



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Public Hearing to Consider Making Findings of Violation of GMC Chapters 15.20 and 30.25 stemming from the Unpermitted Demolition of a Historic Resource at 1239 N. Everett Street, to Consider Issuance of Penalties, and to Authorize Recordation of Instrument Imposing Covenants Memorializing the Penalties.

1. Resolution Adopting Findings of Violation of GMC Chapters 15.20 and 30.25 as a Result of Unpermitted Demolition of a Historic Resource located at 1239 N. Everett Street, Imposing Penalties, and Authorizing an Instrument Imposing Covenants Memorializing Said Penalties be Recorded.

COUNCIL ACTION

Item Type: Public Hearing

Approved for April 2, 2024 **calendar**

EXECUTIVE SUMMARY

In October 2023, a 1925 Spanish Colonial Revival-style single-family residence ("House") owned by Akop Adamian ("Owner") located at 1239 N. Everett Street ("Property") was largely demolished without the City-approved demolition clearance or demolition permit required by GMC Sections 15.22.040 and 30.25.060). The House was identified as a contributor in the draft historic resource survey for the pending Bellehurst Historic District dated July 2023.

GMC section 15.20.090(C) authorizes the City Council to conduct a public hearing to consider evidence of unpermitted complete or partial demolition of a historic resource in violation of Chapter 15.20, to impose penalties stemming from the violation(s), and to authorize recordation of an instrument imposing covenants on a property where the complete or partial demolition of a contributing or non-contributing building occurred in a designated or pending historic district overlay zone occurred without approval of a demolition clearance and issuance of a demolition permit pursuant to GMC Chapter 15.22.

RECOMMENDATION

That the City Council conduct the public hearing and make findings in support of a determination that GMC Chapters 15.30 and 30.25 were violated, and based thereon staff is recommending the Council impose appropriate penalties pursuant to GMC section 15.20.090, which include:

- A Three-Year Construction Moratorium: No building or construction related permits be issued for the property upon which the demolition took place for a period of three years from the date of demolition. (GMC §15.20.090(C));
- Property Maintenance: The property be maintained in such a manner so as to not constitute a public or private nuisance, or otherwise violate chapter. The property shall be maintained in a clean and orderly manner free of junk, trash, debris, litter, abandoned or inoperable vehicles, stagnant water, abandoned excavations, appliances and furniture, storage containers, vegetation that is not in a healthy or living state, and overgrown vegetation. Living vegetation, including trees and shrubs, shall be retained and fully maintained, including necessary watering and trimming, during the construction prohibition period. Living grasses and groundcovers shall also be retained and fully maintained and new grass and/or groundcover shall be planted at any areas of bare soil to control dust and erosion. All grasses and groundcovers shall not exceed an overall height of six inches. Additionally, vehicles of any type shall not be parked or stored on the property and no remunerative use of any kind shall be allowed. (GMC §15.20.090(D)); and either
- Limitations on New Development (Complete Demolition): Any new construction following the expiration of the moratorium be within the same footprint, height, and square footage as the house that was demolished (GMC §15.20.090(E)); or
- Reconstruction of Historic Features (Partial Demolition): The missing features shall be reconstructed and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance. In the event that aspects of the original feature(s) cannot be discerned through documentary and/or physical evidence, the director of community development shall determine the preferred method of reconstruction or replacement. (GMC §15.20.090(F)).

ANALYSIS

Background

In 2022, project architect, Nareg Khodadadi (the “Architect”) brought a proposal to Planning Division to build a 692 square foot addition at the rear of the House and to demolish the detached garage and build a new garage further to the rear of the lot (**Exhibit 1**: 2022 Drawing Set for House Addition). During a conversation on April 25, 2022, Senior Planner Vista Ezzati informed the Architect that the House was located within a pending historic district and that Jay Platt, the City’s preservation planner, would therefore be involved in the design review. Ms. Ezzati also informed the Architect that the work would need to conform to the Historic District Design Guidelines to ensure the Property’s contributing status was maintained. Based on this conversation, on April 29, 2022 the Architect submitted plans showing that the front and side façades would be

retained, including the stucco-clad walls, the clay tile roofs at the front of the house and the flat roof and clay tile parapet caps at the rear, and that the window openings, and the front entry would be retained. The plans also showed that the rear wall would be demolished to allow for the addition. (**Exhibit 2**: April 29, 2023 Architect's Plans). Staff agreed to allow the deteriorated wood windows to be replaced with new fiberglass windows closely matching the originals, but otherwise, the House was required to retain its original materials and overall appearance, as seen from the street. As part of the plan check process, Planning staff reviewed the plans for design and zoning code compliance and issued a staff-level design review exemption in April 2023.

On May 26, 2022, the Architect submitted plans into plan check, and Building and Safety staff issued a building permit for the rear addition and new garage on June 15, 2023. (**Exhibit 3**: Building Permit No. BCB2207949). There were two (2) notes placed on the cover page of the approved drawing set. The Architect included the first note, and Planning added the second note as follows:

"In accordance with GMC 30.60.040.2 if demolition of the existing outside walls and roof area exceeds 50% during construction, the building loses its nonforming [sic] status and must be brought into compliance with the current zoning code. This may include and must be brought into compliance with the current zoning code, this may include, but is not limited to, requires [sic] setback, parking, and historic preservation commission/design review board approval."

"This plan has been given a Historic Preservation Commission/Design Review Board Exemption, no filed changes to the exterior will be allowed unless a plan revision is first approved by the Planning Division. Any changes without prior approval are at the owner's/builder's risk and will be corrected prior to occupancy."

On October 19, 2023, a Glendale resident alerted Community Development Department staff about the demolition of most the 1925 Spanish Colonial Revival-style single family residence ("House") located at 1239 N. Everett Street ("Property"). The demolition work appears to have occurred shortly before the reporting date. The House was identified as a contributor to the pending Bellehurst Historic District in the July 2023 draft historic district survey (**Exhibit 4** : ASM Affiliates, draft DRP523a survey form). The City's preservation planner, Jay Platt, reviewed the survey materials and supports the determination that the House is a contributor to the pending Bellehurst Historic District.

Based on the tip, Planning and Building and Safety division staff visited the Property on the October 19, 2023, and documented that an unpermitted demolition had occurred, observing that the entire front (east) façade and almost all of the side facades were removed down to the floor deck. The photographic record also shows the roof and roof framing were demolished and that only a portion of the chimney, on the south side façade, and a few framing studs remained at the north side façade (**Exhibit 5**: Staff Photographs). New construction for the City-approved rear addition was partially

completed. On the same day, the Building and Safety Division issued a Stop Work Notice to the Owner. (**Exhibit 6: Stop Work Notice**).

Based on the unpermitted demolition, on November 1, 2023, the Building Official issued a Notice of Intent to Revoke all permits issued for 1239 N. Everett Street, including the House remodel (new windows and interior work), the addition, and the new garage. (**Exhibit 7: Notice of Intent to Revoke**)

On November 14, 2023, City Attorney's Office and Planning staff held a teleconference with the Owner, his attorney Steven A. Simons, and the Architect. The meeting goal was to determine the facts surrounding the demolition and whether there were any extenuating circumstances. The Owner's team stated that the contractor or the contractor's crew inadvertently or accidentally demolished the House. In response to questions, the Owner's team indicated that material from the demolition was still on-site and in the dumpster. Mr. Platt visited the Property that same day and found that a small amount of demolished material remained on site, including the railings from the front steps, some framing lumber, and broken pieces of stucco and roof tile. However, there was no dumpster at the site and a dump truck in the driveway was completely empty and clean, indicating that the vast majority of demolished material had been removed.

Based on the onsite conditions observed by staff soon after the demolition, and the apparent precision with which the demolition occurred, it is staff's assessment that the demolition could not have been inadvertent or accidental as alleged. First, the observational and photographic evidence demonstrates that the Owner or his agent (i.e., his contractor/worker) removed the original walls and roof and re-used some of the historic lumber in a manner that disguised the demolished walls, or at least a portion of the walls. In staff's opinion, this act supports a conclusion that the Owner or his agent knew the demolition was beyond the scope of approved work, and that there was a subsequent effort to reverse the extent of the demolition. Ultimately, responsibility for the Project rests with the Owner, Architect or his agent. Second, Community Development Department staff has personal knowledge that the Architect has been involved in numerous past projects involving historic properties, and is familiar with the City's regulations regarding such properties. Moreover, the Owner and Architect were specifically aware of the House's historic resource status and were responsible to ensure its maintenance and preservation. On November 15, 2023, the day after the teleconference, the Building Official revoked the Building Permits. (**Exhibit 8: Building Permit Revocation Letter**).

Glendale Demolition Deterrence Ordinance for Historic Resources

On May 14, 2019, City Council adopted Ordinance No. 5931 to provide robust penalties intended to deter unpermitted demolition of historic resources. The Council had requested adoption of a demolition deterrence ordinance in response to the February 2018 illegal demolition of an intact 1908 Craftsman style house at 1420 Valley View Road.

Prior to the 2019 ordinance, the City was limited to penalizing owners of Glendale

Register-listed properties - a small subset of the city's known historic resources. Ordinance No. 5931 expanded the coverage to include contributors and non-contributors in designated and pending historic districts, along with certain properties identified in city-commissioned historic resource surveys. (**Exhibits 9 and 10**: GMC 30.25.060 and 15.20.090). The House at 1239 N. Everett was identified as a contributor to the pending Bellehurst Historic District and is therefore a property type to which the demolition deterrence ordinance applies.

GMC 30.25.060(C) states that:

In the event any contributing or non-contributing building in a designated or pending historic district overlay zone is completely demolished or partially demolished without approval of a demolition clearance and issuance of a demolition permit pursuant to Chapter 15.22 of this Code, all provisions of Section 15.20.090 of this Code may apply.

Here, neither the Owner or Architect applied for the required demolition clearance or a demolition permit before the demolition of the House occurred. The City Council is therefore authorized to conduct a public hearing and decide what penalties to impose based on GMC section 15.20.090. As stated above, staff recommends the Council impose all the requested penalties including for complete demolition.

This is the first case in which the demolition deterrence penalties approved in 2019 are applicable. Staff recommends imposition of the GMC authorized penalties to ensure effective deterrence of the illegal demolition of historic resources. Doing so will make sure property owners, and the development and architectural community know that Glendale is serious about protecting its historic resources and does not condone the actions of those who violate the law.

City Council may choose to invoke the recommended penalties set forth in the Executive Summary, GMC §15.20.090 (C)-(F) (Enforcement and Penalties) and any or all of the following additional penalties:

- The City Attorney's Office may file misdemeanor charges against the violator pursuant to GMC 1.20.010. (GMC §15.20.090(A));
- The City Attorney's Office may request authorization to commence civil litigation and seek issuance of civil penalties, costs of investigation, and/or a temporary or permanent injunction through a civil action. (GMC §15.20.090(B)(1-3));

It is important to note when considering the imposition of penalties that when the demolition deterrence ordinance was adopted in 2019, staff anticipated that a "complete demolition" would remove "all of the above-grade portions" of a building. Here,

everything but the foundation and floor joists were demolished; it is essentially a complete demolition because no “character defining features” remain that can be “reconstructed, repaired and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance.” There is no way to know if the foundation and finish-floor would have also been demolished had the city not been tipped off when it was.

As indicated above, although the Owner’s team represented that the original demolition materials were still available post-demolition, in fact, the construction debris truck/dumpster was emptied, thus reconstruction, repair or replacement of original materials would be difficult to determine even if documentary evidence were available. These facts weigh toward treating this demolition as “complete” as opposed to partial, and if treated as a “complete demolition”, then any new building would not necessarily have to look like the one that was demolished. The new building would instead maintain the same massing and placement on the lot but could have a different appearance than the historic house. (GMC §15.20.090(E)).

The definition for a “partial demolition” involves “the removal, alteration, or destruction of one or more character-defining features.” Staff anticipated this definition applying to smaller-scale demolitions in which specific historic features or portions of a building might be removed while the majority of the structure remained intact. Here, the stucco wall cladding, windows, and clay tile roofs and parapet caps that were “character-defining features,” are completely gone. If treated as a “partial demolition” reconstruction of the house in its previous form is required in order to closely matching its original appearance. (GMC §15.20.090(F)). Without original materials and precise historic documentation of same reconstruction would certainly venture into speculation as to how to “closely match its original appearance.”

City Council is requested to examine the evidence to determine whether the demolition was “complete” or “partial.” The Council has the discretion to invoke the penalties associated with either alternative as applicable according to its findings. Regardless of the choice, a future proposal for a new house will undergo environmental review, and review by the Historic Preservation Commission to ensure compliance with the Historic District Design Guidelines and the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

STAKEHOLDERS/OUTREACH

Not applicable.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

The project is exempt from CEQA as a Class 8 (“Actions by Regulatory Agencies for Protection of the Environment”) and Class 21 (“Enforcement Actions by Regulatory

Agencies”) categorical exemption pursuant to Sections 15308 and 15321 of the State CEQA Guidelines.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES TO STAFF RECOMMENDATION

1. City Council can choose to impose some, but not all, of the demolition penalties established in GMC section 15.20.090.
2. City Council can choose not to impose any of the demolition penalties established in GMC section 15.20.090.
3. City Council can choose an option not identified by staff.

ADMINISTRATIVE ACTION

Submitted by:

Bradley Calvert, Director of Community Development

Prepared by:

Jay Platt, Principal Planner

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS

- Exhibit 1: 2022 Drawing Set for House Addition
- Exhibit 2: Architect’s Plans (April 29, 2023)
- Exhibit 3: Building Permit BCB2207949
- Exhibit 4: Draft DPR 523 Form for 1239 N. Everett Street, ASM Affiliates
- Exhibit 5: Photographs
- Exhibit 6: Stop Work Notice and Letters from Building Official and attachments thereto
- Exhibit 7: Notice of Intent to Revoke
- Exhibit 8: Building Permit Revocation Letter
- Exhibit 9: Text of GMC 15.20.090
- Exhibit 10: Text of GMC 30.25.060