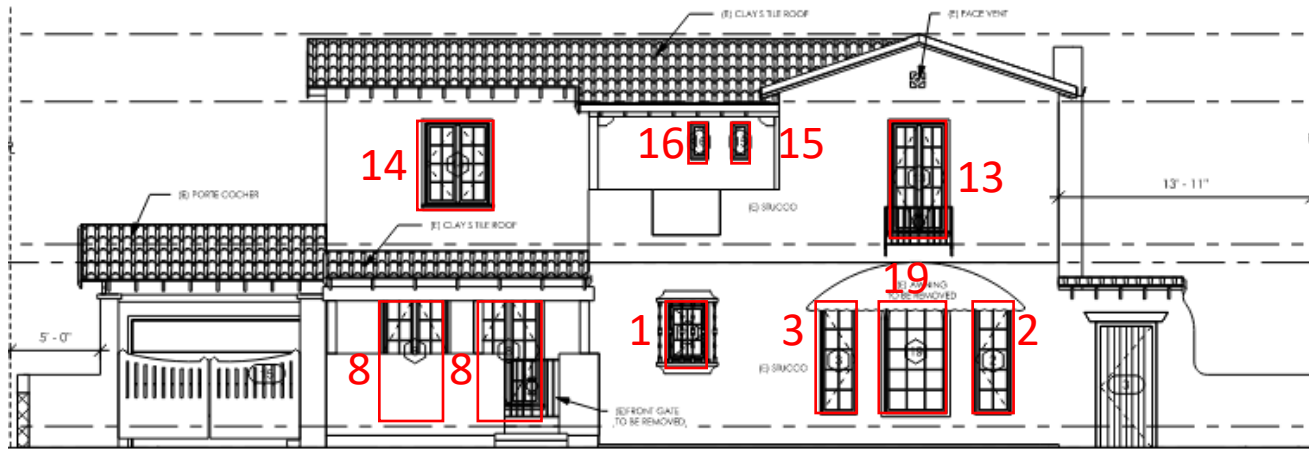
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Item 9a



Basis for the Appeal – Summary of Main Points

- HPC
 - Violated specific provisions of law, exceeded its authority by virtue of any of the provisions of law, failed to fulfill its mandatory duty and refused to hear or consider certain facts, that the evidence before it was insufficient or inadequate, and that the appellant has new evidence of material facts.
 - HPC's decision violated building code requirements.
- The existing balcony and windows do not comply with building code requirements
- The owner intends to enclose the balcony and replace all wood windows with aluminum clad wood windows.



Basis for the Appeal –

Violated specific provisions of law &

Exceeded its authority by virtue of any of the provisions of the law

- General statement – no specific provisions of law was cited nor any further detail or explanation.
- HPC acts as the design review authority and does not have purview over California Building Code (CBC) and California Historical Building Code (CHBC).
- The City's Building Official has authority over the CBC and CHBC.
- The CBC and CHBC does not requires nonconforming windows and balconies to be brought into conformance.



Basis for the Appeal – Failed to fulfill a mandatory duty

- HPC acts as the design review authority and does not have purview over California Building Code (CBC) and California Historical Building Code (CHBC).
- The City's Building Official has authority over the CBC and CHBC.
- The CBC and CHBC does not requires nonconforming windows and balconies to be brought into conformance.



Basis for the Appeal – Refused to hear or consider certain facts

- HPC takes into consideration all public comments, written and oral, from applicant, owner, and members of the public.
- Requirements regarding safety standards of structures are within CBC.
- HPC does not have authority over CBC.
- HPC did not find the noise reduction argument compelling for the residential street.
- HPC indicated other methods of meeting energy efficiency while preserving existing wood windows.



Basis for the Appeal – Insufficient or inadequate evidence

- General statement – no specific provisions of law was cited nor any further detail or explanation.



Basis for the Appeal – New evidence

- The CBC and CHBC does not requires nonconforming windows and balconies to be brought into conformance.
- Information regarding the originality of the front balcony was discussed in the HPC staff report and during the April 18, 2024, HPC hearing.



Basis for the Appeal – California Code of Regulations, Title 8, Section 3209 Standard Guardrails

- General statement that is not applicable to this Project.
- The cited code is regulated by the State of California Department of Industrial Relations (DIR) which is applicable to occupational safety and health standards in the workplace.
- DIR does not administer nor enforce the CBC and does not apply to single-family development.



Recommendation

Staff recommends that the City Council **sustain** the Historic Preservation Commission's decision to approve the Project with all of the original HPC imposed conditions.





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