

Agenda Report

TO: CITY COUNCIL **DATE:** JULY 26, 2004

FROM: CITY MANAGER

SUBJECT: APPEAL OF A DECISION OF THE HISTORIC PRESERVATION COMMISSION TO DENY A CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION OF A FENCE AT 1029 N. MARENGO AVENUE IN THE GARFIELD HEIGHTS LANDMARK DISTRICT

RECOMMENDATION FROM THE CITY MANAGER:

It is recommended that the City Council:

1. Acknowledge that the application for a Certificate of Appropriateness for a new front yard fence in a landmark district is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, (Section 15308: Class 8, Actions by Regulatory Agencies for Protection of the Environment).
2. Find that the design of the proposed fence—if modified—complies with the Secretary of the Interior's Standards, the Design Guidelines for Historic Districts and the Garfield Heights Conservation Plan; and
3. Approve the application for a Certificate of Appropriateness with the following conditions:
 - a. The second pier on the south side of the front yard shall be removed (to create more transparency), and the spacing of the piers on the south side of the front yard shall be consistent with the spacing along the front of the lot. [source: maintain a "transparent character, allowing views into the yard and providing interest to pedestrians" Design Guidelines for Historic Districts, p. 80]
 - b. The applicant shall continue to work with the staff on an appropriate design for the tubular-steel pickets, and final details of the pickets (finish, dimensions, welded joints, spacing) shall be submitted to the staff for final review and approval.
 - c. The applicant is encouraged to soften the visual impact of the fence by planting shrubs or other suitable plant material along the base of the fence in the front yard.

RECOMMENDATION FROM THE HISTORIC PRESERVATION COMMISSION

Find that the design of the proposed fence does not comply with the Design Guidelines for Historic Districts and deny the application for a Certificate of Appropriateness.

On June 7, 2004, at a public hearing, the Historic Preservation Commission considered the application for a Certificate of Appropriateness for new construction of the front yard fence. The Commission denied the application based on a finding that the design of the fence was inconsistent with the adopted guidelines for front yard fences in landmark districts. Members of the Commission encouraged the applicants to work with the staff on a redesign of the fence and to submit a new application.

Five residents/homeowners appeared at the public hearing and opposed construction of the new fence. In addition, the Garfield Heights Representative to the Commission stated that she had received a number of calls from neighbors who opposed construction of the fence. Most who spoke in opposition to the fence stated that the design and materials were incompatible with the historic character of the neighborhood.

The staff had recommended approval of the design with a condition that included a change to the spacing of the fence piers along the south side of the property. The staff contended that the piers are compatible with the stucco coating on the flared piers and elevated foundation walls of the front porch on the house. The recommendation to adjust the spacing of the piers on the driveway edge was to coordinate the design of the side yard with the front yard.

DESCRIPTION OF PROJECT

The proposal is to install a new front-yard fence mounted on a cement-plaster (stucco) base with four-foot piers and intermediate panels of tubular steel railings and a gate. It is proposed to extend across the front of the property and along the north edge of the driveway, terminating at the front of the house.

BACKGROUND

The City halted construction of the front yard fence at 1029 N. Marengo Avenue and issued a stop-work order pending the approval of a certificate of appropriateness and issuance of a building permit. At that time, the cement-plaster base and piers were already in place. Because the property is in the Garfield Heights Landmark District and subject to review by the Historic Preservation Commission before a permit could be issued, the staff scheduled a review of the project at a noticed public hearing.

ANALYSIS

In general under the *Design Guidelines for Historic Districts*, adopted by the City Council in 2002, the installation of a front yard fence in a landmark or historic district is discouraged where it is historically not part of the character of a neighborhood. However, under the guidelines, the Historic Preservation Commission may approve fences that are compatible with the historic character of the district. The following guidelines (with italicized annotations evaluating compliance or non-compliance with each guideline) apply to front yard fences:

- **Where a new fence is needed, it should be similar in character with those seen historically.**
 - *A concrete-block and tubular-steel fence is not a traditional site feature in a predominately early 20th century neighborhood. In this case, the heavy piers of the fence relate visually to the stucco-covered piers and raised foundation wall of the front porch on the house.*
- **A fence that defines a front yard or a side yard on a corner lot is usually low to the ground and transparent in nature.**
 - *The open space between the piers is transparent. The steel pickets allow views into the front yard.*
- **Traditionally, fences were less than the permitted four feet. Therefore, consider a fence that is three feet in height.**
 - *The proposed fence is approximately one foot higher than a typical, early 20th- century fence. The four-foot height, however, complies with the height limit for front-yard fences in the municipal code.*
- **New fence design and materials that are similar to those used historically are appropriate.**
 - *The guidelines describe a traditional fence—"when used historically"—as "wood picket or wrought iron" [p. 80]. Tubular steel ("ornamental steel") is a common contemporary substitute for wrought iron, which is now rarely used for new fences.*
- **The design and materials of a new fence should be compatible with the character of the house and neighborhood.**
 - *The base and piers of the fence are compatible with the porch of the house, which has a stucco foundation and piers.*
- **Solid walls or walls with decorative metal panels are not appropriate in most historic neighborhoods.**
 - *The fence is not a solid wall.*
- **Fence designs that incorporate a short masonry or concrete wall as the base of the fence are inappropriate.**
 - *The 16"-high base of the fence does not comply with this guideline.*
- **Masonry or concrete piers that are part of a fence design are not appropriate.**
 - *The heavy piers of the fence do not comply with this guideline. The piers are coated in sand-finished stucco, which corresponds to the heavy stucco piers on the house; the piers are not masonry (e.g., stacked cut stone, cultured stone), and they do not have exposed concrete (e.g., masonry units).*

Conclusion.

The staff believes that the design of the new fence is consistent with most of the guidelines for fences in historic districts. The piers are acceptable in this instance because they relate to the front porch on the house. In most other settings, however, the heavy piers would be inappropriate and would have no relationship to the primary house on a lot. For this reason, approval of the fence in this case will not be a precedent for approving similar fences with heavy piers in other locations.

If the City Council affirms the decision of the Historic Preservation Commission, the applicant may work with the staff on an appropriate alternative and submit a new application to the Commission.

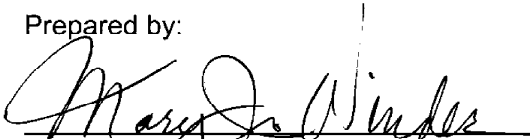
FISCAL IMPACT

The appeal of the decision of the Historic Preservation Commission does not affect revenues to the City. The City waives fees for applications Certificates of Appropriateness in designated landmark districts.


Respectfully submitted,


Cynthia J. Kurtz
City Manager

Prepared by:


Mary Jo Winder, Senior Planner
Design and Historic Preservation Section

Approved by:


Richard J. Bruckner, Director
Planning & Development Department

ATTACHMENTS

ATTACHMENT A: Project plans

ATTACHMENT B: Photograph of partially constructed fence