



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Public Hearing Regarding Appeal Case No. PAPP-000522-2022 - Appeal of the Director of Community Development's determination related to Design Review Case No. PDR-000210-2022 and Environmental Information Form Case No. PEIF-000280-2022 that the preparation of an EIR is required to review and assess the proposed project that includes demolition of the existing stable and accessory buildings located at 1900 Riverside Drive in conjunction with the development of new kennel and stable buildings, a new corral, a new accessory building, and associated parking.

1. Motion to sustain the CEQA determination made by the Director of Community Development to require an EIR.
2. Motion to reverse the CEQA determination made by the Director of Community Development to require an EIR.

### COUNCIL ACTION

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**Item Type:** Public Hearing

**Approved for** March 7, 2023 **calendar**

### EXECUTIVE SUMMARY

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This hearing is an appeal of the determination made by the Director of Community Development on November 30, 2022 that the preparation of an Environmental Impact Report (EIR) is required prior to development of the proposed project that includes the demolition of the existing stable and accessory buildings located at 1900 Riverside Drive in conjunction with development of new kennel and stable buildings, a new corral, a new accessory building, and associated parking.

The Director's determination was made pursuant to Title 14, Chapter 3 of California Code of Regulations, Section 15064 of the State CEQA Guidelines and the City of Glendale's CEQA Guidelines which requires the preparation of an EIR when there is substantial evidence in light of the whole record that a project may have a significant effect on the environment. For this project, the proposed demolition of the existing buildings onsite may result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5.

The appellant is requesting that the City Council reverse the Director of Community Development's determination and not require the preparation of an EIR for the demolition and redevelopment of the site. The appellant's main argument focuses on his belief that

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the Historical Resource Evaluation prepared by Sapphos, Inc. (Exhibit 5), was definitive, whereas the conflicting Historic Resource Assessment prepared by Jenna Snow, Historic Preservation Consulting (Exhibit 6) was subjective and its conclusion that the property is a historic resource should not have any bearing on the development of the site to construct a new state-of-the-art equestrian and kennel facility.

## **COUNCIL PRIORITIES**

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N/A.

## **RECOMMENDATION**

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That the City Council sustain the determination of the Director of Community Development that the preparation of an EIR is required to review and assess the proposed project that includes the demolition of the existing stable and accessory buildings and subsequent development of a new stable and kennel facility, because there is substantial evidence in the record that the project may have a significant effect on the environment.

## **BACKGROUND**

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The appellant requests that the City Council overturn the determination of the Director of Community Development that the preparation of an EIR is required for the development of the site.

### **General Information**

<b>Appellant:</b>	Rene Karapedian, PRI Properties LLC
<b>Status of Appellant:</b>	Property Owner
<b>Project Applicant:</b>	Tim Nagao, RED Architectural Group Kris Oliveros, RED Architectural Group
<b>Assessor's Parcel Number:</b>	5625-031-008
<b>Legal Description:</b>	Lots 15 thru 17, Portion of Lot 18, and a Vacated Alley, Tract No. 9792
<b>Zone:</b>	CE – Commercial Equestrian
<b>Land Use Element:</b>	Community Services

### **Site Description**

The property is an approximately 36,699 square-foot (SF) corner lot with frontage on Riverside Drive and Allen Avenue. Towards the rear of the project site is a 20-foot-wide alley at the terminus of Allen Avenue that abuts the Los Angeles Equestrian Center. The property was originally developed in 1939 with various additions and other site

improvements made over time. Currently, there are three stable buildings on-site, an existing one-story house originally built in 1942 that is currently vacant, and a one-story barn originally built in 1939 that is located toward the center of the site. As part of the proposed project, all existing buildings and structures will be demolished.

### **Project Description**

The current owner and appellant, intends to redevelop the site to expand the current commercial stable use to also include a kennel. The project will feature three buildings for the proposed use, an outdoor corral, and associated landscaping and parking. The project includes:

- Demolition of all existing buildings and structures.
- Construction of a one-story, 4,224 SF barn with 16 stables.
- Construction of a one-story, 4,793 SF building to be used as a kennel.
- Construction of a 6,604 SF outdoor corral located between the stable and kennel building.
- Construction of a one-story, 630 SF accessory building.
- 16 surface parking spaces located at the front and rear of the property.
- Vacation of the existing 20-foot-wide alley located at the terminus of Allen Avenue.

### **Relevant Project History**

February 26, 2018 – Design Review Case No. PDR 1804696 was submitted by the previous owner for a 21-unit multi-family development.

- The applicant was required to provide a historic resource evaluation of the site for this project. The report was prepared by Sapphos Environmental Inc. and is included as Exhibit 5 with this report (the “Sapphos Report”). The Sapphos report determined that the property does not meet any criteria for designation at the state or local level and is not considered a historic resource, therefore, demolition of the existing buildings and structures would not result in a substantial adverse change to a historical resource.
- A second historic resource report was commissioned by a private individual and prepared by Jenna Snow, Historic Preservation Consulting (the “Snow Report”) in anticipation of the multi-family project moving forward. This report was not submitted to the City because this project did not move forward. It was subsequently delivered to the City by the Glendale Historical Society on September 19, 2021. A copy of this report is included as Exhibit 6 with this report. The Snow report concluded that property is individually eligible for designation at the state and local level as a historic resource, and for listing as a contributing resource to an eligible historic district of equestrian properties.

July 24, 2018 – The design review application was subsequently withdrawn, and no further action was taken.

September 1, 2021 – The current owner, Mr. Rene Karapedian, took ownership of the property at 1900 Riverside Drive.

October 31, 2022 - The project applicant submitted Design Review Case No. PDR 000210-2022 and Environmental Information Form Case No. PEIF 000280-2022 for the proposed project, detailed above.

November 30, 2022 – The Director of Community Development determined that the preparation of an EIR is required to review and assess the proposed project that involves demolition of the existing stable and accessory buildings on-site for the project to allow for the development of a new stable and kennel. This determination was made based on the evidence in the record which includes the two historic resource reports. A copy of this letter is included as Exhibit 4.

December 1, 2022 - The property owner filed an appeal regarding the Director of Community Development’s determination that an EIR is required for the proposed project.

## **ANALYSIS**

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### **Process For Evaluating Appeal – Guidance for Making the Threshold Determination Whether a Building, Structure or Object Is or Is Not a Historic Resource**

When a site has not been listed or determined eligible for listing on the State Register of Historical Resources, has not been listed on a local register under Public Resources Code (“PRC”) section 5020.1(k), or has not been found to be significant under PRC section 5024.1(g), the City Council, as lead agency may independently determine whether the property should be treated as a historical resource under CEQA. (PRC section 21084.1; CEQA Guidelines section 15064.5(a)(4)). To be clear, CEQA does not limit a lead agency’s discretion when making such a determination. (PRC section 21084.1). The City’s discretionary determination that a structure or object is or is not a historical resource need only be supported by substantial evidence. (CEQA Guidelines section 15064.5(a)(3); *Friends of the Willow Glen Trestle v City of San Jose* (2016) 2 CA5th 457, 468; *Valley Advocates v City of Fresno* (2008) 160 CA4th 1039, 1059, 1070.) Kostka & Zischke, *Practice Under the California Environmental Quality Act*, §20.97 (CEB, 2022).

The City’s discretion to make this determination is the same in the context of either an EIR or a negative declaration. In either case, the substantial evidence standard, rather than the fair argument standard, applies to a City’s threshold determination of whether a building or district is a historical resource under CEQA. The absence of substantial evidence that a structure or area is historic is itself sufficient to support a determination that it is not historic. Further, the City’s determination that a building should not be listed on a local register does not relieve the agency of its obligation to exercise its

discretion to determine whether the building is a historical resource, and even if a property does not qualify as a presumptive resource, such as when a structure or object has not been listed or determined eligible for listing on a register, the City as lead agency may independently determine whether the property should be treated as a resource under CEQA, in its discretion. (PRC section 21084.1; CEQA Guidelines section 15064.5(a)(4)).

When a lead agency is considering the historical nature of a building or structure the decision is based on substantial evidence, which includes facts, reasonable assumptions predicated on facts and expert opinions supported by facts. Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, evidence that is not credible and evidence of social and economic impacts that do not contribute to or are not caused by physical impacts on the environment.

The question of historic significance must be resolved early in the environmental review process, an approach that would avoid the delays and expense of an EIR in cases where the lead agency exercises its discretion by concluding the building or other object in question is not a historical resource. “[D]uring the preliminary review stage of a CEQA review, the fair argument standard does not apply to the question of whether a building or other object qualifies as an historical resource for purposes of CEQA.” *Citizens for the Restoration of L Street v. City of Fresno*, 177 Cal. Rptr. 3d 96, 117 (2014), “Rather, the question whether an object is an historical resource and thus part of the environment protected by CEQA must be resolved by the lead agency, . . . before it applies the fair argument standard to determine whether the project may have a significant adverse impact on the environment.” *Id.*

As long as there is substantial evidence to support a lead agency’s determination regarding whether a structure or object is a historic resource, a court will uphold that discretionary decision. Kostka & Zischke, *Practice Under the California Environmental Quality Act*, §20.97 (CEB, 2022).

### **Summary of the Appellant’s Basis for Appeal and Staff Responses**

***The appellant contends that the evidence before the Director of Community Development was insufficient or inadequate to support the determination because the Historical Resource Evaluation prepared by Sapphos, Inc. was definitive in stating that there would not be an impact to a historic resource. Whereas the Historic Resource Assessment prepared by Jenna Snow, Historic Preservation Consulting, contained subjective interpretations to justify maintaining the property in its current condition because “of their defunct historical aura and cultural effect.”***

The appellant has made a general statement that the Sapphos report is definitive whereas the Snow report is subjective, however no explanation, additional information

or substantial evidence has been provided with the appeal to support this claim. The Director of Community Development's determination that the preparation of an EIR is required for this project is predicated on the substantial evidence provided that the project may have a significant effect on the environment.

As the lead agency, the determination as to the appropriate level of environmental review required is made by the Director of Community Development and is based on substantial evidence in the whole record. In this case, the substantial evidence submitted into the record are the two reports, as well as expert Planning staff analysis, summarized below.

Sapphos Environmental Inc. Report ("Sapphos Report) Submitted by the Project Applicant:

A Historical Resource Evaluation was prepared and submitted by Sapphos Environmental Inc. (Exhibit 5) for this property. This report evaluated the history of the area, the setting, the buildings on-site and their integrity, and persons associated with the site. The Sapphos Report determined that the property does not meet any criteria for designation at the state or local level and is not considered a historic resource as defined in §15064.5 of the CEQA Guidelines. This evaluation concluded that demolition of the buildings located on this site would not result in a substantial adverse change to a historical resource.

Specifically, the Sapphos Report analyzed the integrity of the structures, with respect to setting, physical/architectural alterations (integrity of design, workmanship and/or materials), and concluded that the property does not possess sufficient historical or architectural significance for listing in the California or City registers. The Sapphos Report found as follows:

"The setting of the property has been compromised because it is now adjacent to modern multistory, multifamily apartment buildings to the east across the boundary with Burbank. The property located at 1900 Riverside Drive is altered with some window and entrance alterations and new cladding materials to its original stables and barns. Additionally, the primary entry porch of the residence has been altered, and the property does not retain integrity of design, workmanship, or materials. Moreover, buildings adjacent to the property in neighboring Burbank have largely changed from those evident at the time of construction and become large apartment complexes or commercial buildings. The buildings have not been moved and retain integrity of location. The property located at 1900 Riverside Drive does not possess sufficient historical or architectural significance to merit listing in the CRHR or City Register of Historic Resources." (Sapphos Report, pg. 18, Exh. 5 to Report).

The Sapphos Report also analyzed the property against each Criterion to qualify it for local or State listing (local criteria largely mirror criteria for listing in the California

Register). The Sapphos Report found that “[t]he architecture of the subject property reflects a working addition to the historic origins of this development rather than a formative or high-style contribution, and its use has deteriorated its level of integrity. It therefore cannot convey the significant broad patterns of history and cultural heritage in this regional trend to develop and maintain an equestrian-related recreational infrastructure, and so is ineligible pursuant to Criterion A.” (*Id.*) Moreover, the Sapphos Report found that “[a]lthough many early riders and instructors of minor local prominence passed through the subject property, their relationships to it is not substantial or long term enough to be associated with this property pursuant to Criterion B. (*Id.*) Further, the Sapphos Report concluded that “the buildings represent a vernacular use of architectural elements from slightly different periods and style, and are not of high architectural merit. They therefore do not embody the distinct characteristics of a type, period, or method of construction pursuant to Criterion C, and have no association with a known master architect.” (*Id.*) Finally, the Report determined that “[t]he buildings were constructed using common building materials and techniques, and the site was graded during construction of the buildings. Therefore, the property is not likely to yield significant information regarding the prehistory and history of the area pursuant to Criterion D. Additionally, while related to the history of equestrian activities in the City and Griffith Park, the property does not exemplify the early heritage of the City pursuant to Criterion E because it was established at least 33 years after the establishment of Glendale and almost 20 years after equestrian activities were established in this area of the City.” (*Id.*)

#### Jenna Snow Historic Preservation Consulting Report (“Snow Report”):

A Historic Resource Assessment was prepared by Jenna Snow, Historic Preservation Consulting (Exhibit 6) for this property in response to the Sapphos report. This report provided an expanded evaluation of the history of the area, the setting, the buildings on-site and their integrity, and persons associated with the site. The Snow Report determined that the property is individually eligible for designation at the state and local level as a historic resource because it meets some of the eligibility criteria:

- The property is associated with the equestrian history in the area and continued use as a stable and riding academy and is one of the few remaining commercial-equestrian properties in Glendale.
- The property is associated with the life of an important person, Grover “Sandy” Sanders who owned the property in the 1950s. Mr. Sanders is identified in this report as an actor and stuntman in Western films and television shows, including the role of stunt double for Gene Autry.
- The property exemplifies the early heritage of the city because it is associated with the history of the local equestrian community in Glendale.

The Snow Report also determined that the property is eligible for listing as a contributing resource to a potential historic district of equestrian properties. The potential district would include the subject site and the other four properties in this area that are zoned for commercial-equestrian and identifies the period of significance from

1939-1978. It is important to note that the Snow Report also determined that because the eligibility criteria for this property are not related to architectural design, the property could potentially sustain more alterations while remaining eligible as a historic resource.

Community Development Staff Evaluation:

The Sapphos Report concludes that the project site is not a historic resource, whereas the Snow Report concludes that the property is a historic resource as defined in PRC section 5020.1 and CEQA Guidelines section 15064.5. Based on the facts in the record, there is a possibility that the property at 1900 Riverside Drive could be a historic resource as defined, though there is evidence on both sides. The proposed demolition of a historic resource would be considered a substantial adverse change in the environment, and in those instances the lead agency is required to prepare an EIR because the impacts could not be mitigated.

The decision before Council is whether substantial evidence has been provided in the record that the subject property may be a historic resource, or if the weight of the evidence supports a conclusion that the subject property is not a historic resource. In this case, facts and expert opinion have been provided in the record supporting opposing views as to whether or not the subject property is a historic resource.

***Under the “Statement of additional facts related to the appeal”, the appellant contends that the existing facilities are substandard and inhumane equestrian facilities whereas the owner intends to construct state-of-the-art, humane, and above standard equestrian facilities.***

The appellant provides a general statement that the current stable facilities on-site are inhumane (with no discussion as to the meaning of this term) and substandard, whereas the project would result in new and humane facilities that comply with current codes as well as industry standards. No other information is provided with this statement, but a Field Investigation Report (Exhibit 7) prepared by a structural engineer, and an Architectural Building Assessment Report (Exhibit 8) prepared by RED Architectural Group were submitted with the appeal.

The Field Investigation Report was prepared by a Principal Structural Engineer with Wheeler & Gray, Inc., an engineering consulting firm. The report evaluated visible portions based on a cursory walk through of the existing buildings on-site and offers a professional opinion regarding the condition of the existing buildings and possible damage. The report identifies structural issues with the existing buildings and provides recommendations as to what structural improvements should be addressed for each building. The engineer does not indicate that any of the buildings are structurally unsound or pose an imminent threat to public safety.

The Architectural Building Assessment Report was prepared by the project applicant, RED Architectural Group. The report evaluates the existing buildings on-site, but no

explanation of the methodology for the evaluation is established in the report. A description of each building is provided, and recommendations are made for each building that specify the necessary improvements to bring them up to building code requirements.

The necessary clearance for the proposed demolition is evaluated as part of the Design Review application. There is a provision in GMC Section 15.22.110 of the City's demolition ordinance that would allow a dangerous building to be demolished without requiring the demolition clearance and associated environmental review. This can only be applied if the City's Building Official determines the buildings to be unsafe or pose an imminent threat to public safety. While the existing buildings are in disrepair because they are older and have been neglected, the Building Official did not determine them to be unsafe. The existing buildings can be repaired and improved, as described in the reports submitted by the appellant (Exhibits 7 & 8).

### **STAKEHOLDERS/OUTREACH**

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The Code requires publication of public notices when the Council considers approval of entitlements such as design review. Staff has published all required notices and has mailed copies of the notices to all property owners and occupants within 500 feet of the project. A public notice has also been posted on-site.

### **FISCAL IMPACT**

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There is no fiscal impact associated with the appeal of the Director of Community Development's determination that an EIR is required for the proposed development outside of staff time and resources. If an EIR is prepared, additional staff time would be required to review the EIR and respond to any comments. However, if developed, the project could have a positive fiscal impact due to enhanced property taxes and building permit/plan check fees.

### **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

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In accordance with California Government Code §15064, the Director of Community Development has determined that the proposed project located at 1900 Riverside Drive may cause a substantial adverse change in the significance of a historical resource as defined in CEQA, and the preparation of an EIR is required.

### **CAMPAIGN DISCLOSURE**

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The names and business addresses of the members of the board of directors, the chairperson, CEO, COO, CFO, Subcontractors and any person or entity with more than 10% interest in the company proposed for contract in this Agenda Item Report are attached in Exhibit 10, in accordance with the City Campaign Finance Ordinance No. 5744.

## **ALTERNATIVES**

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**Alternative 1:** Sustain the Director of Community Development's determination that the preparation of an EIR is required to review and assess the proposed project that includes the demolition of the existing stable and accessory buildings located at 1900 Riverside Drive.

**Alternative 2:** Reverse the Director of Community Development's determination that the preparation of an EIR is required to review and assess the proposed project that includes the demolition of the existing stable and accessory buildings located at 1900 Riverside Drive.

**Alternative 3:** Any other alternative for this appeal not proposed by staff.

## **ADMINISTRATIVE ACTION**

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**Prepared by:**

Vista Ezzati, Planner

**Reviewed by:**

Erik Krause, Deputy Director of Community Development

Jay Platt, Principal Planner

**Approved by:**

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

## **EXHIBITS/ATTACHMENTS**

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- Exhibit 1: Location Map
- Exhibit 2: Reduced Plans for Design Review Application
- Exhibit 3: Photos of Existing Property
- Exhibit 4: Director of Community Development's Determination Letter, dated November 30, 2022
- Exhibit 5: Historical Resource Evaluation prepared by Sapphos Environmental Inc., dated May 8, 2018
- Exhibit 6: Jenna Snow, Historic Resource Assessment prepared by Historic Preservation Consulting, dated August 2018
- Exhibit 7: Field Investigation Report prepared by Wheeler & Gray, Inc., dated November 4, 2021
- Exhibit 8: Architectural Building Assessment Report prepared by RED Architectural Group, dated November 19, 2021
- Exhibit 9: Appeal Application
- Exhibit 10: Campaign Disclosure