



**City of South Pasadena
Planning and Community
Development Department**

Memo

Date: July 16, 2020

To: Chair and Members of the Cultural Heritage Commission

From: Joanna Hankamer, Planning and Community Development Director
Kanika Kith, Planning Manager

Prepared By: Malinda Lim, Associate Planner

Re: Additional Document for **Item No. 2** –1030 Brent Avenue (Project No. 2238-COA)

Staff received seven (7) written public comments in opposition of the project from the following people:

- Kate Hetu
- Catherin Douvan
- Travis Dunville
- Leticia Cheng
- Michael and Barbara McLendon
- Jessica and Romulo Salazar
- Brenda Blatt

and a comment from the applicant's representative, Jim Fenske; these comments are attached. These comments were not included in the Cultural Heritage Commission agenda packet because the comments were received after the posting of the agenda packet.

Attachments:

1. Written Public Comments

ATTACHMENT 1
Written Public Comments

From: Kate Hetu [REDACTED]
Sent: Tuesday, July 14, 2020 8:14 PM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Subject: Opposition of Project 2238-CAO: The Addition to 1030 Brent Avenue

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Kate Hetu
1036 Brent Avenue Unit B
South Pasadena, CA 91030

Agenda Item 2: Project Number: 2238-COA

Dear Board Members,

I writing to oppose the 1030 Brent Avenue Project 2238-CAO. The owners did not adhere to the Cultural Heritage Commission guidelines when they began the work on an addition to their property many years ago. This project has been going on for too long and has been an inconvenience for existing neighbors. As a resident of South Pasadena and a neighboring citizen of this property, I feel it is imperative that all community members follow the South Pasadena municipal codes to ensure that the homes in this city maintain their historical value and meet the guidelines provided by the Cultural Heritage Commission. Please consider denying the proposed additions and having the owners remove the unauthorized patio.

Thank you for your consideration.

Kind Regards,
Kate Hetu

From: Kate Douvan [REDACTED]
Sent: Wednesday, July 15, 2020 1:00 PM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Cc: Travis D [REDACTED]
Subject: Project Number: 2238-COA Address: 1030 Brent Avenue

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Project Number: 2238-COA Address: 1030 Brent Avenue

I oppose granting a Certificate of Appropriateness to convert an unpermitted patio at 1030 Brent Avenue into a habitable space.

The owner of this property is a Licensed Contractor and he knowingly built an un-permitted structure on his property. If the Cultural Heritage Commission and Planning Department allow his project to go forward, they will be condoning the way the 1030 Brent owners have circumvented city planning and have avoided the permitting process.

There cannot be two construction standards in our town. One for regular residents who are required to follow planning /permit procedures. And another laxer route for those in the construction business.

Sincerely,
Catherin Douvan
Owner: 1021 Park Ave., South Pasadena CA 91030

From: Travis D [REDACTED]
Sent: Wednesday, July 15, 2020 11:39 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Cc: mcacciotti@southpasadena.gov; Nichole [REDACTED]
Subject: Project Number 2238-COA

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Dear Commissioners,

I previously sent an email for the June meeting with my concerns and opposition to this project. My questions were to the architect for clarification. As of the writing of this email, the deadline for the owner presentation has expired. It appears no owner or architect will be able to answer any of the questions. After reading the CHC July 16th Agenda packet, I have more comments and questions regarding the staff presentation and recommendation. My replies go with the timeline of staff comments and the Ongoing Enforcement 1-4, in addition to supplemental comments.

I see this is not the first time the GC/Owner has received a stop work order for his home. It appears that he was issued a stop work order in 2002 for interior demolition and re-roofing. While it looks like some permits were pulled, they appear to have expired with only the electrical panel finalized (Edison had to sign off). While we are not looking into that, it does show a pattern of ignoring the code as a GC/Owner.

On agenda packet page 2-2 a timeline of events from the city staffers appear to have inaccurate and incomplete information.

June 19, 2008 states that the Planning staff approved the removal of the proposed second story addition and the 400 square foot carport. There is no documentation of the removal of the carport for approval. In fact, permit #023034 was issued the next day June 20th, 2008 and states in the description of work "Add Family RM. To Back Of Existing Home; 400SQ/ft carport." This is signed by the owner. If you scroll to 2-65, you can see a year later on June 5th, 2009 that both Dianne and Robert Roybal submitted a letter for a refund of permit # 23034 that they state was for the room addition and carport project that was permitted in June 30, 2008 (actually June 20th). If there was approval to eliminate the carport, why mention the carport in the permit and the refund? I would also ask if parking was not an issue, why did staffers state in 2019 to David Bergman that parking was holding this project up (see previous emails)?

March 13th, 2018 Planning was notified of unpermitted construction. The inspector came into our house 40 days earlier on February 1, 2018 and took pictures. The City has failed to provide us with copies of those pictures after numerous requests. They have not provided the stop work order and correspondences from the owner to comply. The pictures show 12 doors that were installed vertically and horizontally. We have one picture from our kitchen at night (in the agenda packet). If you look, you can see the two doors installed next to each other with another above, horizontally.

CHC chair review was done on August 24th, 2018 and it was determined to be consistent with the previous approval and approved minor modifications. Please see the previous documents as they show the footprint shifted, the height of the

structure increased and the addition of more doors. These changes were not minor per SPMC that has previously been mentioned (see previous emails), they required a major design review.

A year later in 2019 the same plans were submitted and now staffers in their current CHC presentation are stating that the plans are inconsistent. It was discovered that they were not consistent with the CHC chair approval. What happened in the year of complying? It has been 2 ½ years and they still are unable to comply.

Staff states that with all the changes, the project now requires a new COA? The new design is a hybrid of the original approval, so why not use the original COA#1101 with a modification to approve, deny or revoke? Because the information originally provided to DRB and CHC confirms to be false and falls under misrepresentation and fraud in approval of a COA and that needs to be enforced. See the site plan approval of 2007 vs. 2020.

Ongoing Code Enforcement 1-4

- 1.
2. Incorrect measurements?
3. Simple tape measurements were able confirm the numerous errors on the original site plan. With or without a surveyor, the measurement errors were in feet and not inches. The site plan in this agenda packet still has errors on the building separation from
4. the duplex to unpermitted construction. It shows 10ft 2 inches in an existing site plan. After meeting with the Director of Planning in November, we followed up with a letter and image to the Director of Planning showing the measurement of about 7 ft (see
5. both below). We acknowledged that the rafter areas need to be considered in the measurement, but both are small. When staffers measured the property by tape measure, city staffer (Jose) stated to Robert Roybal (owner) that he thought all the measurements
6. were good except the building separation. A visit to the property by CHC and councilmember Cacciotti to confirm this error would be great. We have requested a PRR for the measurements from the January 9th
7. staffers site visit. Don't forget the carport area that measures 20ft and needed additional space for the required setback, nor could it have been constructed with the items behind the duplex (see image below). There is also a utility pole in that area that
8. we asked the Director of Planning about in our one and only meeting in November 2019 that was not included in the original plans. It too requires an additional setback. Director of planning never got back to us.
- 9.

- 2.
3. Construction or conversion
4. to an ADU. Since 2016, the City of South Pasadena has had a minimum lot size for ADUs. This owner's lot did not meet the requirement and there was not a state law that overrode it. The owner in a 2018 letter told the city what could be built to eliminate
5. the carport (see emails). The city was made aware of this numerous times in 2018, 2019 and 2020 but never formally addressed it. Only in 2020 did the state requirement change that did not require a minimum lot size for ADUs to be
6. **constructed**
7. or **converted**

8. from an Accessory Structure. This is a legal duplex and the state and city websites are clear that a duplex is not considered an Accessory Structure (i.e. garage, carport, pool house, incidental). In February 2019 this was brought up with David Bergman and
9. at the same time, Bergman was in contact with the California Department of Housing and Community Development (CDHCD) regarding ADUs. Bergman could not provide any support docs on a conversion. In November 2019, we brought this up to the Director of Planning,
10. but she never got back to us. I contacted the California Department of Housing and Community Development regarding this issue early on in this process and a follow up in 2020 and they confirmed a duplex is not an Accessory Structure. The CDHCD can set up
11. a Webex or conference call to confirm this information, but it is in the code.
- 12.

- 3.
4. This was brought up informally
5. with city staffer prior to the investigation. Formally we brought it up with Interim Planning Director David Bergman in February 2019. After numerous requests, City Manager emailed us on October 10, 2019 that "Based on the Public Works investigation the
6. removed tree was less than 12-inches in diameter and did not require a tree removal permit." When we emailed back providing pictures and stated that the tree was multi trunk and required a stump grinder and who and how did they investigate, there was no reply.
7. After part of the Public Records Request was provided to us in May 2020, Public Works stated that they never investigated the tree removal. Now city staffers are stating it was investigated with aerial views and unable to determine. In a PRR we found that
8. on October 10th,
9. 2019 the city arborist was sent pictures of the aerial views and could not determine. The arborist asked for any ground pictures. No other follow up was done on this request from any city staffers. There are now three versions of this story. It appears
10. the homeowner was never questioned or asked to provide any support documentation about the tree removal. Neither tree was ever listed on the original COA approval. You can use Google Earth and the Los Angeles County Assessor maps for measurements. You can
11. also request receipts and cancelled checks to confirm what work was performed. An arborist can also estimate the size of the multi trunk trees based on the tree that is visual in Google images from at least 2006 and cut down in 2015. (To date, the city never
12. followed up with the oak tree that was cut out of season without a permit)
- 13.

- 4.
5. When you look at the original
6. COA #1101 which never expired (according to Bergman April 2019 & Stephanie DeWolfe October 2019, see emails) and the new design, there is no need for a new COA. The designs are very similar. This would fall under a Major Design Review under the original
7. COA #1101. When misrepresentation or fraud occurs in the approval process, the SP municipal code allows revocation of the COA and for the project to be torn down and no permits issued for 5 years under this behavior. The owner and architect did exactly that.
8. They used fraudulent measurements and misrepresented the site plan to the CHC and DRB (which originally included Morrish) on the original DRB approval. To get around this, staffers are recommending a new COA.

9.

In the staff presentation slides, there are still mistakes I would like to point out. Remember, the owner and architect have had 2 ½ years to fix these items and it appears that they continue to misrepresent the project to the residents of SP and CHC.

Slide 6:

The original, existing, and proposed site plans have never shown the utility pole in the back of the duplex. The pole has been there since before they owned the property. This was brought to the Director of Planning, but she never followed up with a CPU set back requirement. See the picture of guide wire below in front of the fence.

The carport area behind the duplex measures 20.89 or about 20ft 10inches. Different from the original measurements used for approval. The carport they were required to build would have never been able to fit there and comply with the electrical panel, washer, dryer, garden window and water heater. In a conversation with the owners in January 2019, the owners told us that they knew all along that the carport would have never fit. See the picture below.

The existing blue line goes completely to the house and is tied into the roof like the proposed red. The blue line makes it look like it is open (see previous email pictures). In either case, they are both wrong. The “existing” is not what is built. What is built looks like the red “proposed”. It is a square box. In the existing, it also shows the stairs in the unpermitted patio running north and south. This is not the case. They come straight off the door and down in a west/east direction.

The existing blue shows building separation is 10’ 2”. This is not the case as it measures 8 to 9ft. We have requested a PRR for the field measurements from the city site visit in January 2020. The existing also is misrepresented in scale. It is built like the red proposed. The only bump out is underneath the rafters that extend out about a foot. The large blue area that extends out in the existing is the original porch that was torn down in 2015 or 2016 when unpermitted construction started. See the picture below. Why are there still errors after all the previous notifications?

On the interior, it is unclear if the existing proposed hallway area between the master bathroom and closet will be taken down. Rafters were modified in the attic to allow plenty of clearance to walk around and a ladder or steep staircase was installed. I would suggest a site visit or lots of pictures or video provided to you via the owner for a better explanation. Based on previous details, it appears that this project is being constructed with the intent to add a staircase and possibly finish the attic like the original COA#1101 approval since the roof line has increased to 17’ 10”. The centerline of the roof pitch goes right to the top of the master closet. Compare to the original COA#1101 (see previous emails)

Slide 9:

Existing makes it appear like it is an open patio, but it has vertical wood 8-10 tall (see previous emails for picture)

The height of the new roof appears to be 17ft 10 which also appears to be tall enough for clearance into the attic. Like the original approval with the staircase into the closet and a slight turn inches that appears to be high enough that a dormer would not be needed.

Slide 10:

North elevation existing appears to be open but is installed with OSB plywood. See picture below.

Slide 11:

East elevation shows the existing master bedroom window but fails to show the bathroom window or the exterior door into the unpermitted construction. See picture below.

Slide 12:

Staff recommended a new COA when comparing the original approval to the new design because there are so many changes. When you look at slide 6, it is almost the same footprint, but a little wider which would require a Major Design Review.

Parking requirements were lied about in measurements in the original approval in the carport section and the driveway width. Now staffers are stating that the CHC approved in 2008 a single-story addition with no carport. The permit and refund letter from the owners do not confirm that (see agenda packet).

CHC spends lots of volunteer hours on all types of projects to ensure compliance in the city. Send the message and deny this COA and revoke COA 1101 based on fraud and misrepresentation. Only then will the residents of South Pasadena know they can be granted a fair approval process with the CHC.

From: Nichole <dnurville@earthlink.net>
Sent: Thursday, December 5, 2019 2:46 PM
To: 'Joanna Harkamer' <jharkamer@southpasadenaca.gov>
Subject: RE: Unpermitted Construction 1030 & 1032

Dear Joanna,

Thank you for the taking time last week to meet with us. Because an hour and fifteen minutes flew by, we really just scratched the surface of this complaint. We understand that you are still reading and digesting our email thread and have not been able to review any other documents so far.

In our meeting, you mentioned looking into bringing the structure into compliance and said you would need to see what they could legally build, but we think the City needs to address the bigger issues first. Misrepresentation and fraud were committed to get the original project conditionally approved. And the ongoing and unfinished project we have had to live next door to continues to be a nuisance. This needs to be addressed. Below is a list of the fraudulent measurements and misrepresentations on the original approval:

- Misrepresented the space between their house and the property line on the south driveway side (They knew they needed more space because they tried to buy land from us to increase this area).
- They claimed to have enough space to build a carport that was required for the addition and lied about the size of the space of this area. The necessary easement would never allow the proper carport size for the conditional parking.
- Neglected to include existing trees on the plans that were in the direct path of the carport parking.
- Cutting down a mature tree and lying to the City about the size of the tree in the investigation when the narrative and site plan stated no trees to be cut, trimmed or removed.
- Changing the dimensions of the duplex to create the appearance of more clearance to fit a car through to the carport.
- Design Review Board accuracy of drawings. The owner was given a correction notice after submitting his plans on October 31, 2007 and on Dec. 4, 2007 in the Design review minutes, Fenske responded to the Board's questions about the accuracy of drawings. Even after he was asked about the accuracy of the drawings, he still did not correct the measurements.
- Required 10ft minimum between structures. See attached picture. Duplex and illegal structure are 6ft apart. We didn't get a chance to talk about this detail when we met, but you will see in the attached picture that between the illegal addition and the duplex, there are 7 ft between structures. It may be 8ft if accounting for the eaves and overhang. The City's minimum between structures is 10ft and Jim Fenske detailed on the plans 10ft. The illegal addition was built on the same footprint as the as the original plans and neither are 10ft away from the existing duplex.

All of these details were measured by the architect by hand and if all these items were on the site plan correctly to begin with, this project would not have been approved. This is critical since the owner and architect misrepresented the measurements to meet minimum setbacks and easements, even after he tried to acquire extra land and proceeded to use measurements that would make their property look like it was in compliance to the reviewing committees. Since the addition is based on the original 2007 approval and COA and obvious fraud was committed, the City has the authority to revoke the COA and stop this from continuing. A Certificate of Appropriateness may be revoked or modified for any of the following reasons:

- A. Non-compliance with any terms or conditions of the certificate.
- B. Non-compliance with any revision of this article; or
- C. A finding of fraud or misrepresentation used in the process of obtaining the certificate.

We know the City does not have the bandwidth to handle every possible building infraction, but when South Pasadena resident and licensed architect, Jim Fenske, who has served on the Design Review Board and knows the workings of Planning and Building intimately, intentionally misrepresented the measurements, and was then asked in a second correction letter to correct these items and still proceeded with the same information, this should be cause for serious concern.

Kind regards,
Nichole Durville

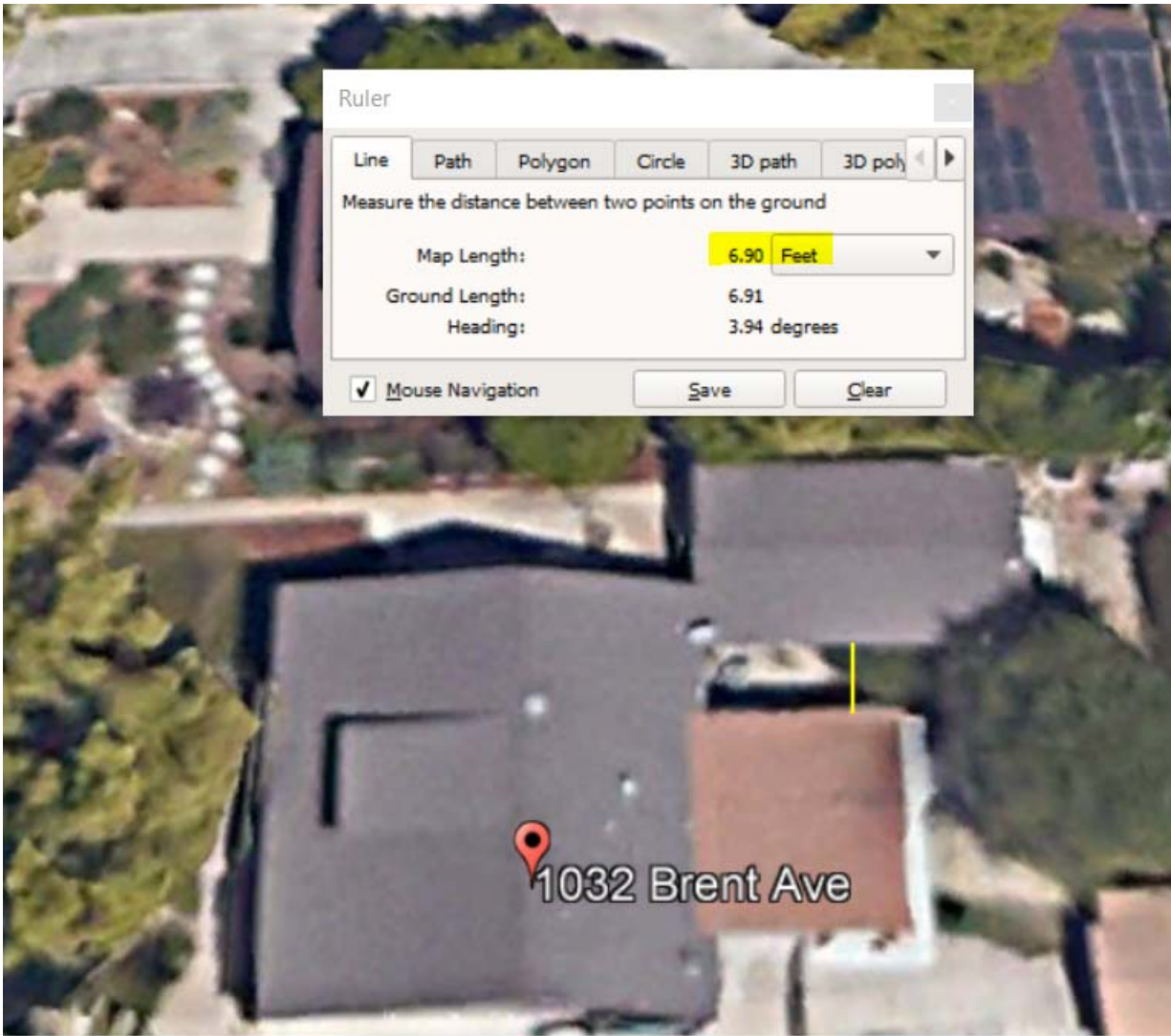
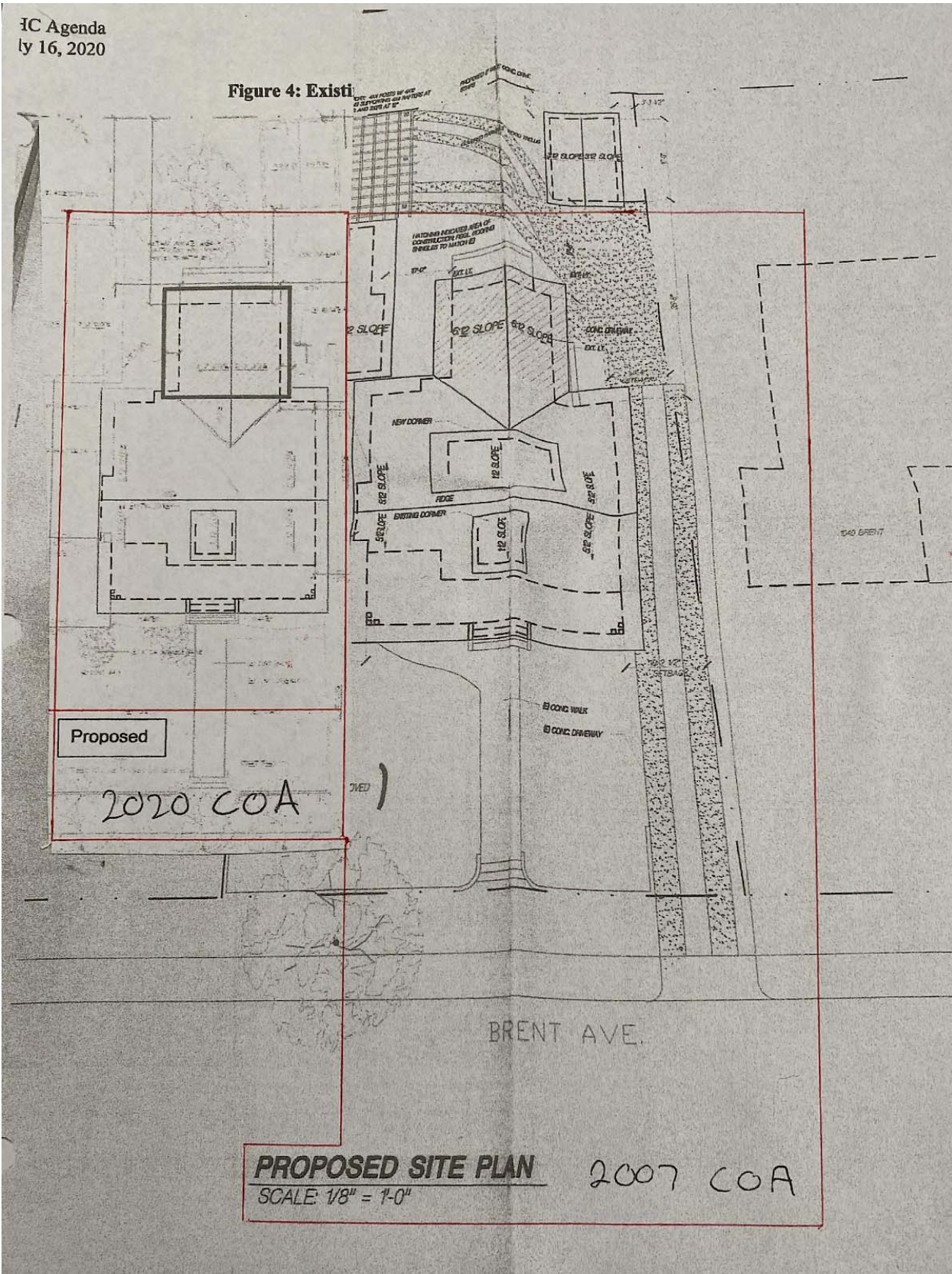






Figure 4: Existi



Kind regards,
Travis Dunville

From: Leticia Cheng [REDACTED]
Sent: Wednesday, July 15, 2020 3:55 PM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Subject: Item 2 - 1030 Brent Avenue - 07/16/2020 Meeting

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Hello,

Although the permitting process is laborious, it's a necessary step to ensure that building and safety codes are met and historical structures preserved. Further, it is unfair to homeowners who take the time to apply for permits for their own construction projects. Please deny the project, especially as stop order has previously been issued.

Leticia Cheng
1033 Park Avenue
South Pasadena, CA 91030

From: Barbra McLendon [REDACTED]
Sent: Thursday, July 16, 2020 11:38 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Subject: Item #2 Project No. 2238-COA

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Dear Members of the Cultural Heritage Commission,

We urge the Commission members to ensure that all projects carried out in South Pasadena are held to the same standards and that all residents are treated fairly. Given how challenging it can be to navigate all of the rules and regulations when undertaking a home renovation, residents should at least be able to draw some comfort in knowing that everyone has to adhere to the same rules.

The project being considered today certainly seems to have been handled in ways that are outside the norm. We hope the decisions made today will reflect a commitment to ensuring these past deviations will not be perpetuated.

Sincerely,

Michael and Barbra McLendon
1732 Virginia Place
South Pasadena, CA 91030

From: Romulo Salazar [REDACTED]
Sent: Thursday, July 16, 2020 7:57 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Subject: Project Number: 2238-COA, 1030 Brent Ave

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

Regarding the project at 1030 Brent Ave, municipal codes need to be enforced. The current unpermitted structure must be approved by the city and meet current building and planning codes or be torn down before approval for the addition can be granted. Approval of this project in its current state is a public circumvention of state and municipal building and planning codes meant to protect the character of the city and significantly reduces the power of this department to enforce building and planning codes in the future.

Had the unpermitted patio been constructed prior to the properties designation as historic we would have been more understanding, as the historic structure of the home would have been maintained. Construction of the unpermitted patio, however, commenced in February of 2016 per Google Earth (see attached image). Therefore, the patio should have gone through, and should still go through, the required historic and building and planning review.

Please note, we are not asking the owners at 1030 Brent Ave, to jump through unnecessary hoops to complete their project. We understand the challenges of remodeling a historic home in South Pasadena, having completed our addition in August of last year. We simply ask that they follow and adhere to the same rules and guidelines as other residents within our city.

Sincerely,
Jessica & Romulo Salazar
1029 Park Ave

Search

1030 brent ave, south Search

ex: Restaurants
Get Directions History

1030 Brent Ave

Share Print Close

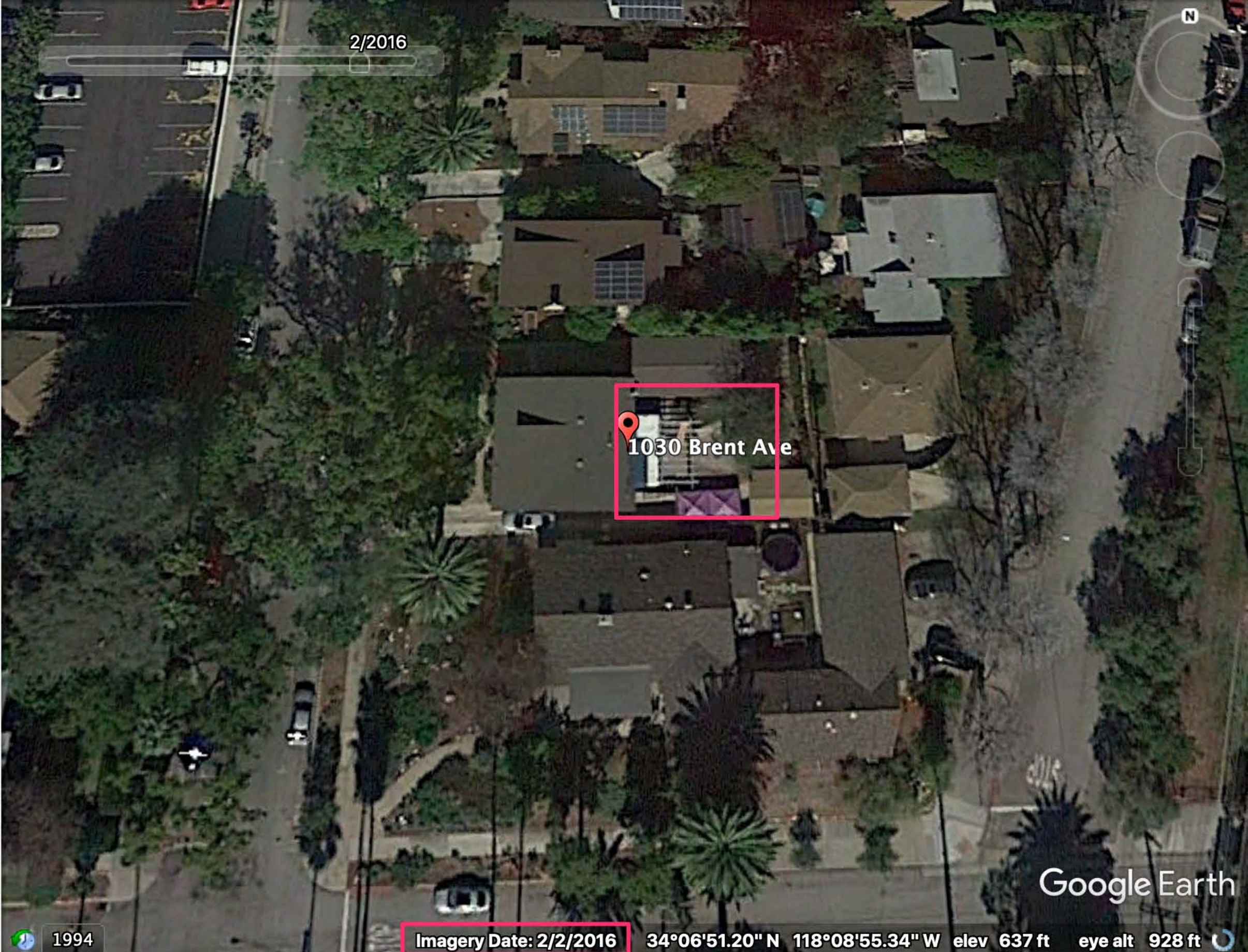
Places

- My Places
 - Sightseeing Tour
 - Make sure 3D Buildings
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Search Home Up Down Home

Layers

- Primary Database
 - Announcements
 - Borders and Lab...
 - Places
 - Photos
 - Roads
 - 3D Buildings



2/2016

1030 Brent Ave

1994

Imagery Date: 2/2/2016

34°06'51.20" N 118°08'55.34" W elev 637 ft eye alt 928 ft

Search

1030 brent ave, south Search

ex: Restaurants

Get Directions History

1030 Brent Ave

Share Print Close

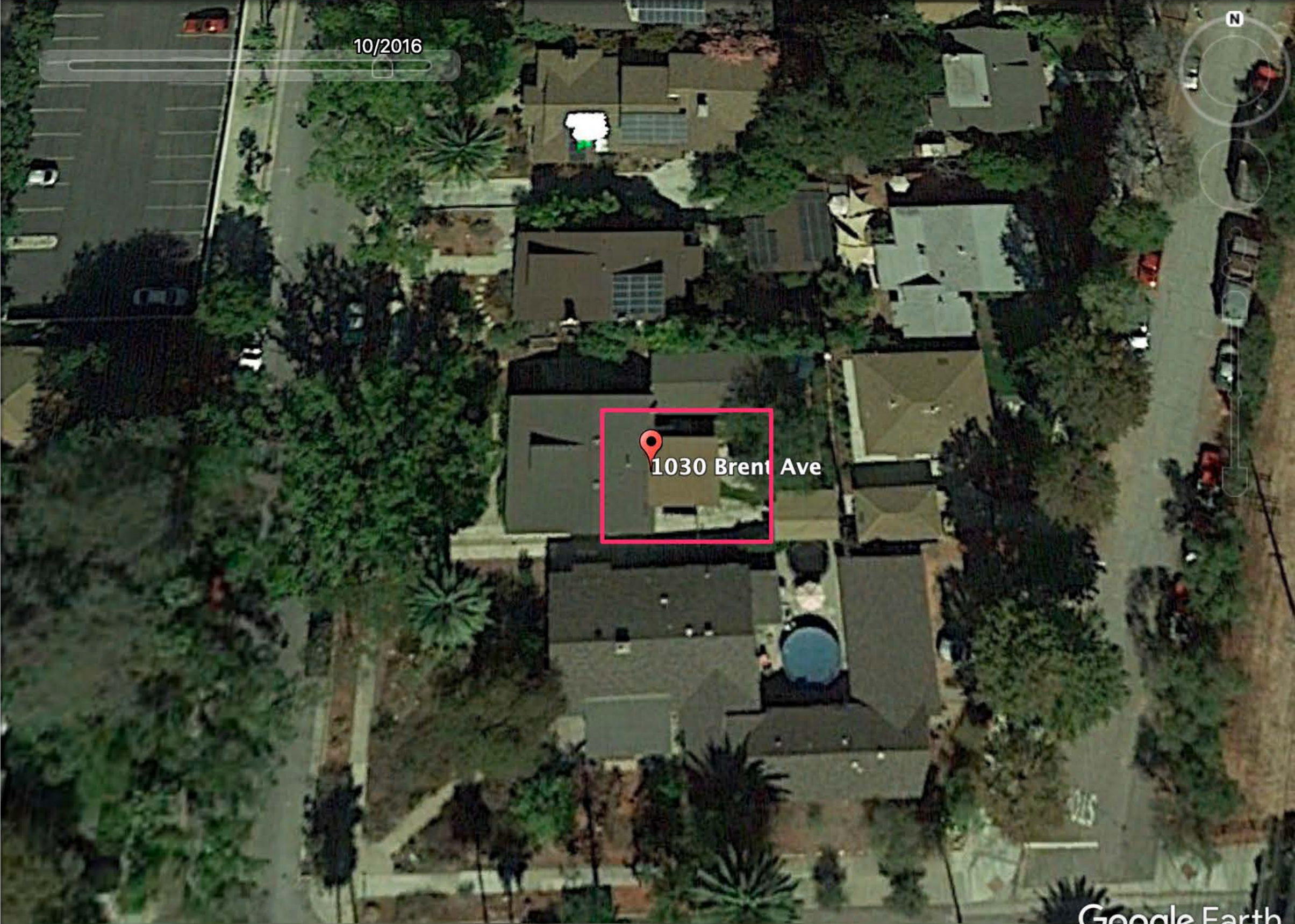
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 - Roads
 - 3D Buildings



10/2016

1030 Brent Ave

1994

Imagery Date: 10/18/2016

34°06'51.20" N 118°08'55.34" W elev 637 ft eye alt 928 ft

-----Original Message-----

From: Brenda Blatt [REDACTED]
Sent: Thursday, July 16, 2020 12:01 PM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Subject: 1030 Brent Avenue Project-COA

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chair and members of the Cultural Heritage Commission,

As a neighbor on Brent Avenue I have concerns about the way the city has handled the requests for documents that have been submitted multiple times over several years. The fact that David Bergman was unwilling to even look at documents provided by the Dunvilles is unacceptable. Then instead of giving them the documents requested (stating they couldn't be found) Jose called the architect and alerted him but never did forward the documents to the party requesting them.

Based on what I have read Code Enforcement no longer seems to be a priority for the City.

This is a mess. As far as I can see the city has neglected to serve either party in this situation. Both of my neighbors have suffered the inadequacy of our current City government, and I think this issue needs to be given the attention it deserves before anything goes forward.

Sincerely,

Brenda Blatt
1026 Brent Avenue