

Agenda Report

March 21, 2022

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: **APPEAL OF THE HISTORIC PRESERVATION COMMISSION'S
DECISION OF AN APPLICATION TO DESIGNATE THE
PROPERTY AT 801 S. SAN RAFAEL AVENUE AS A
LANDMARK**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 Class 8 of the CEQA Guidelines pertaining to Actions by Regulatory Agencies for Protection of the Environment and there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;
2. Find that the house at 801 South San Rafael Avenue meets Criterion "B" for designation as a landmark pursuant to Pasadena Municipal Code (PMC) Section 17.62.040, because it is associated with the life of a person that is significant in the history of the City. It is associated with former prominent resident, John Van de Kamp;
3. Adopt the attached resolution approving a Declaration of Landmark Designation for 801 S. San Rafael Avenue, Pasadena, California;
4. Authorize the Mayor to execute the attached Declaration of Landmark Designation for 801 S. San Rafael Avenue, Pasadena, California; and
5. Direct the City Clerk to record the declaration with the Los Angeles County Recorder.

BACKGROUND:

On May 24, 2021, Pasadena Heritage submitted an application for Landmark Designation of the house at 801 S. San Rafael Avenue. City staff informed the current property owner, This Old House, LLC (represented by Deborah Rachlin Ross) that the application was submitted and the owner has indicated that they do not support the application. However, the PMC does not require property owner consent for a property to be designated as a landmark. Staff determined that the house is eligible for designation as a landmark under Criterion B for its association with former resident John Van de Kamp, a well-known politician and attorney.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

At its regular meeting of October 19, 2021, the Historic Preservation Commission (HPC) disapproved the application for landmark designation of the property (see Attachment A, which includes additional information regarding the application history and recent permit approvals). The Commissioners cited the following reasons to support disapproval of the application:

1. Insufficient passage of time and scholarly judgement to support a determination of the historical significance of John Van de Kamp (including exceptional significance for properties that have achieved significance within the last fifty years);
2. Lack of integrity of the building and site;
3. Lack of nexus between when John Van de Kamp achieved significance, his productive life, and his time of residency in the house; and
4. Lack of support by the property owner.

The applicant (Pasadena Heritage) filed an appeal of the Historic Preservation Commission's decision on October 28, 2021. The City Council also considered calling the Historic Preservation Commission's decision for review on November 1, 2021; however, the motion to call the decision for review failed.

ANALYSIS

Designation Criteria:

The applicant has requested to designate the property under Criterion B. As specified in PMC Section 17.62.040.D.2, Criterion B states:

"[The property] is associated with the lives of persons who are significant in the history of the City."

The application requests to designate the property due to its association with the productive life of John Van de Kamp, an important person in Pasadena's history. Although the City of Pasadena does not have a formal context report that identifies important persons or classes of persons or local standards for how to evaluate for

significance, the City's status as a Certified Local Government indicates that the City has a well-established local survey and designation program that is consistent with federal and state standards and regulations. The City also has a qualified historic preservation commission, with qualified staff capable of identifying, evaluating and managing the preservation of historic properties at the local level.

Section 17.62.040.A of the PMC specifies that when evaluating historic resources: "...the Director, Historic Preservation Commission, and City Council shall apply the criteria below according to applicable National Register of Historic Places Bulletins for evaluating historic properties, including the seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association (National Register of Historic Places Bulletin #15 [NRB15]: "How to Apply the National Register Criteria for Evaluation")".

NRB15 specifies that Criterion B applies to properties associated with individuals whose specific contributions to history can be identified and documented. Specifically:

"Persons 'significant in our past' refers to individuals whose activities are demonstrably important within a local, state or national historic context. The criterion is generally restricted to those properties that illustrate (rather than commemorate) a person's important achievements."

Therefore, to determine whether a property is significant for its associative value under Criterion B, the NRB15 states that the importance of the individual must be established as well as the length and nature of their association with the property and any other properties associated with the individual. Once that is completed, the property may be further evaluated under Criterion B as described in the bulletin. These factors are analyzed further below.

Significance of the Individual

To determine the significance of an individual, NRB15 specifies that:

"Persons associated with the property must be individually significant within a historic context. A property isn't eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group. It must be shown that the person gained importance within his or her profession or group... A property is not eligible under Criterion B if it is associated with an individual about whom no scholarly judgement can be made because either research has not revealed specific information about the person's activities and their impact or there is insufficient perspective to determine whether those activities or contributions were historically important"

The NRB15 also clarifies that status as a well-known public official or being associated with public figures are not considered sufficient to determine that a property is eligible for designation under Criterion B. Further, properties associated with living persons are

not eligible, and sufficient time must have elapsed after a person's death in order to assess both their professional field and their contributions to that field.

John Van de Kamp passed on March 14, 2017. Although formal scholarly judgement has yet to be made about the significance of John Van de Kamp's contributions to the field of politics or the law compared to others who held the title of Attorney General of California or Los Angeles County District Attorney or maintained a private law practice, the applicant has submitted extensive documentation (see Attachment D) about his professional accomplishments in the time period between 1987 and 2017 when he lived in the house at 801 S. San Rafael Avenue. The applicant has indicated that the body of work from this time is the most significant part of his career, and not his time in public office. The application materials also indicate that his work as a private attorney after his retirement from politics in 1991 are also distinguished from other professionals and that his work made significant contributions to the understanding and practice of law.

Association with the Property and Comparison to Other Related Properties

The NRB15 specifies that properties eligible under Criterion B are usually those associated with a person's productive life, reflecting the time period when they achieved significance. This could be their home, business location, office, laboratory or studio. Properties that pre or postdate their significant accomplishments are usually not eligible.

Property records demonstrate that John Van de Kamp lived at 801 S. San Rafael Avenue from 1987 until his passing in 2017. This time is identified by the applicant as the most productive period of his professional life, and also coincides with the time when he became more involved in local affairs.

John Van de Kamp lived at 489 Prospect Terrace in Pasadena just prior to moving to 801 S. San Rafael Avenue. He resided at this location during the time when he first rose to political prominence and during the majority of his tenure in public office. However, the timeframe of his residence at that location does not align with the period of significance identified by the applicant as his most productive and significant period. In addition, the residence at 489 Prospect Terrace has been altered and no longer retains integrity.

Properties That Have Achieved Significance Within the Last Fifty Years

The NRB15 also provides guidance for understanding the significance of a property that has achieved significance within the last fifty years. Generally, a property is only considered for National Register eligibility if it has achieved significance a minimum of 50 years ago. Properties that only achieve significance within the past 50 years are not eligible, unless they are of exceptional importance.

In practice, the City of Pasadena adheres to this general standard, but has established that only a minimum time span of 45 years needs to have passed before a property can be evaluated to determine if it has achieved significance. However, these time spans

are only a general estimate of the time needed to develop historical perspective and evaluate significance.

John Van de Kamp passed in 2017, and it has been less than six years since he resided at 801 S. San Rafael Avenue. As he first began living in the house in 1987, it has also been less than 45 years that he has been associated with the property. However, the applicant has indicated that enough time has passed to establish the significance of John Van de Kamp and that designation of this property is of exceptional importance, as it may be the only remaining residence that can convey association with his productive period.

Integrity

A property must also retain integrity (its ability to demonstrate why it is significant) with respect to the physical condition of the property in order to qualify for landmark designation. While most buildings undergo alterations over time, in order to retain integrity, the alterations should not have significantly changed the historic appearance and character defining features of the building or site.

The following is an assessment of the seven established aspects of integrity as applied to the property:

- Location: Location is the place where the historic property was constructed or the place where the historic event occurred. The primary structures in its original location and therefore retains integrity of location.
- Design: Design is the combination of elements that create the form, plan, space, structure, and style of a property. Although some aspects of the overall design and appearance of the house have been altered over time, including conversion of the original garage, a façade remodel including the replacement of much of the original historic building fabric on the front elevation, including original windows, original cladding material, original balcony railing, and the replacement of most of the windows and doors, enough of the existing structure remains to reflect the original design of the house. In addition, staff approved a Certificate of Appropriateness for much of this work to ensure that the replacements were done according to the Secretary of the Interior's Standards. Therefore, the building retains integrity of design.
- Setting: Setting is the physical environment of a historic property. Some aspects of the site have been significantly altered. Although the shape and size of the site are unchanged, a new pool and accessory dwelling unit have been constructed in the rear yard, and a detached one-story, three-car garage was constructed in the middle of what was previously an expansive open front yard. A new circular driveway has also been recently constructed in the front yard, where previously a single driveway existed. The surrounding single family residential neighborhood retains its original residential character, although many

of the homes in the vicinity have been physically altered over time, including several instances of demolition and new construction. Due to the significant alterations to the site, including construction of an accessory structure that obstructs some views of the primary structure, the site does not retain integrity of setting.

- **Materials:** Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The building does not retain the majority of its original exterior materials, including exterior cladding and windows, as a building permit was issued for these alterations. Although the replacement materials are compatible with the original materials used on the exterior of the house, the building does not retain integrity of materials.
- **Workmanship:** Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. City records and documentation describe the interior finishes and built-ins as “detailed,” however, no photographic documentation was found about what this would have looked like. A physical inspection of the exterior of the house by staff showed that the house currently does not exhibit any significant evidence of historic workmanship. Based on the available information, the building does not retain integrity of workmanship.
- **Feeling:** Feeling is a property’s expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property’s historic character. Although the building and site have been significantly remodeled, they continue to express the feeling of a single family residential neighborhood and the original 1947 construction date of the house. Therefore, the property retains integrity of feeling.
- **Association:** Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. John Van de Kamp resided at 801 South San Rafael Avenue from 1987 until 2017. As the property remains a private residence in a residential neighborhood and the basic building form and appearance as it existed between 1987 and 2017 are intact, it retains integrity of association as the residence of John Van de Kamp from 1987 until 2017.

As noted above, the property does not retain all seven aspects of integrity. However, because this property is being considered for designation under Criterion B, not all of the physical features of the house or the aspects of integrity are essential for determining eligibility. With respect to Criterion B, NRB15 indicates that the essential physical features of a property should be defined and then evaluated to determine that they are visible enough to convey the significance of the property. Only the aspects of integrity related to those features need to be considered when evaluating the property.

In this case, the house has no architectural significance and is being considered for landmark designation as the residence of John Van de Kamp. The most important physical features of the property necessary to convey association as the residence of John Van de Kamp are the publicly visible shape of the building, including the two-story massing, roof form, general composition of the publicly visible windows and doors, and the design and appearance of the full width second level balcony, which reflect the general appearance of the residence when John Van de Kamp lived there. As all of these significant physical features are intact, the property retains integrity of location, design, feeling and association. The aspects of integrity related to materials, workmanship, and feeling are not applicable for this review.

As noted above, the new construction of a detached three-car garage and circular driveway directly in front of the house in what was the front yard significantly alters the arrangement of structures on the site and the historical appearance of the property, as the garage is now the building that is closest to the street and partially obstructs visibility of the primary structure behind it. Due to this alteration to the site, the property does not retain integrity of setting. However, the house is still somewhat visible, and, although unlikely, it may be possible to demolish the garage and restore the original public views to the house if the required parking can be provided elsewhere on the property. Therefore, this alteration is considered reversible and does not impair the ability of the property to convey its significance as the residence of John Van de Kamp from 1987 until 2017.

Overall, the house retains sufficient integrity to clearly convey that it is a single family residential structure and was once the home of John Van de Kamp.

EFFECTS OF HISTORICAL DESIGNATION:

If designated, requests for future exterior alterations or demolition would require a Certificate of Appropriateness pursuant to Section 17.62.090 of the Pasadena Municipal Code. In addition, the property owners would be eligible for incentives that apply to designated historic resources. See Attachment F for additional details regarding these requirements and incentives.

COUNCIL POLICY CONSIDERATION:

The General Plan Land Use Element – Guiding Principle 2: “Pasadena’s historic resources will be preserved. Citywide, new development will be in harmony with and enhance Pasadena’s unique character and sense of place. New construction that could affect the integrity of historic resources will be compatible with, and differentiated from, the existing resource;” and Goal 8: “Preservation and enhancement of Pasadena’s cultural and historic buildings, landscapes, streets and districts as valued assets and important representations of its past and a source of community identity, and social, ecological, and economic vitality.”

ENVIRONMENTAL ANALYSIS:

Class 8 exemptions consist of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment.

CONCLUSION:

As a Certified Local Government, Pasadena is qualified to make local determinations with respect to the evaluation and designation of historical resources. The applicant has submitted adequate documentation to demonstrate that the building at 801 South San Rafael Avenue is eligible for designation as a landmark under Criterion B for its association with John Van de Kamp. Although the current property owner is opposed to the designation, the PMC does not require property owner consent. Therefore, staff recommends that the City Council designate the primary structure at 801 South San Rafael Avenue as a landmark under Criterion B, for its association with John Van de Kamp. Contributing resources to the designation include the basic publicly visible building form, massing, fenestration and street facing second floor balcony.

FISCAL IMPACT:

In some instances, owners of designated historic properties may apply to the City for a Historic Property Contract (Mills Act), which allows an alternative and often lower property tax assessment. The City Council reviewed the projected loss of property tax revenue from this program in 2002 when it adopted the local Mills Act ordinance. As a result of this program, the reduced property tax amount which comes out of the City's local share amount from the State, is a small fraction of the City's overall property tax revenue.

Respectfully submitted,



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Prepared by:



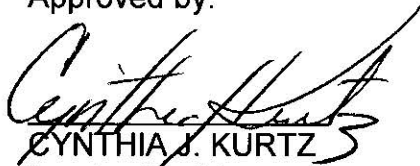
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Attachments (6):

- A. Historic Preservation Commission Staff Report 10-19-21 (without attachments)
- B. Architectural Description & Historical Overview
- C. Vicinity Map
- D. Application & Historical Documentation
- E. 2011 and Current Photographs of Property
- F. Effects of Historic Designation