



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

Memo

Date: February 18, 2021

To: Chair and Members of the Cultural Heritage Commission

From: Kanika Kith, Planning Manager

Prepared By: Malinda Lim, Associate Planner

Re: Additional Document #2 for **Item No. 1** –1030 Brent Avenue (Project No. 2238-COA)

One (1) verbal public comment from Travis Dunville and one (1) written public from Nichole Dunville were submitted. Both comments were in opposition to the project.

The verbal message will be played during the meeting and could be heard by clicking on the attachment link.

Attachment:

1. Verbal Public Comment ([Click Here](#))
2. Written Public Comment

Attachment 1

Verbal Public Comment

[\(Click Here\)](#)

Attachment 2

Written Public Comment

Malinda Lim

From: Kanika Kith
Sent: Thursday, February 18, 2021 10:54 AM
To: Malinda Lim
Subject: FW: CHC Meeting Item #1 1030 Brent

From: Nichole <[REDACTED]>
Sent: Thursday, February 18, 2021 10:41 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Cc: 'Nichole' <dunvillefisk@earthlink.net>
Subject: CHC Meeting Item #1 1030 Brent

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Commissioners,

The city investigated this project over 3 years ago and the current and proposed site plan are still misrepresenting the current and proposed views. The architect presentation tonight includes inaccuracies and still leaves many unanswered questions. Because staffers presented inaccurate information to the CHC in July, City Council reviewed the inaccuracies presented. Seven months later the incorrect plans are still being presented to you. The legal duplex cannot be converted to an ADU and the plans showing existing details are still inaccurate. The original COA was conditional upon building a two-car carport that would not fit on the property. The new COA is based upon converting the legal duplex into an ADU, which is not allowed per state and city ordinances, to circumvent the parking requirement. This is still under investigation because this project has never been able to comply.

The architect is requesting on behalf of the owner, who is a general contractor of more than 40 years, to just pay a fine instead. The owner can disassemble and donate material for reuse. More than 90% of the material can be recycled, or repurposed and there are plenty of resources available. Carbon should not be a reason to keep the structure and fines are not the message that should be sent to the community. This also goes against the ordinance set in place for this type of action. When misrepresentation is used to receive approval of a COA and/or building illegally without a valid COA; structures are to be torn down and no construction may take place for five year. Mark Gallatin confirmed this in the July meeting. The original COA was for a family room. There were major misrepresentations in the plans on setbacks, building separation, omitted trees and large errors in simple landmark measurements. The architect was given the chance to explain the measurement misrepresentations, but stated he had Errors & Omissions insurance, then skipped answering the specific questions sent in to the commission. The owner is trying to say this construction was just a patio. He never had a valid COA for the patio. City staffers should have recommended tearing down the structure and placing a five-year ban on any construction, not allowing more building and then a five-year ban.

Please review the packet in the link below with the answers provided by the city and compare them to the records and codes. Please note the pictures and stop work order.

<https://www.southpasadenaca.gov/home/showpublisheddocument?id=24035>

In addition, I have had 3 separate public record requests that have not been completed, I would like the commission to ask these questions so the record is clear. After three years, the city should know the answers to the following questions.

Respectfully,

Nichole Dunville

Did David Watkins have any involvement or knowledge of this violation?

Did David Bergman have any knowledge of this violation before January 31st, 2019?

In the afternoon on January 28th 2019, the city timeline states both Mr. & Mrs. Dunville came into the office and were told the plans were approved. They asked for the plans, but Jose Villejas could not find them. A few hours later Jose emailed the architect and said "Let's meet on Wednesday January 30 and discuss(ed) the project plans for the addition to 1030 Brent Ave. I found the approved set of copies. This is a time sensitive issue." Why didn't Jose contact the Dunvilles to review the plans that they had just requested to review?

Why did Jose need to meet with the Architect to discuss the project if the plans were already approved?

Why did Mark Gallatin get called in on January 31st 2019 to sign off on more plans if they were already approved?

Why did Jose sign off on another set of plans that are stamped 1/31/2019 if he had the copies?

The original COA was conditionally approved with required parking. Why did the city ignore this condition?

Tell us how a property can have a minor design review approved when the ordinance is specific about the size of the project being fewer than 200 square feet and visible from the street? In addition to that, the structure moved, height increased, original window was covered up, etc....

Why did the city allow the multiple changes when it was a conditional approval?

Based on the city measurements, could this property have complied and received a COA in 2007?

What evidence is there that David Bergman approved the ADU in March 2019?

There are emails that say Jose Villegas reviewed and approved the ADU based on 36.350.200 which refers to single family residences. Is 1030/1032 a single family residence or two-unit property?

Did the property meet the minimum size of 12,500 sq/ft for ADU approval in 2018 or 2019?

Does the backhouse have a street facing entrance?

Can an ADU be approved in 2018, 2019 or even today if the entrance is street facing?

Is a legal backhouse considered an accessory structure?

Does the legal backhouse create any new housing?

Would you agree with Greg Nickless at the California Department of Housing and Community Development when he emailed the Mr. Dunville "ADU law addresses the creation of additional dwelling units, not an addition to existing living units. Parking requirements, and exemptions, are related directly to the creation of additional units. Generally, if the proposed improvements are not related to the creation of an ADU, the local agency's development standards, or zoning code, would apply."

When the owners brought plans in based on the original COA, why did the city not tell the owners that the COA could not be changed based on the conditional approval?

What is the minimum width requirement for the driveway to comply with the original COA? Does it comply?

What is the measurement between the illegal building and the backhouse? Does it comply?

What are the parking measurements for the require parking behind the back house to the fence?

Does it comply with the setbacks for the utility pole and fence in the original COA?

The original site plan stated no trees would be cut, trimmed, or removed. The narrative stated no trees will be trimmed or cut. Why were the trees on the site plan not included on the original plans?

On October 31, 2007 a "Complete with Correction Notice" was issued for the site plan. Item number 3 states, please include the setbacks for all the property lines (existing and proposed). Did the architect correct that correction notice?

An image behind the garage shows a landmark measurement of 2ft 9 inches. The plans show 5ft? in 2007, was there 5 ft of setback?

In the required parking area, there is a utility pole. Was that pole there in 2007?

In the required parking area, is there the required space for two cars, with the proper setback to comply?

Is the separation between the backhouse and the structure built less that 10ft?

In the Design Review Board meeting on December 4th, 2007 the notes indicate that you presented the project and responded to the board's questions about the accuracy of the drawings. Can the architect go into some detail about the DRB comments?

How are the driveway measurements off by 1ft based on landmark measurements?

Why isn't the utility pole on the site plan?

Why aren't the trees in the pathway to the required parking shown the on the original site plan?

The back house has a bump out in the back, but the drawings show the opposite to make it look like there is enough space between structure and backyard. Why is it that way on the site plan, but different in other details?

Once the city knew about a violation and the issue was not resolved in 18 months, does the city consider it a nuisance and required to be torn down?

Why did code enforcement give up on the enforcement of this violation and allow it to continue for 3 years?

Could this project have been approved in 2007 based on the inaccurate information we know of today?

Could it have been approved in 2018, 2019, 2020 or even today, based on the information we know today?

What does the code state when misrepresentation is found in getting a COA approval?

Per code, what actions are to be taken regarding building an illegal structure without a valid COA?

Why is the city recommending tearing down the illegal structure, then allowing a new structure to be built, that cannot comply, and then placing a five-year moratorium for issuing any permits? Is this recommendation based on the code?