

Agenda Report

November 21, 2011

TO: Honorable Mayor and City Council

FROM: Planning Department

SUBJECT: APPEAL OF HISTORIC PRESERVATION COMMISSION DECISION – APPROVAL WITH CONDITIONS OF A FRONT YARD FENCE AND GATES AT 1116 ARMADA DRIVE (PROSPECT HISTORIC DISTRICT)

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed project is categorically exempt under the California Environmental Quality Act, Article 19, §15301 (Class 1, Existing Facilities).
2. Find that no protected native, specimen, or landmark trees under the tree protection ordinance (Ch.8.52, P.M.C.) will be removed by the new construction.
3. Find that the project, when modified by the proposed conditions, complies with the *Design Guidelines for Historic Districts in the City of Pasadena* and the Secretary of the Interior's *Standards for Rehabilitation* and *Illustrated Guidelines for Rehabilitating Historic Buildings*.
4. Approve the application for a Certificate of Appropriateness for a new front-yard fence, pedestrian gate, and motorized driveway gate with the following conditions to be reviewed and approved by staff before a building permit is issued:

Conditions

- a. Modify the proposal to indicate a satin, rather than glossy, finish for the pickets.
- b. To improve the aesthetics, transparency, and overall proportions, revise the design to increase the picket height and reduce the solid base.
- c. To improve the quality and compatibility with the surrounding neighborhood and existing house, replace the tubular steel pickets with wrought iron pickets and a smooth troweled stucco finish rather than the proposed light sand finish.

HISTORIC PRESERVATION COMMISSION DECISION:

On Monday, October 3, 2011, the Historic Preservation Commission voted to approve the Certificate of Appropriateness with the following conditions:

1. The fence shall be fabricated from wrought iron (not tubular steel).
New fence design and materials that are similar to those used historically are appropriate. (Design Guidelines for Historic Districts 10.7)
The design and materials of a new fence should be compatible with the character of the house and neighborhood. (Design Guidelines for Historic Districts 10.7)
2. Remove the low masonry wall from the design.
Fence designs that incorporate a short masonry or concrete wall as the base of the fence are inappropriate. (Design Guidelines for Historic Districts 10.7)
3. Remove the pilasters from the fence design.
Masonry or concrete piers that are part of a fence design are not appropriate. (Design Guidelines for Historic Districts 10.7)
4. The typical height of the pickets shall be reduced to 3' but the arch is allowed a maximum of 4'.
Traditionally fences were less than the permitted four feet. Therefore, consider a fence that is three feet in height. (Design Guidelines for Historic Districts 10.7)
5. Fence shall incorporate Spanish design features that are compatible with the house. Ex: twisted wrought iron.
The design and materials of a new fence should be compatible with the character of the house and neighborhood. (Design Guidelines for Historic Districts 10.7)
6. The redesigned fence shall be reviewed and approved by Design & Historic Preservation staff for compliance with these conditions prior to issuance of a building permit.

EXECUTIVE SUMMARY:

The applicant's property is a contributor to a historic district therefore front yard fences are subject to review by the Historic Preservation Commission. The current proposal was determined to be incompatible with the historic property and the neighborhood by the Historic Preservation Commission which conditioned a complete re-design of the fence. The applicant appealed this decision based on security concerns and lack of "equitable process". The staff's recommended conditions achieve a better product than proposed by the applicant, one that meets the applicable standards and guidelines while retaining the essential features of the current proposal. This approach is consistent with the precedent set in this neighborhood and other historic districts. The commission chose to impose more stringent conditions.

BACKGROUND:

Built in 1924, the house was designed by architect George Palmer Telling in a Spanish Colonial Revival style and is a contributing property to the Prospect Historic District. Sited on a double-frontage lot, the resource's primary elevation is adjacent to Armada Drive and the rear elevation is adjacent to Forest Avenue.

Scope of Work

On July 18, 2011 staff presented the application for the front-yard fence and pedestrian gate to the Historic Preservation Commission at a public hearing. The Commission stated that the submitted plans and specifications did not provide sufficient details. It was determined that the public hearing should be continued until such time as the applicant could provide detailed plans and specifications. The Commission also requested a statement from the applicant describing the circumstances that prompted the owner to construct the front-yard fence (Attachment B).

The applicant returned to the Historic Preservation Commission on October 3, 2011 with a revised proposal. The proposed four-foot high front-yard fence, which complies with all applicable zoning code standards would begin near the southwest corner of the house and extend around the site perimeter (up to and along Armada Drive), terminating near the northwest corner of the house. An existing wood driveway gate and two existing masonry plinths would be removed. The proposed fence would have a concrete masonry unit (CMU) base with a series of piers treated with a light-sand cement-plaster finish coat and painted to match the house. The piers will have cast stone decorative caps and ornamental-steel pickets will span the distance between the piers (Attachment A). The applicant has modified the design of the pickets to comply with a recommendation made by the Commission during the first public hearing to be rectilinear rather than concave. A new manually operated arched pedestrian gate and mechanically operated arched driveway gate would also be installed.

A fence with a similar design (piers clad in cultured stone with decorative caps and wrought iron pickets) was approved by the Commission in 2006 at 1111 Armada Drive, directly across the street from the subject property (Attachment D).

At the Historic Preservation Commission hearing, staff recommended an improved aesthetic by conditioning a satin finish on the pickets and encouraging a reduction in the overall height of the fence and gates to 36" to minimize the visual impact of the fence. Staff's current recommendation further elevates the proposal because wrought iron and smooth troweled stucco are higher quality finishes and lowering the base reduces the overall mass resulting in an upgraded visual appearance.

ANALYSIS:

Compliance with Design Guidelines

Fences constructed from a combination of masonry and iron can be found throughout the Prospect Historic District. Although most of the fences feature untreated masonry or natural stone, the plaster-coated CMU and steel picket fence, as conditioned, will mirror the house's exterior material and color, creating a distinct yet complementary fence.

The proposed project, when modified by the proposed conditions, is consistent with the following design guidelines:

Secretary of the Interior's Standards for Rehabilitation

Standard #9: "...new construction shall not destroy historic materials that characterize a property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." The proposed fence does not affect historic materials on the property and is differentiated by the use of distinct materials (stone decorative caps and wrought iron) that are not present on the main house. As conditioned, the materials and scale of the new fence are compatible with the house (smooth plaster and wrought-iron are indicative of Spanish Colonial Revival architecture) as well as other fences in the district.

Design Guidelines for Historic Districts

Guideline #10.7: "Where a new fence is needed, it should be similar in character with those seen historically." There are multiple examples of similar fences and walls within the district. The fence will be transparent and the house will remain visible from the street. To address the concerns regarding quality and compatibility, staff is conditioning a change from tubular steel to wrought iron pickets and a smooth troweled stucco finish rather than the proposed light sand finish. As conditioned, the wall will be constructed from high-quality materials that are compatible with the existing historic resource and the neighborhood. These changes are appropriate to Spanish Colonial Revival architecture and would typify a more hand-crafted construction.

Guideline #10.7: "Fence designs that incorporate a short masonry or concrete wall as the base of the fence are inappropriate." The Prospect Historic District has a set of large lots with a tradition of fences that incorporate a solid base and wrought iron pickets. To improve the aesthetics, transparency, and overall proportions, staff has included a condition to revise the fence design to increase the picket height and reduce the solid base.

ENVIRONMENTAL ANALYSIS:

This project has been determined to be categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 1, §15301, Class 1, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration (including fences) of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project consists of constructing a fence on an existing single-family residential property.

COUNCIL POLICY CONSIDERATION:

The General Plan – Objective 6: Promote preservation of historically and architecturally significant buildings and revitalization of traditional neighborhoods and commercial areas.

FISCAL IMPACT:

There is no fiscal impact as a result of this action and will not have any indirect or support cost requirements. The anticipated impact to other operational programs or capital projects as a result of this action will be none.

Respectfully submitted,



VINCENT P. BERTONI, AICP
Director of Planning

Prepared by:



Emily F. Stadnicki, AICP
Senior Planner

Approved by:



MICHAEL J. BECK
City Manager

Attachments:

- Attachment A - Revised Plan, Elevation, and Isometric Drawing
- Attachment B - Statements from the property owner
- Attachment C - Photograph of 1116 Armada Drive
- Attachment D - Photograph of fence at 1111 Armada Drive

CALCULATION OF TRANSPARENT FENCE PROPORTION

TOTAL FENCE SURFACE AREA:
 $(43' + 80' + 43') \times 4' \text{ HEIGHT} = 664 \text{ SQ.FT.}$

TRANSPARENT PORTIONS:

FRONT: $4 \times (8.5' \times 2.67') = 90.8 \text{ SQ.FT.}$
 $3 \times (7.5' \times 2.67') = 60.05 \text{ SQ.FT.}$

ENTRY: $4 \times 4' = 16 \text{ SQ.FT.}$

DRIVEWAY: $10' \times 4' = 40 \text{ SQ.FT.}$

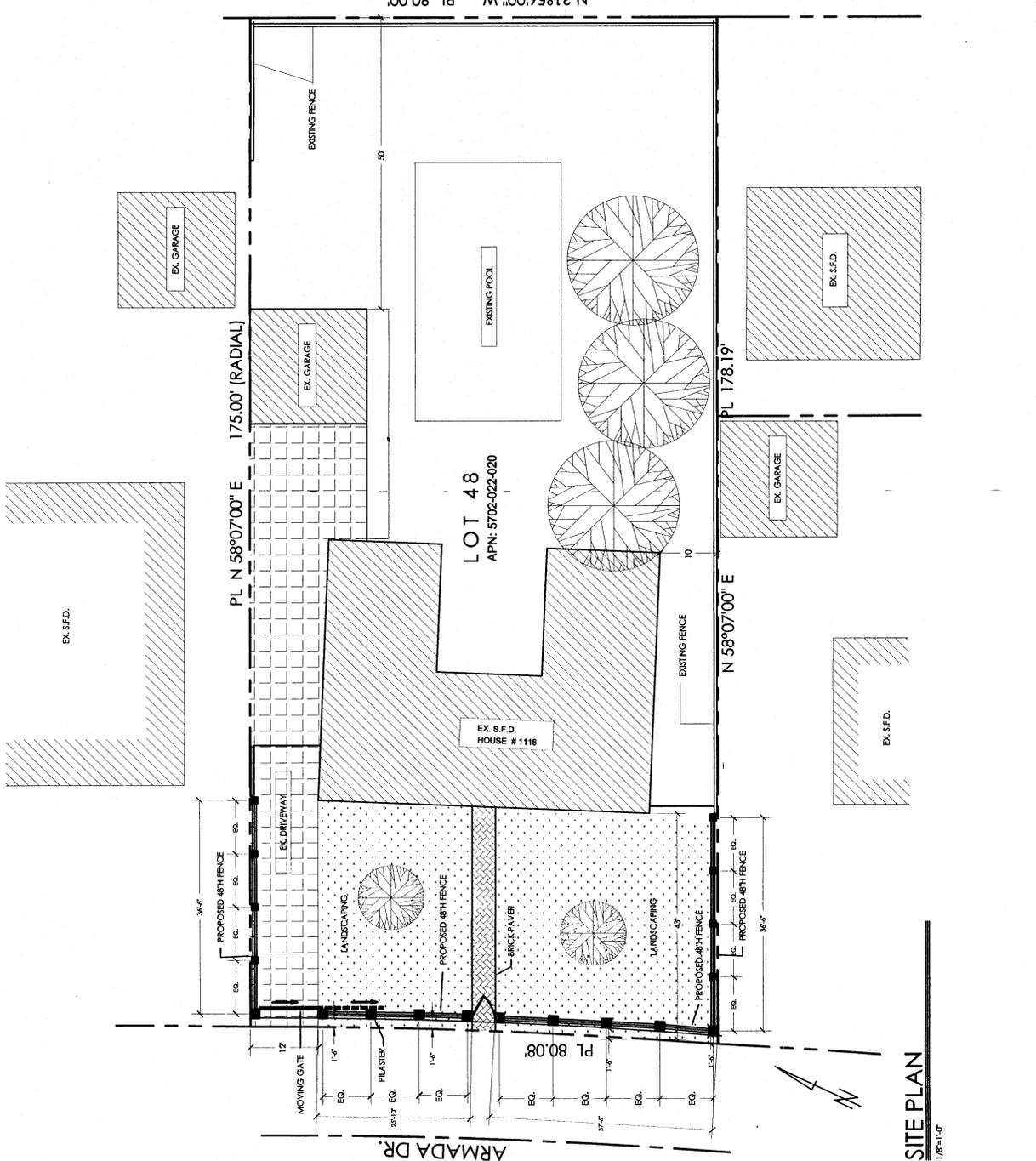
FRONT TOTAL: **206.85 SQ.FT.**

NORTH SIDE: $4 \times (8.5' \times 2.67') = 90.8 \text{ SQ.FT.}$

SOUTH SIDE: $4 \times (8.5' \times 2.67') = 90.8 \text{ SQ.FT.}$

GRAND TOTAL OPEN = 388.40 SQ.FT.

$\frac{388.40 \text{ SQ.FT.}}{664} \times 100 = 58.49\% > 50\%$



SITE PLAN

OWNER: MR. AND MRS. CALOGERO DRAGO

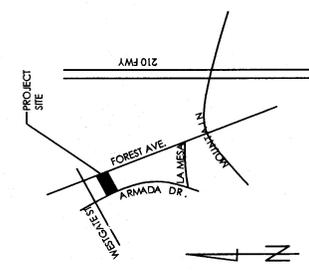
PROJECT: CONSTRUCTION OF 48" HIGH PRIVACY FENCE IN FRONT YARD

PROJECT ADDRESS: 1116 ARMADA DR., PASADENA, CALIFORNIA 91103

VK ENGINEERS, INC.
 Civil & Structural Engineers
 1101 E. Broadway, Suite 202
 Glendale, CA 91205
 Tel: (818) 500-0360 Fax: (818) 500-0453
 e-mail: vic@vkssoc.com

CASE # PLN2010-00269

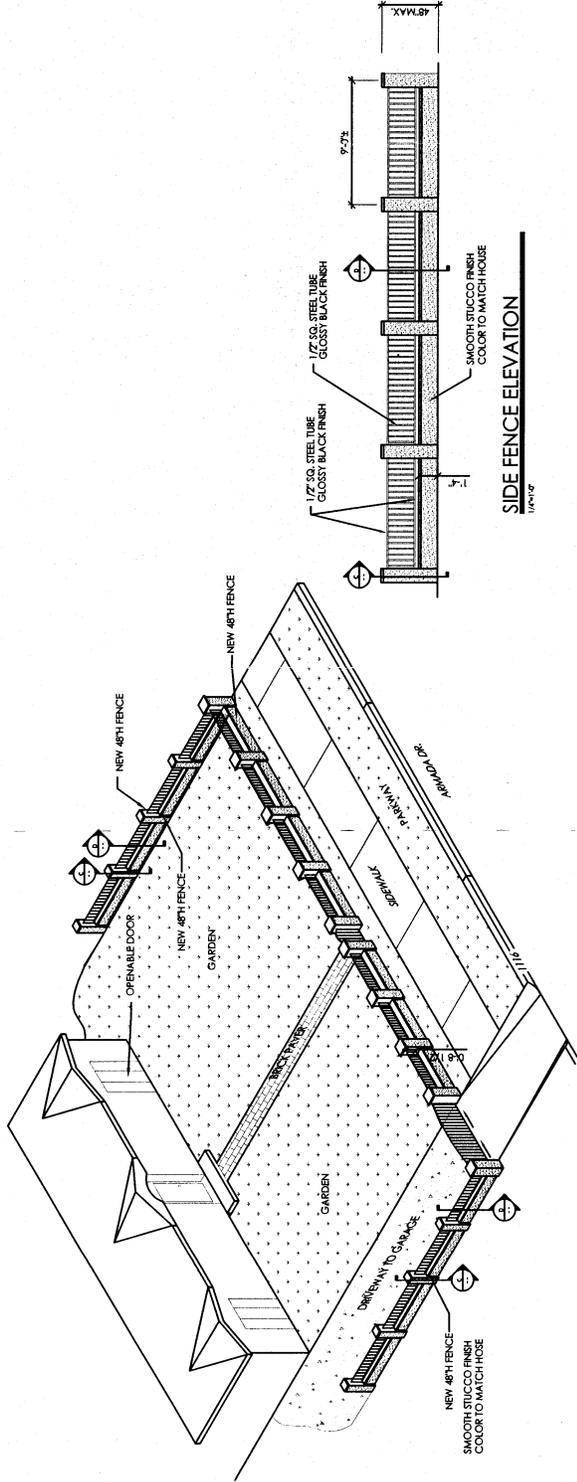
PLANNING & ENGINEERING



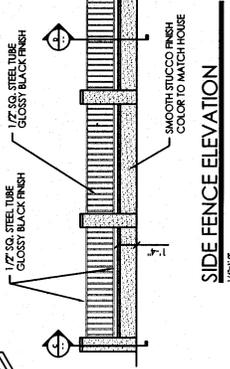
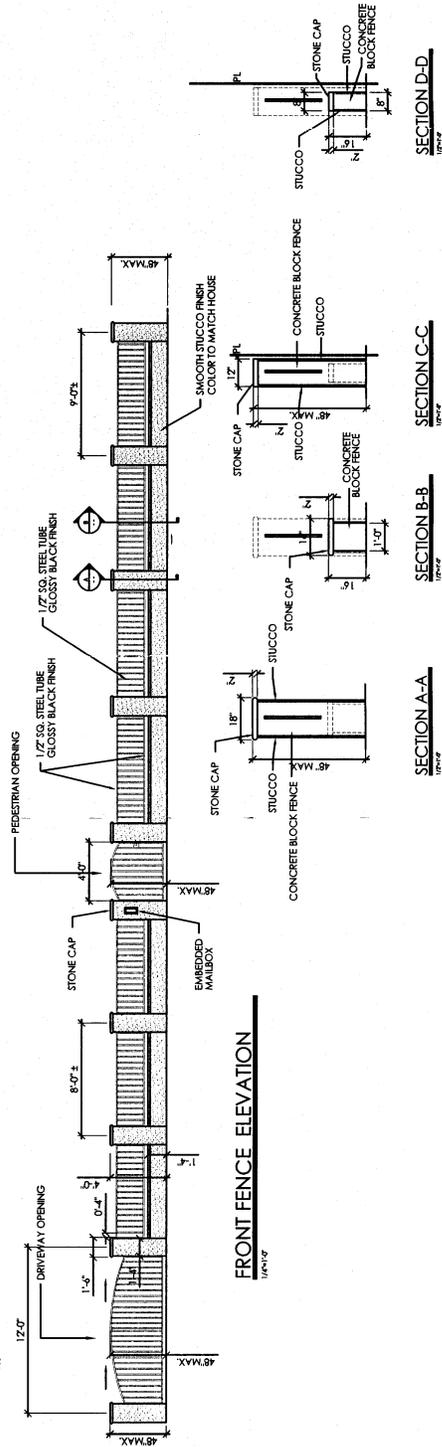
SITE PLAN
 1/8"=1'-0"

CASE# PLN2010-00269

ISOMETRIC VIEW
 AND SECTION



PROPOSED FRONT YARD ISOMETRIC VIEW



SIDE FENCE ELEVATION

SECTION D-D

SECTION C-C

SECTION B-B

SECTION A-A

*Calogero Drago
1116 Armada Drive
Pasadena, CA 91103*

September 12, 2011

Historic Preservation Commission
City of Pasadena
175 North Garfield Avenue
Pasadena, CA 91101-1704

Re: Case No. PLN2010-00269
Certificate of Appropriateness For Front-Yard Fence & Pedestrian Gate
1116 Armada Drive (George Palmer Telling 1924; Prospect Historic District)

Honorable Members of the Commission:

I submit this letter in support of my application for the above-referenced certificate of appropriateness, and to respond to the issues raised in the letter dated July 20, 2011 from Vicrim Chima following the continuance of the hearing on the application at your July 18, 2011 meeting.

My wife Veronica and I have lived at 1116 Armada Drive since shortly after we purchased the home. We live there with our 5 year old daughter. When we purchased the property the only security around the perimeter were old chain link fences that were both unsightly and of uncertain integrity. We decided to construct more secure and substantial walls and fences around the property, and are currently applying for all the necessary permits for that construction. The permits, including a certificate of appropriateness, for a wall at the rear of the property which faces Forest Avenue, were obtained earlier this year and that wall has now been constructed. Your upcoming hearing concerns the fence and gate on the Armada Drive side which is the front of the property.

The Need For A Front-Yard Fence

A front-yard fence will provide essential security and privacy for me and my family. Our daughter is at an age where her mobility will soon catch up to her natural curiosity in the world around her. I do not want to take the slightest risk that she could wander across our front yard and on to the adjoining sidewalk or street. In addition, I believe that a front-yard fence will provide an important deterrent to unauthorized entry on to our property by solicitors, tradesmen or others, and will provide my wife and me with an enhanced level of comfort that our daughter will be able to play in and move about our front yard without risk or disturbance.

The Need For 48" Fence Height

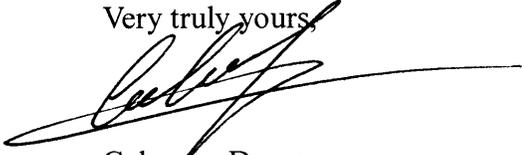
We are asking for a fence height of 48" to ensure the fence serves its intended purpose of providing safety and security to our family. Over the past year we have already noticed occasional episodes of being observed by pedestrians on the adjoining sidewalk or street, and in some instances have watched with considerable dismay as these observers photographed us and our property with cameras or cell phones. A 48" height will provide an added measure of privacy throughout our daily routine at home without imposing a substantial burden on the overall look of the neighborhood as at least one other fence is 48" high at 1111 Armada Drive.

In addition, we may in the future wish to acquire a dog as a family pet. We would like to be able to provide the dog, and our daughter, with a spacious and safe area in which to play. Assuming we avoid breeds with extraordinary leaping ability, a 48" height will minimize the risk of our dog jumping over the fence and being lost.

I hope the above responds to your concerns. Under separate cover my contractor is submitting the drawings and other details concerning the design of the proposed fence and gate requested in the July 20 letter from Mr. Chima.

I ask for your favorable consideration of this application. Please let me know if you have any further questions or would like additional information concerning any aspect of this matter.

Very truly yours,



Calogero Drago



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

RECEIVED
11 OCT 11 9:13
CITY CLERK
CITY OF PASADENA

REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 1116 Armada Drive
Case Type (MCUP, TTM, etc.) and Number: PLN-2010-00269
Hearing Date: 3 October 2011 Appeal Deadline: 14 October 2011

APPELLANT INFORMATION

APPELLANT: Calogero Drago Telephone: [626] 795 2838
Address: 1116 Armada Drive Fax: [] _____
City: Pasadena State: CA Zip: 91103 Email: _____
APPLICANT (IF DIFFERENT): _____

I hereby appeal the decision of the:

- Hearing Officer
- Design Commission
- Historic Preservation
- Zoning Administrator
- Director of Planning and Development
- Film Liaison

REASON FOR APPEAL

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

See Statement In Support attached

Signature of Appellant

11 OCTOBER 2011
Date

* OFFICE USE ONLY

PLN # _____ CASE # _____ PRJ # _____

DESCRIPTION _____

DATE APPEAL RECEIVED: _____ APPEAL FEES: \$ _____ RECEIVED BY: _____

STATEMENT IN SUPPORT OF APPEAL
1116 ARMADA DRIVE FRONT YARD FENCE AND GATE
CASE NO. PLN2010-00269

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CITY OF PASADENA

Under Section 17.62.010 of the Pasadena Zoning Code a principal purpose of the Historic Preservation Chapter, Chapter 17.62, is to "(e)nsure that the rights of the owners of historic resources and owners of properties adjacent to historic resources are safeguarded." Identical language appears in Pasadena Municipal Code Section 2.75.025H, which defines the authority of the Historic Preservation Commission. The Pasadena General Plan mandates, as an Implementation Strategy, the "(e)stablishment of an equitable process for maintaining and perpetuating historical and cultural landmarks. . . ." The October 3, 2011 decision of the Historic Preservation Commission on 1116 Armada Drive violates these Code and General Plan provisions.

The Commission failed to safeguard the rights of the owner of 1116 Armada Drive. The conditions on the approval ignore the need for personal safety, security and privacy that the fence was designed to address. Since acquiring and occupying their home the owner and his family have experienced a fire at the neighboring home, a robbery on their block and episodes of passers by observing and photographing their property. The proposed fence includes design features, and a four foot height, that deal with these dangers. The Commission has mandated a transparent fence without a base or pilasters, and reduced the overall height to three feet. These conditions prevent the fence from providing safety in the event of a fire, security from intruders and privacy from observers.

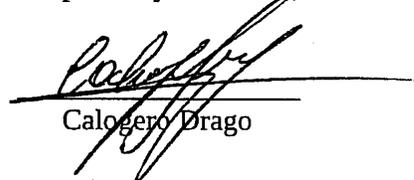
The Commission also failed to conduct its review of this application through an equitable process. As staff reported to the Commission, in 2006 a fence directly across the street at 1111 Armada Drive was found appropriate. This fence has a four foot height as well as a base and pilasters, and is essentially identical to the fence proposed here. The Commission did not justify or explain reaching completely contrary results in these two cases.

What appears to have motivated the Commission was a desire to prohibit all fences in historic districts. At the meeting each Commissioner expressed hostility to any fence at this location, and objected to advice from the City Attorney that they lacked discretion to deny a fence outright. The conditions imposed implicitly punish the owner of 1116 Armada Drive by defeating the safety, security and privacy elements in the proposed design. The Commission has also imposed significant additional costs by requiring a complete redesign, and demanding more costly materials and fabrication methods.

The Commission decision is also not consistent with the interests of property owners adjacent to 1116 Armada Drive. No adjacent owner opposes the proposed fence, and several have expressed support for it. The Commission appears determined to discourage fences in historic districts, and wants to make owners who will not conform to their views pay a very high price in terms of personal safety, security, privacy and cost.

I ask the Council to find the fence as proposed is appropriate.

Respectfully submitted,


Calogero Drago



