



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

Memo

Date: June 17, 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: June 18, 2020 Cultural Heritage Commission Meeting Item No. 5 – Public
Comments for 1030 Brent Avenue (Project No. 2238-COA)

Staff received two comments in opposition to the project; these comments are attached. These comments were not included in the Cultural Heritage Commission agenda packet because the comment was received after the posting of the agenda packet.

Planning Commission:

FROM: Richard and Janet Marshall
1728 Oxley Street

There is no agenda number on the notice we received. We just called the number provided for the planning department, but could only leave a message.

We are commenting in regards to

Project Number: 2238-COA Address: 1030 Brent Avenue

We strongly **oppose** granting a Certificate of Appropriateness to convert an “unpermitted patio cover into a habitable space” for the following reasons:

- 1) The owner of this property is a Licensed General Contractor who knowingly proceeded with building this unpermitted structure after his next door neighbors, Travis and Nichole Dunville, would not agree to sell him a strip of their property.
- 2) First it was just an eyesore with random French doors nailed on horizontally and vertically to beams to act as makeshift walls. It was not a patio, so much as a de facto shop/storage area. It is plainly visible from the Dunville’s kitchen window.
- 3) Then, the owner’s brother, also a contractor, arrived to pour a slab foundation beneath this makeshift structure. Again, this work was done with no permit.
- 4) We know this “project” has been going on for close to five years. The Dunville’s have made requests (PRRs) for paperwork in regards to this project only to be told the records cannot be found. I know this has been an excruciating experience for them. They are to speak with Mayor Bob Joe as to the inability of the city to provide responses to their PRRs.
- 5) We are frankly appalled that the Cultural Heritage Commission//Planning Department would even consider looking the other way and allowing this project to go forward since all work was done without a permit to circumvent the city.

This is especially distressing as we completed a 3-year remodel of our 1910 Craftsman down the street just last year. We had to submit plans numerous times to the Planning Department.

We demolished a shed that had been attached to the rear of our house since the 1940s that we were using as a bedroom. Though not visible from the street, we were required to pour a new foundation that met current seismic standards. It could NOT be a slab foundation. And all of this was done for a one-story bedroom/bathroom addition.

The city conducted numerous inspections of the work being done. We earned the approvals. EVERYTHING we did was permitted. Meanwhile, the owner at 1030 Brent, purposely avoided the entire permitting process and now wants to keep building.

There cannot be two standards for residents contemplating a construction project. Residents who require permits and those who, many times through their professional connections, don’t need to bother to wait in line with the rest of us.

Richard Marshall
626-484-0597

Janet Marshall
626-484-0598

Malinda Lim

From: Kanika Kith
Sent: Wednesday, June 17, 2020 2:04 PM
To: Malinda Lim
Cc: Joanna Hankamer
Subject: FW: Project Number 2238-COA

From: Nichole <dunvillefisk@earthlink.net>
Sent: Wednesday, June 17, 2020 11:35 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Cc: 'Travis D' <travisdunville@gmail.com>
Subject: Project Number 2238-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.

I am asking for project #2238-COA to be denied. This property already has COA approval under project #1101 for a 293 sq/ft addition to the back of the house. Stephanie DeWolfe stated in an email that this COA is still valid. Why would the owners submit a new COA? Because the original COA was approved with what appears to be numerous fraudulent and misleading information to the DRB and CHC for approval that would never allow for an approval. We are asking for COA 1101 to be revoked. The owners could not comply with the original approved COA and are now misleading the CHC and residents again with a description of what appears to be a simple enclosure of an unpermitted patio.

The unapproved and unpermitted demo and construction started in the summer of 2015 and took more than 2 ½ years to build with electrical, structural, roofing and the cement slab being poured last and without any footings. When the owner installed 12 doors to the structure, we inquired about the permits. The city stated there were no permits. The city inspected this on February 1st, 2018 and has taken more than 2 years and 4 months to investigate. We have requested the city to enforce the 18-month nuisance ordinance for residential construction. We have also requested a 5-year moratorium for any building permits for this property from the day the structure is torn down based on fraud and misrepresentations. There are numerous issues with this project.

For fraud and misrepresentation, the owner who is a licensed general contractor and has been for 40 years tried to purchase a small portion of our property to conform with building requirements on the original approval. We were not interested in selling our land. On the site plan, Jim Fenske stated the driveway was 8 ½ ft from the SW corner of the house. A simple tape measurement shows 7 1/2 feet and is confirmed with a survey. Depending on the rear setback of the garage, the property line is about 6 inches to one foot based on the owner's survey. The site plan shows 5ft, which would go into the next-door neighbor's yard and under the garage roofline. There were two trees in the backyard. Along with the narrative stating no trees could be cut or trimmed, the site plan stated no trees to be cut, trimmed or removed. The site plan does not show any trees in the backyard. There is required parking for this project that would need both trees to be removed since they were in the path to the parking. In the required two car parking, the measurement is about 21ft and the parking required 20ft. There is a utility pole in this area that was not on the site plan. The plan did not show the objects that encroached into this parking area (bay window, washer, dryer, electrical panel). There is a building separation that was marked at 10ft(code). The actual measurement was 8ft and some change. On the site plan, the duplex is modified to appear that there is more room for the separation than the actual building. There was a correction notice that was given to the owners on the original approval asking about measurements and setbacks. The owner and architect made no changes. We are asking the CHC to question Jim Fenske about each item to clarify how there could be so many errors.

This is just the beginning of the issues and you can see a portion of the email thread below what we have been going through. We have asked for transparency and the city has failed. We welcome any questions from the CHC or residence in South Pasadena.

Travis Dunville
1036 Brent Ave

From: Nichole <dunvillefisk@earthlink.net>
Sent: Sunday, November 17, 2019 11:09 PM
To: 'Tamara Binns' <tbinn@southpasadenaca.gov>; 'Teresa Highsmith' <thighsmith@chwlaw.us>; 'Lucy Demirjian' <ldemirjian@southpasadenaca.gov>; 'Dr. Richard Schneider - Personal' <Rdschneider0@yahoo.com>; 'City Clerk's Division' <CityClerk@southpasadenaca.gov>; 'Robert Joe' <rjoe@southpasadenaca.gov>; 'mkhubesran@southpasadenaca.gov' <mkhubesran@southpasadenaca.gov>; 'Michael Cacciotti - Personal' <macacciotti@yahoo.com>; 'Stephanie DeWolfe' <sdewolfe@southpasadenaca.gov>; 'Diana Mahmud' <diana.mahmud@gmail.com>; 'jhankamer@southpasadenaca.gov' <jhankamer@southpasadenaca.gov>
Subject: RE: Unpermitted Construction 1030 & 1032

Stephanie, thank you for your response and willingness to look deeper into this project. However, we do not understand why the City continues to ignore its own ordinances. Planning and Building seems to be going out of its way to find loopholes to allow this homeowner to continue adding onto his unpermitted addition and circumvent required parking. As a General Contractor, he is aware of the ordinances and the required processes. The relationships that exist between Planning and Building staff, the homeowner, the architect for this project and the Chair appear to be very chummy with emails that demonstrate willingness to do favors for each other while ignoring city ordinances. And the city has yet to fulfill our request for public documents from February 2019.

Here is a summary: Our neighbor, who is a general contractor, had an addition conditionally approved in 2007. The conditional approval was based upon the addition of covered parking on the property. In 2009 he changed his mind and requested a refund for the fees he'd paid. No construction was ever started. Years later, in 2015 he started building a patio with a concrete foundation and a flat roof attached to his house. He cut down a tree and tore off the back porch, none of this was approved or permitted. After almost 3 years of construction, in 2018, he installed 12 doors vertically and horizontally to enclose the patio/addition. We went to the city to see the permits but there were none.

As a City Manager, we knew it would be difficult to understand the history since you are using the same incorrect information from the timeline David Bergman's staff created and only referencing items from February 1, 2019 - present day. Since the city inspector came to our house to look at the addition through our windows the first week in February 2018, until our email to Michael Cacciotti a year later in February 2019, no one from the City ever was proactive and reached out to us for one update or asked any questions after that visit. During that period, we called and went into the office asking for updates. We met with the interim director David Bergman but he was unwilling to hear our complaints or even look at our documents. There were specific questions that you and David still have not answered and maybe we will get the responses once our public document request is complete. Below is information regarding ADUs, COAs, Major vs. Minor Reviews, Code Enforcement, tree removal and trimming, property lines and setbacks that may help you reevaluate your assumptions.

- Converting to an ADU only to circumvent parking requirements
- ADU only allowed on lots 12,500 sq/ft per 2016 SPMC which is current. This property is 7,500 sq/ft
- Property Lines and setbacks written incorrectly on blueprints

- Illegal tree removal and illegal trimming of Oak Tree
- Unpermitted driveway

To City Council-

If you read the email thread that started on February 1, 2019, thank you. We realized that you have not received any other supporting documentation, so we thought it would be best to include it in our response to Stephanie DeWolfe's most recent email to us.

If you haven't read it, we understand and ask that you please review the patio images in this email. This is what we currently see from our bedroom, bathroom, kitchen, laundry room and backyard every day since construction started in the summer of **2015**. The one at night shows the patio enclosed with glass doors. We will also share the timeline of construction per Google Earth and street view.

If Stephanie Dewolfe is still not concerned about what really happened, we ask you this; if you do think there are items that concern you, please let her know. We have tried to get this unpermitted construction to stopped, but you will see our concerns were ignored when valid points were brought up and not followed through. City Council has the power to revoke the COA. We ask that you consider revoking the COA.

This us what we look at every day from our bedroom, kitchen, bathroom, laundry and backyard.











Below is the construction timeline from Google Earth from the original approval in 2007-2019.



2007 with two trees in the backyard circled in red and the required trellis area in yellow for parking.



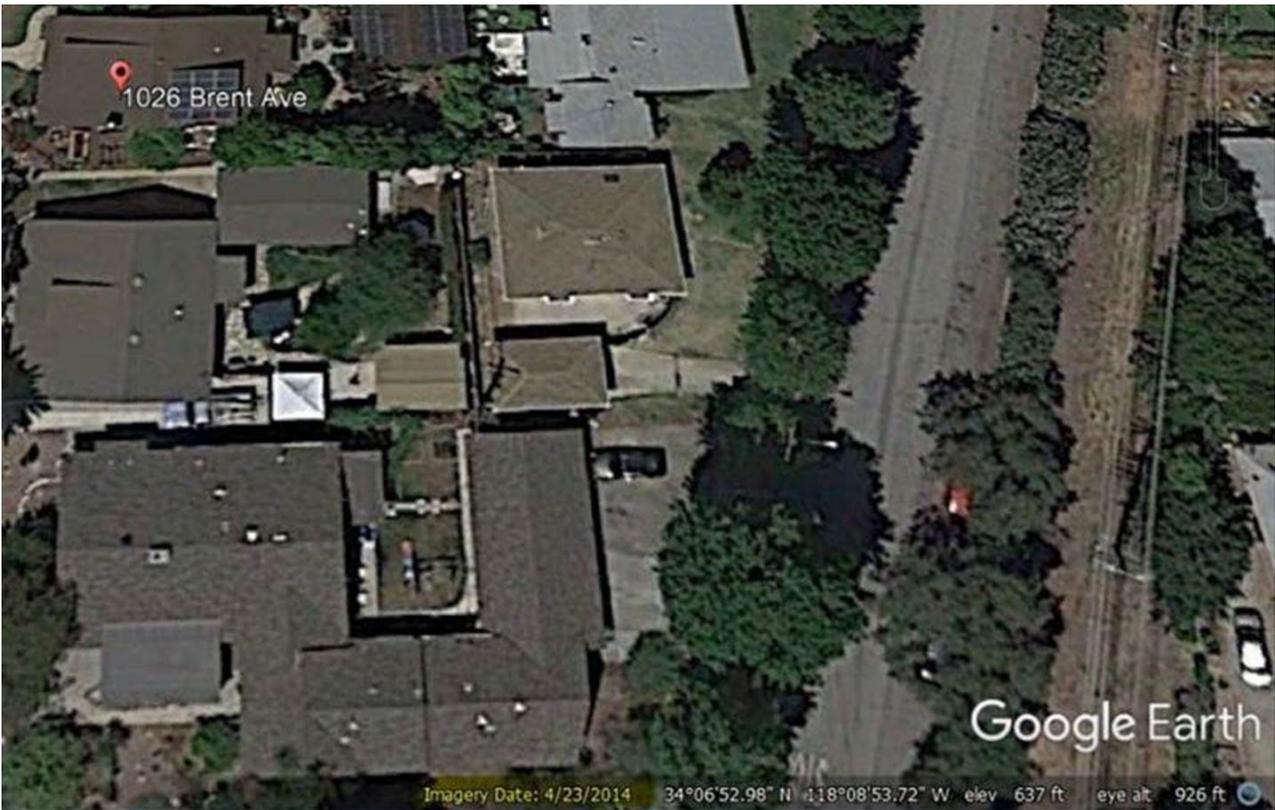
November 2009- Two trees in the backyard and no construction.



March 2011- Two trees and no construction



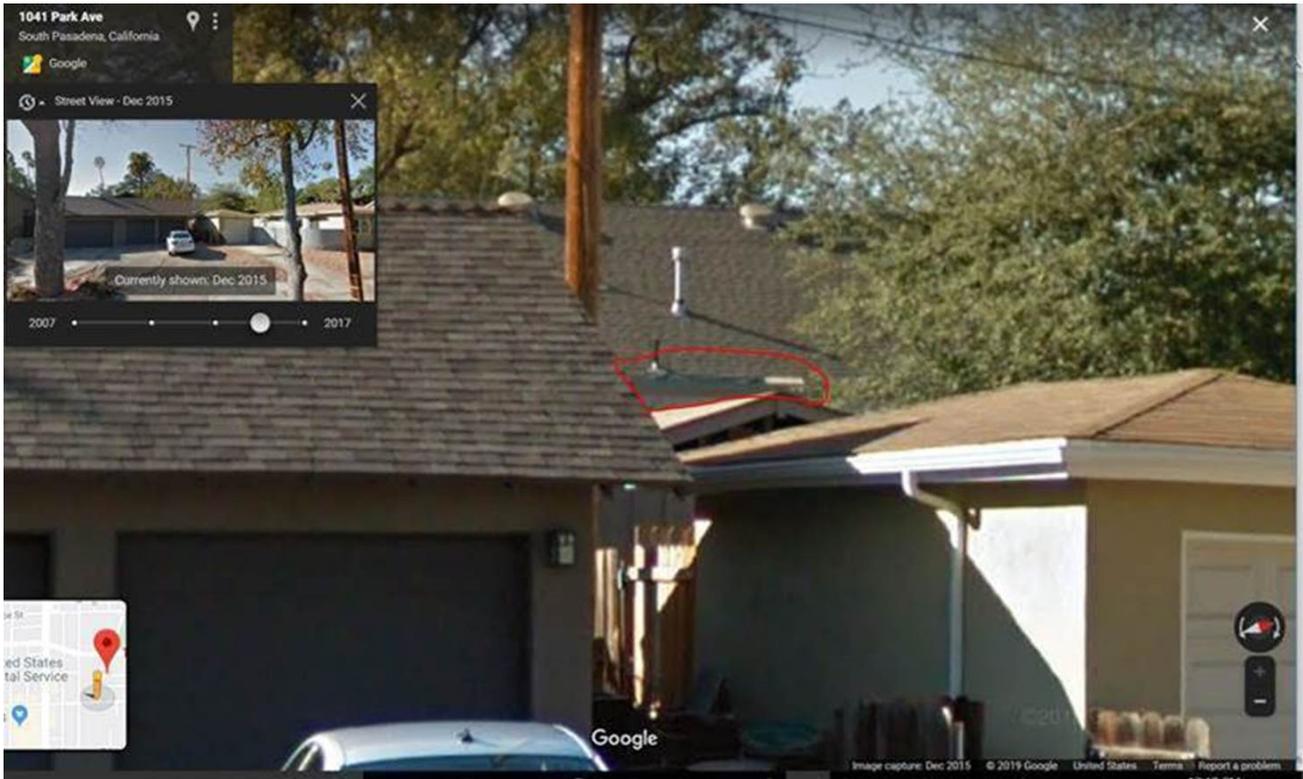
April 2013- Two trees and no construction



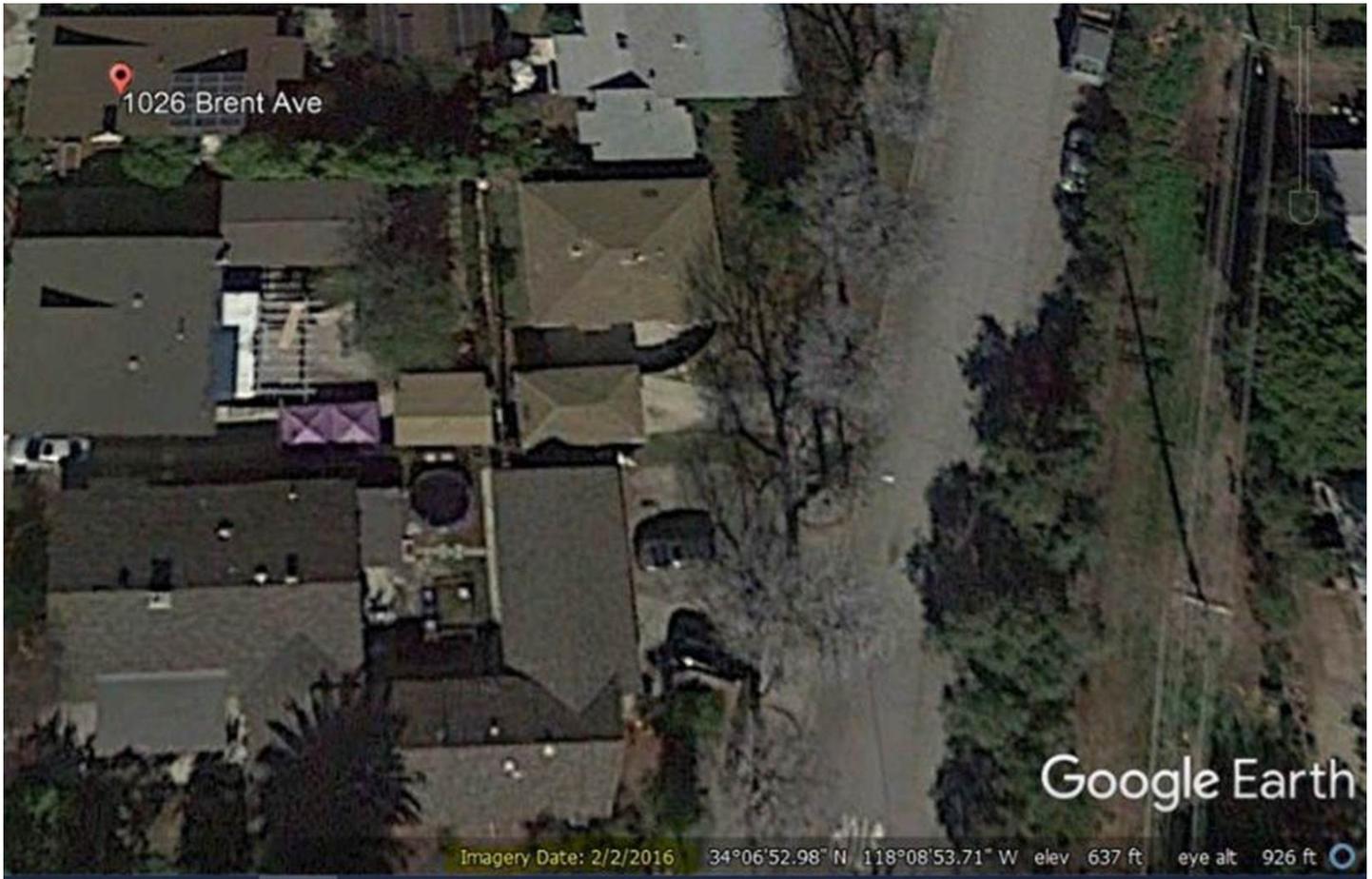
April 2014- two trees and no construction



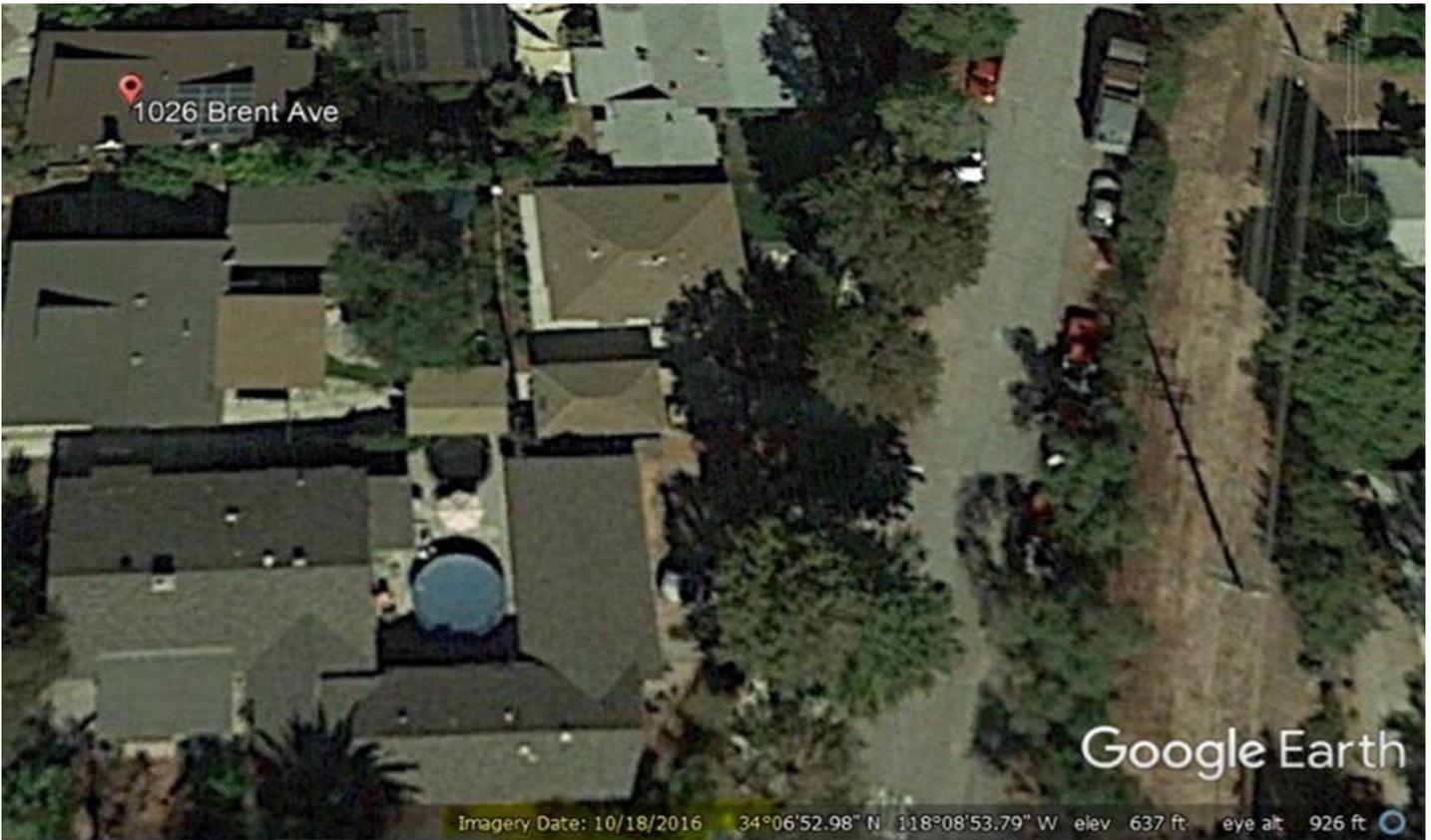
March 2015- two trees and no construction



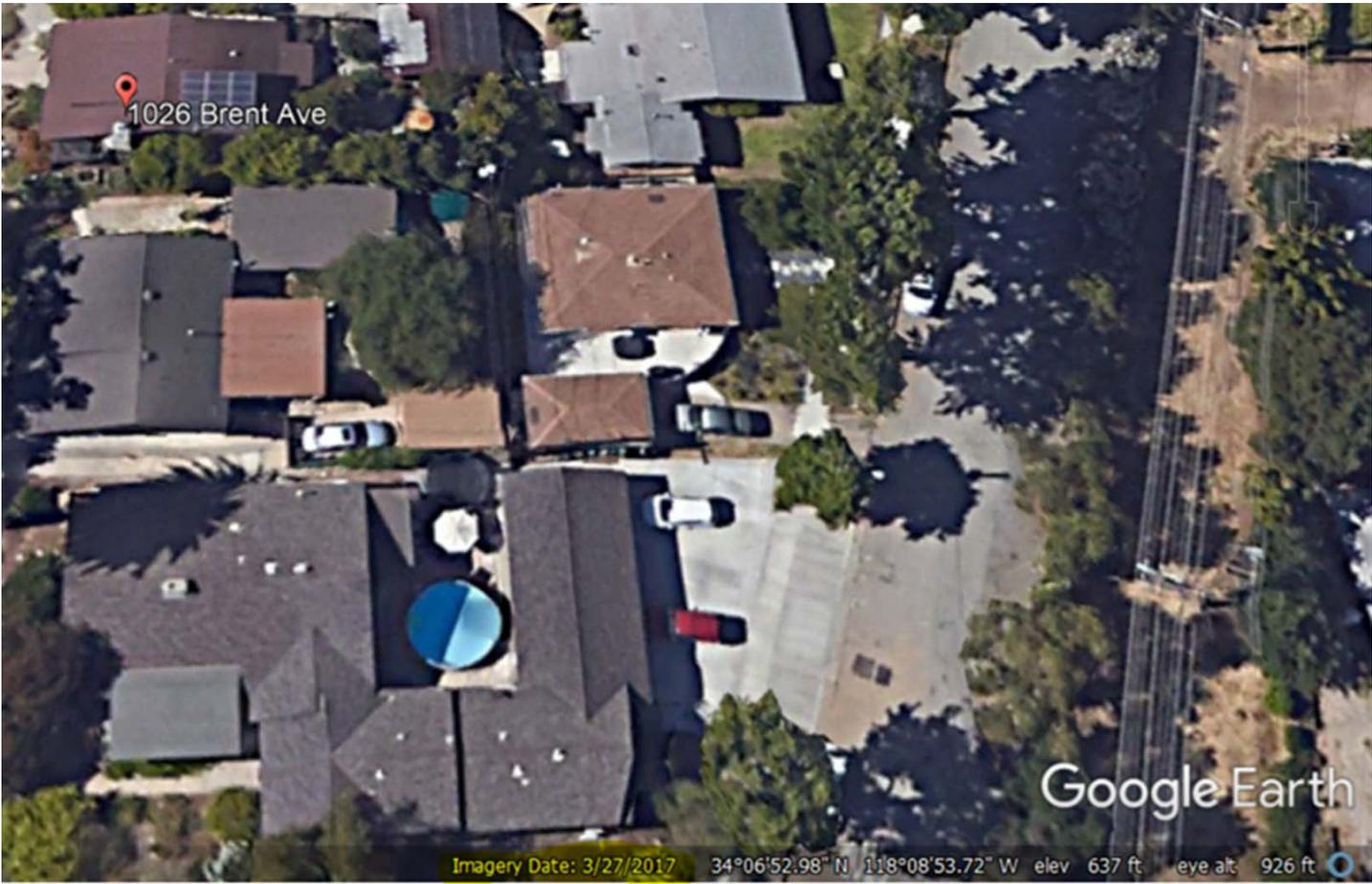
December 2015-Tree removed and framing started in the summer of 2015. **6 months** of construction.



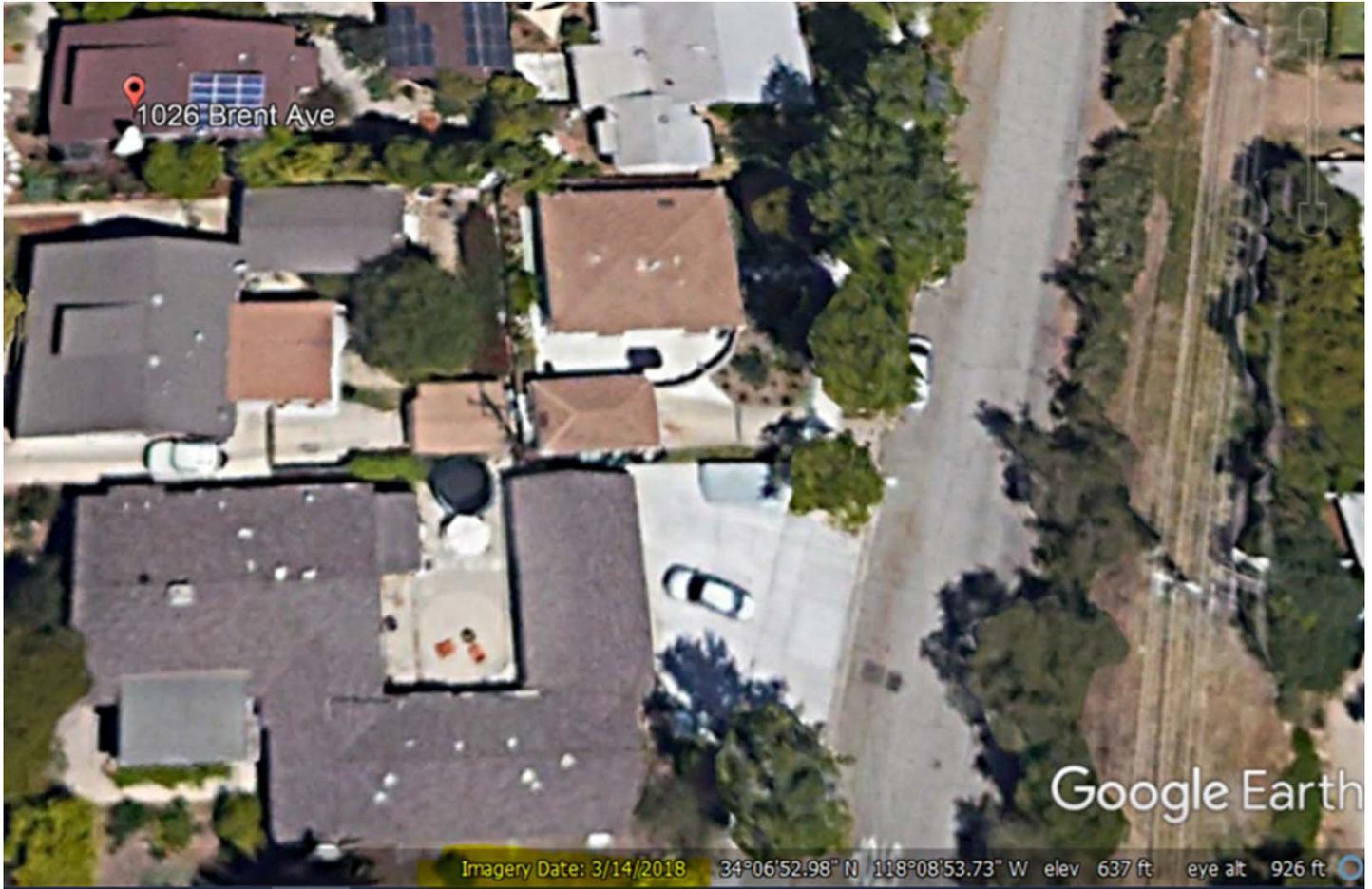
February 2016 Framing and no concrete. **7 months** of construction.



October 2016- flat roof is on and no concrete. **15 months** of construction.



March 2017-Roof on and no concrete. **20 months** of construction.



March 2018 concrete has been poured and visible from the south and east roofline. **2 years 8 months** of construction.

Below is our response to Stephanie DeWolfe's email.

For clarification:

Black-Stephanie DeWolfe quoting our email

Red-Stephani DeWolfe's response to us (SD)

Black-Our response to her

Conflicting information regarding the project status in February 2019: 1. "Building and Planning said that it had to be torn down..." 2. "...had to be turned into an ADU..." 3. "...illegal addition was approved by the Chair..." 4. "...told it had not been approved." 5. "show a new set of drawings that had been approved and signed..."

SD: To clarify the Project status, here is a timeline of the Project. The original Project was submitted in 2007 and included an addition to the rear of the primary residence and a second story addition. The proposed Project was

approved by the Cultural Heritage Commission on November 15, 2009(2007). Permits were pulled and construction began soon after the approval, but was later halted and permits withdrawn by the property-owner.

At no time did **any** construction start on this project and the approval was in 2007 not 2009. The homeowner requested a refund of fees paid in 2009 and was granted the refund. A City staffer confirmed this with us but would not tell us the amount refunded or provide a copy. This is a public record that we would like to see and should have received on our original public records request. Construction started in 2015 with the removal of a tree and porch on the back of the house.

You stated construction began soon after. Can you please elaborate on why you believe this to be true? Who told you this and what construction began soon after? The more details the better and any supporting documents would be helpful. We have been told many things from City Staffers that we later discover to be untrue. Jose was the only employee around at that time, so we assume it is him.

SD: In March of 2018, it was brought to the City's attention that there was unpermitted construction of a covered patio adjoining the primary residence. On April 9, 2018, City Staff issued a Correction Notice to the property-owner and Notice to Stop Work.

This issue was actually brought to the attention of Edwar Sissi who recently left the City and is now employed with the City of Pasadena and Jose Villegas in **2017** with anonymous calls until we actually came into the office. We encouraged Edwar and Jose to view it from our property, view from the sidewalk or look via Google Earth. Finally, we requested the City Code Enforcement Officer to investigate. He came into our house the first week of February 2018, so the City actually knew prior to March of 2018 as you stated in your response. We never found out why it took over 60 days for the City to issue a correction letter from the initial pictures that were taken. We requested a copy of this too, but Jose Villegas stated we needed to get it through public records. We never received a copy of this in our public records request.

SD: In January of 2019, the property-owner returned with minor changes and reduced the project to a 293 sq. ft. single-story addition, including revised design of windows and doors, to replace the unpermitted covered patio. The Commission approvals were still in effect and staff approved the reduced scale of the Project as being in compliance with prior approvals. These changes were approved by the Commission Chair, as required by ordinance.

SD: On July 10, 2019, the property-owner requested a Chair Review to add approximately 36 sq. ft. to the first-floor addition that was previously approved. The 329 sq. ft. addition is pending review.

You mention the owner returned with minor changes and reduced the project to 293 sq. ft to comply with prior approvals. Why would they come back and ask the City to consider an increase in square footage 7 months later in July 2019? The only reason the owner requested the extra 36 sq/ft is because his structure is already built, the concrete is poured and he wants to use the footprint he has already built and not the originally approved footprint. We thought the Chair "approved" these drawings in August 2018. Why are there more changes? We brought this up to David Bergman in our February 11th meeting and in the emails and have yet to receive an answer. Also in the afternoon on January 28th, 2019 we came into the office and wanted to see the approved plans(see the **City timeline**). Jose was unable to locate them. About two hours later Jose was able to find them, but neglected to contact us. Instead he emailed the Jim Fenske the architect and stated "Let's meet on Wednesday January 30 and discuss the project plans for the addition of 1030 Brent Ave. I found the approved set of copies. **This is a time sensitive issue.**"

On January 11, 2019; Mr. Jim Fenske submitted the plans for the 1030-1032 Brent Avenue ADU conversion.

On January 28, 2019; [REDACTED] stopped by the office to follow-up on 1030-1032 Brent Avenue. She was told by staff that 1030-1032 Brent Avenue was approved. I was not aware of this and I told her the project still needed to be approved by the CHC Chairman. (This was a mistake as the project was approved on August 24, 2018.) I once again told [REDACTED] that she needs to provide a letter or email to me with her concerns, so I can forward it to the CHC Chairman.

On January 28, 2019; [REDACTED] stopped by the office again. [REDACTED] asked me many questions about the project and the code enforcement process. I was not up to date on the project and I was unable to answer his questions. I did inform Mr. and Ms. Dunville to send me an email regarding their concerns about 1030-1032 Brent Avenue. I never received any email. After that conversation, I was informed by Edwar that 1030-1032 Brent Avenue was approved by the CHC Chairman.

On January 30, 2019; I had a meeting with Mr. Jim Fenske regarding 1030-1032 Brent Avenue. The approved CHC plans were missing. I asked Jim to meet once again with the CHC Chairman to re-review 1030-1032 Brent Avenue. Staff has determined to use SPMC 36.360.090(F) Alterations or Additions to Nonconforming Structures, can be used for this property in regards to the parking situation.

On January 31, 2019; Jim Fenske met with the CHC Chairman. The Chairman confirmed he was reviewing the same project he approved in August 2018. I never received any email or letter from [REDACTED] about their concerns with the project. As this chair review meeting was occurring, [REDACTED] walked in and walked out.

Jose Villegas

From: Jose Villegas
Sent: Monday, January 28, 2019 5:39 PM
To: Jim Fenske
Subject: 1030-1032 Brent Avenue

Hi Jim,

Let's meet on Wednesday January 30 and discussed the project plans for the addition to 1030 Brent Avenue. I found the approved set of copies. This is a time sensitive issue.

Thanks,

Jose

Here are more problems with this project approval process.

Original DRB approval- All work needs to conform to stamped approved plans, this does not. Planning approval from DRB is valid for one year. This expired in **2008**.

Here are some issues with the changes from the original design.

South: Single door changed to a set of French doors and the room is expanded and now covers a window on the east side of the house.

East: French door changed to two sets of French doors.

North: Single door, Chimney, Single door changed to a set of French doors without a chimney.

The layout is almost exactly what the owner was caught with in February 2018.

Dear Mr. & Mrs. Roybal,

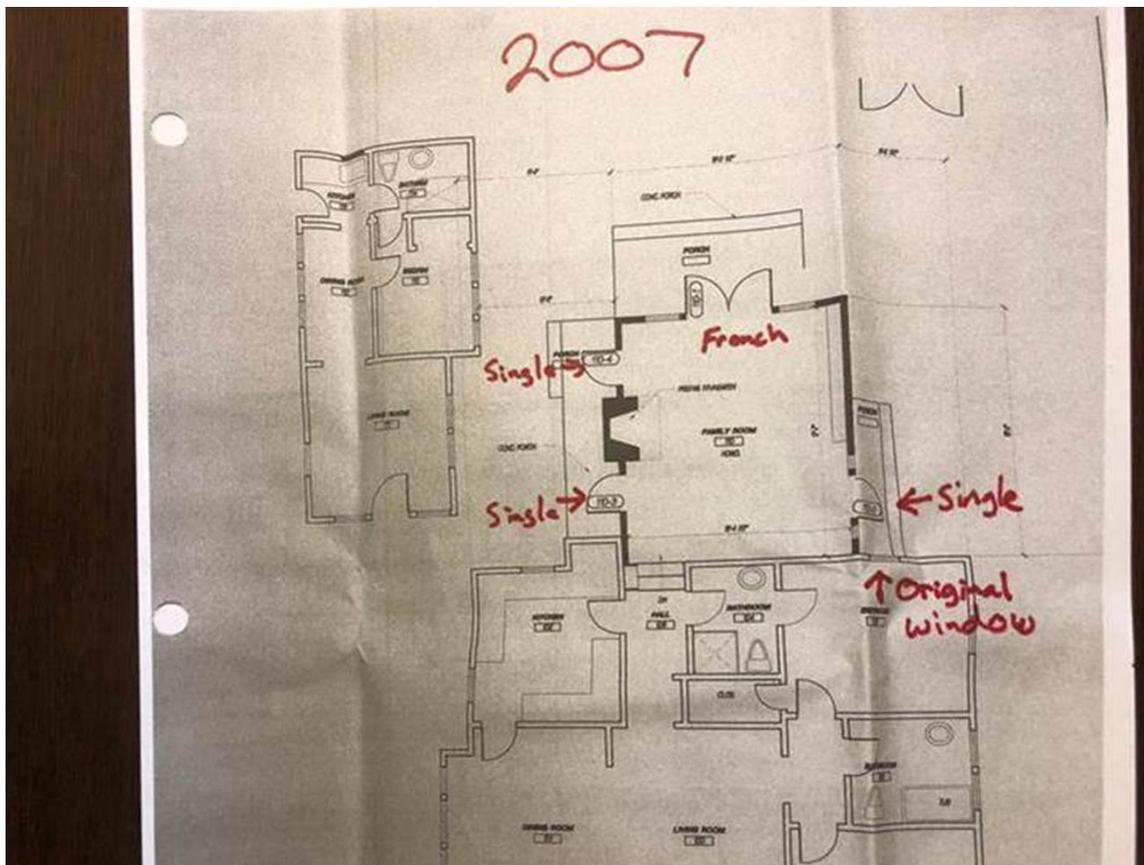
NOTICE IS HEREBY GIVEN THAT on December 4, 2007, the City of South Pasadena AM Design Review Board approved your proposal to construct a 293 sq ft addition on the first floor and a new 555 sq ft second story, for a total of 848 sq ft. This addition will be located in the rear of an existing single story 1,332 sq ft, Craftsman house on a 7,436 sq ft lot. The addition on the first story will consist of adding a new family room. The addition on the second story will add a master bedroom, two walk-in closets, a master bathroom, and a sitting area. All proposed materials will match existing materials.

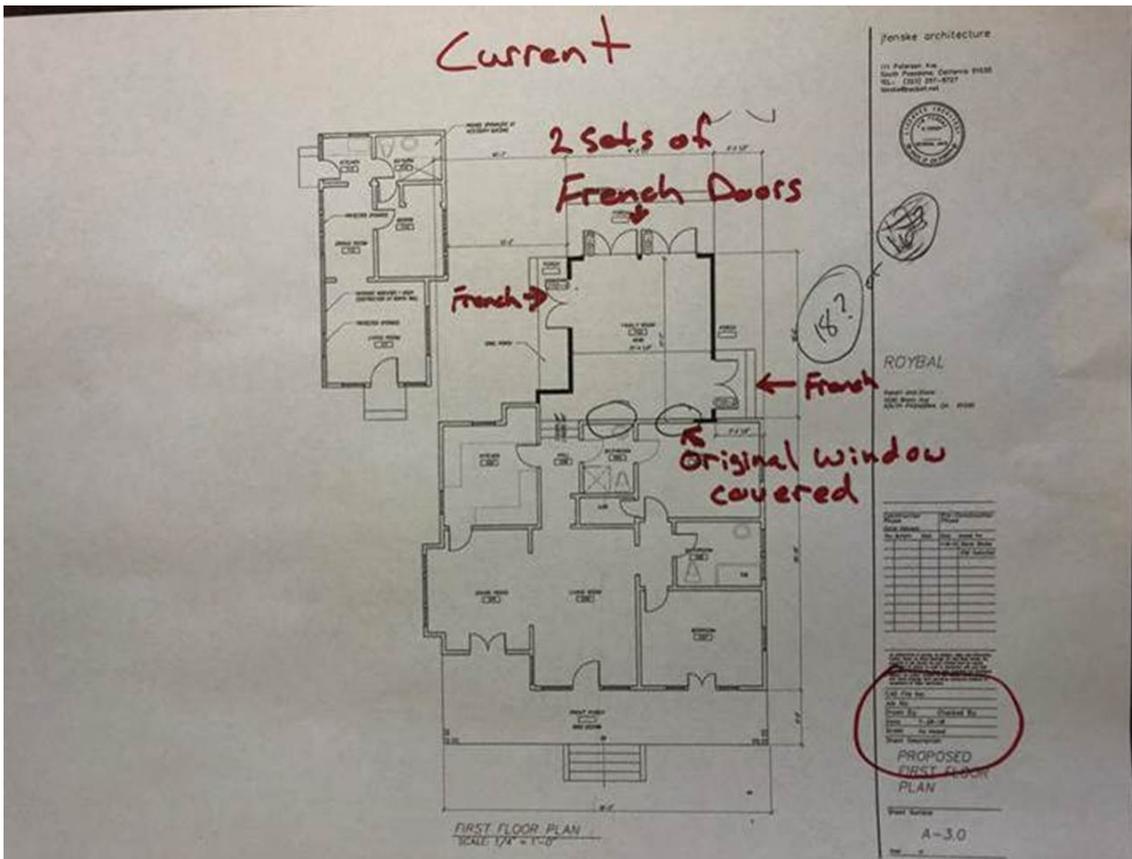
Any interested person may appeal this decision in writing to the Planning Commission fifteen (15) calendar days from the date of this notice and must be accompanied by an \$815.00 appeal fee. Assuming no appeal is filed, the planning approval is valid for one (1) year from the effective date of approval.

The effective date of approval is December 20, 2007, the expiration of the 15 day appeal period.

PLEASE NOTE: PLANNING DEPARTMENT APPROVAL IS REQUIRED FOR ANY CHANGES TO THE PLANS THAT WERE APPROVED BY THE DESIGN REVIEW BOARD ON December 4, 2007. BUILDING PERMITS WILL NOT BE FINALED IF CONSTRUCTION DEVIATES FROM THE PLANS APPROVED BY THE DESIGN REVIEW BOARD.

Please note that you may submit the approved plans to Building and Safety for "plan check" prior to the expiration date of the appeal period, however, a building permit will not be issued





There are several reasons why this cannot qualify for a Minor Project review. A Minor Project review does not include structures over 200sq/ft, an increase in the height of the roof from 14ft 11" to 16ft 2", covering of an original window that was not originally approved, moving the entire footprint south more than 3ft while being visible from the public right-of-way on Brent Ave and Park Ave. These would require a Major Review with notification to the neighbors, which was not done.

2007



14' 11"

Current



Inventory and the provisions of Section 2.65(E), the Procedures for a Certificate of Appropriateness, shall apply to the proposed demolition. If any such resources are potentially affected by a project, the City shall require preparation of the appropriate CEQA documentation.

4. Minor Project Review. A Certificate of Appropriateness may be obtained by going through a minor project review if it involves: Demolition or relocation of non-Character-Defining Features; non-contributing additions, garages, accessory structures or incompatible and previously replaced windows, doors or siding material; any undertaking that does not change exterior features such as re-roofing if the proposed roofing material is comparable in appearance, color and profile to the existing or original roofing material; replacement of windows and doors if the proposed replacements are of the same materials, form, color, and location as the existing or original windows and doors; an addition of less than 200 square feet proposed for the side or rear elevations (not visible from the public right-of-way) and does not materially alter the features or have an adverse effect on the Historic Integrity of a Cultural Resource; minor changes to a previously approved Certificate; or any other undertaking determined by the Director or his/her designee to not materially alter the features or have an adverse effect on the integrity of a Cultural Resource.
- a. **Requirements.** The required application materials for minor project review shall include, without limitation: a written narrative of the proposed project, a

4. Minor Project Review. A Certificate of Appropriateness may be obtained by going through a minor project review if it involves: Demolition or relocation of non-Character-Defining Features; non-contributing additions, garages, accessory structures or incompatible and previously replaced windows, doors or siding material; any undertaking that does not change exterior features such as re-roofing if the proposed roofing material is comparable in appearance, color and profile to the existing or original roofing material; replacement of windows and doors if the proposed replacements are of the same materials, form, color, and location as the existing or original windows and doors; an addition of less than 200 square feet proposed for the side or rear elevations (not visible from the public right-of-way) and does not materially alter the features or have an adverse effect on the Historic Integrity of a Cultural Resource; minor changes to a previously approved Certificate; or any other undertaking determined by the Director or his/her designee to not materially alter the features or have an adverse effect on the integrity of a Cultural Resource.

SD: Is there an ADA concern here that I missed?

No, we are unaware of an ADA issue.

SD: In January of 2019, the property-owner submitted plans to convert the second unit into an Accessory Dwelling Unit (ADU). The conversion would require the removal of the electrical and gas meters. On March 4, 2019 the plans were reviewed by staff for Zoning Code compliance and approved. On July 11, 2019, the property-owner pulled electrical

permits to remove the electrical meter and on October 1, 2019, the property-owner pulled plumbing permits to remove the gas line to duplex.

Would you not agree that the intent of an ADU is to create new housing in California? David Bergman agreed with this when he spoke with The California Department of Housing and Community Development (CDHC). Give them a call and have a discussion with them. They will also say that if the duplex were to be expanded, that too does not justify creation of an ADU. A duplex just isn't an ADU.

Jose recommended two options to bypass the parking requirements that were **originally a condition** of the original project. Either demolish the unpermitted construction or convert the duplex to an ADU.

Jose Villegas stated convert to ADU(aka SPMC 36.350.200) or SPMC 36.360.090(F). Below is the email and images of both codes. The owner's property does not comply with either. SPMC 36.360.090(F) doesn't work because the CHC already approved the parking under the trellis.

The current SPMC 36.350.200 was passed in 2016 and signed by Michael Cacciotti and Terri Highsmith and requires an ADU to meet a minimum lot size of 12,500sq.ft. for an approval and not be visible from the street. The owner's lot is less than 7500sq.ft and the duplex is visible from the street, even with the new tree they planted. Why would the City ignore its own ordinance? At that time, Jose's second option would be to it tear down.

While we know that new legislation for ADUs lot sizes will change in 2020, we want to make sure everyone is aware that in **April of 2018** the City was having discussions with the owner about converting this into an ADU and state legislation was not introduced until **2019**. In **August of 2018** there was discussions of bypassing the parking. Everyone on that email was in agreement that there is **really no change to the structure**. In the emails below dated February 8th and 15th of **2019**, you will see what transpired. At that time, Jose's option to demolish would have been appropriate and would still be appropriate today. Please note that we met with David Bergman on February 11th with this concern and he ignored us.

February 8, 2019, Jose emailed David explaining "what was holding up this project" which he stated was the original parking requirement from the original COA, DRB that was a conditional requirement for approval. Jose failed to address the previous years' worth of information that we brought up as our concerns then and now. Why didn't David Bergman know about this issue?

February 11, 2019, we met with David Bergman to ask questions and find out why the project was moving forward. We tried to explain the history of the ongoing construction but he refused to even look at our pictures and documents. We now know that he did not have the entire story and why he was so confused in our meeting.

February 15, 2019, Jose reviewed and approved the ADU conversion 4 days after our meeting with David to avoid the original parking requirements of the COA, DRB and CHC requirements. It doesn't appear as if there was any actual follow through after our meeting with David.

David and Jose ignored the SP Code and waived the parking requirements on an unpermitted addition. This just doesn't make sense. The property is one block from Fair Oaks, between Mission and Monterey. Parking in the area is impacted by Blaze Pizza and Mosaic Church. Employees and customers from the stores on Fair Oaks that don't have parking lots, use Brent for parking. It is shortsighted on the part of Planning and Building to allow a homeowner to add onto their house and remove parking requirements from the COA, DRB and CHC from 2007. In this area there are some homes and many apartments that do not have onsite parking so they park on the street. With the housing shortage and increase in rents, there are more occupants per unit now than in 2007, making street parking more impacted than it was 12 years ago. Why would Planning and Building overlook this detail?

Jose Villegas

From: Jose Villegas
Sent: Friday, February 8, 2019 1:57 PM
To: David Bergman
Cc: Edwar Sissi; Building Inspector; Darby Whipple
Subject: RE: 1030-1032 Brent Avenue

Hi David,

What has kept this project from getting resolved is the required parking; 4 covered parking spaces with 1 guest parking.

There are two solutions to address this requirement; converting the existing second unit into an ADU or using SPMC 36.360.090(F) Alterations or Additions to Nonconforming Structures.

The property owner and project architect have been working on converting second unit into an ADU. The plans for the ADU were submitted on January 11, 2019. However, on January 30, 2019 I met with the project architect and informed him that this project might be able to have the required four covered parking spaces and the one guest parking space, waived through SPMC 36.360.090(F). This will require the CHC to make the required finds to waive the required four cover parking spaces and the guest parking. (February 6, 2019). A COA modification will be required.

The property owner also wants to keep and use some of the existing construction from the unpermitted addition. The unpermitted construction will have to be reviewed by a Plan Checker and with inspections from the Building Inspector. The Building Dept. will ensure the construction complies with the current building codes.

The property owner can also decide to completely demolish the unpermitted addition construction.

Once we get a chance to discuss this, I can call the property owner and find out how he would like to proceed with this project. I can also provide him with a deadline. Please let me know if you have any questions.

Jose

F. Residential off-street parking.

1. If the work is in connection with a residential unit that is listed on the City's Cultural Heritage Inventory (hereinafter "cultural resource") and is nonconforming due to an insufficient number of covered parking spaces, the Director may waive the requirement for two covered spaces if as part of a Certificate of Appropriateness, the Cultural Heritage Commission first determines that either of the following circumstances apply:

- a. Providing the two covered parking spaces would otherwise result in a substantial adverse change in the historic significance of a cultural resource; or
- b. Providing the two covered parking spaces would jeopardize the integrity of the cultural resource (as defined in National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation).

In determining whether to waive the requirement for two covered parking spaces in connection with work to a cultural resource, all of the following conditions shall exist:

- c. The existing garage contributes to the historic significance of the cultural resource. Supporting documentation shall be provided to show that the existing garage was constructed during the period of significance of the cultural resource.
- d. The existing garage space can accommodate at least one vehicle.
- e. The historic garage shall be structurally sound or, if deteriorated, the Cultural Heritage Commission approves a rehabilitation plan for the historic garage as part of the Certificate of Appropriateness approval.
- f. The second required parking space can be accommodated outside of the existing covered parking space within an existing legal driveway, tandem space, carport, etc.
- g. Increases in square footage to the cultural resource would not exceed 50 percent of the square footage of the floor area within the structure that legally existed as of the date of adoption of the ordinance codified in this Section, including any detached accessory buildings and/or guest house.
- h. The proposed work is not associated with the addition of a second residential unit as authorized in SPMC Section 36.350.200, or is not associated with an increase in the number of dwelling units on land zoned for multi-family uses.

(Ord. No. 2108 § 1; Ord. No. 2183 § 17, 2009; Ord. No. 2243 § 4, 2013.)

Jose Villegas

From: Jose Villegas
Sent: Friday, February 15, 2019 3:27 PM
To: Jim Fenske
Cc: Code Enforcement; Edwar Sissi; Darby Whipple
Subject: 1030-1032 Brent Avenue
Attachments: 1030-1032 Brent Avenue ADU review.pdf; ADU.docx

Hello Jim,

Sorry for the delay email. I have completed my review of the proposed conversion of the second dwelling unit to an ADU. Thank you for stopping by and going over the required corrections with me. I have attached the required corrections.

Since the project is an existing second dwelling unit being converting to an ADU it needs to comply with SPMC 36.350.200 Residential Uses—Accessory Dwelling Units. I have attached it for your review. Per our previous conversation, the second dwelling unit needs to remove all the utilities (water, gas, electricity) the unit address needs to be removed and a covenant needs to be record with the property as the property owner needs to reside in one of the units.

If you have any questions, please contact me.

Regards,

Jose

36.350.200 Residential Uses—Accessory Dwelling Units.

SHARE

A. Applicability. The standards and criteria in this section apply to properties containing single-family residences within the RE, RS, and RM zoning districts. These standards are in addition to all other applicable standards found in this Zoning Code. Pursuant to Government Code Section 65852.2, applications for second dwelling units shall be considered ministerially, without discretionary review or a hearing.

B. Minimum lot area. An accessory dwelling unit may be approved only on a parcel of 12,500 square feet or larger.

Whose name is redacted below? That person told Jim Fenske what was required for the ADU in August of 2018. You'll see the owner's name (Robert) is in the next paragraph, so we assume it's not him. This shouldn't be redacted since there doesn't appear to be any privilege. Can you please let us know who assisted in the ADU conversion discussion? You will also see that Mark, Edwar and Jim discussed the fact that the existing unit's use would not change.

Jose Villegas

From: jim fenske [REDACTED] >
Sent: Thursday, August 9, 2018 4:44 PM
To: Jose Villegas
Subject: 1030 Brent

Follow Up Flag: Follow up
Flag Status: Completed

Jose,

I met with Mark today and he says he's ok with the redesign of the addition. We also discussed what [REDACTED] told me was required for the second unit to be changed to an ADU. Changing the windows and glass doors, upgrading the insulation, providing a one hour rated wall at the north side is what he tells me the engineer (Jeffrey?) said was required. Mark, Edwar and I discussed the fact that the existing unit's use would not change and so these things should not be required especially since this was the original structure on the site. What is your understanding of what is required to make this an ADU?

I'll be in tomorrow to talk to Robert about building code issues for this.

Jim Fenske
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Expiration of the original Certificate of Appropriateness

SD: The previous code section regarding the Certificate of Appropriate (COA) did not establish an expiration date for COAs. On July 19, 2017, Ordinance No. 2315 was adopted to repeal and replace Article IVH (Cultural Heritage Commission) of Chapter 2 (Administration) of the South Pasadena Municipal Code (Code) which established an eighteen-month expiration date for COAs. This Code section does not apply to the Project since the original approval of the COA preceded the adoption of the ordinance in July 2017. Consequently, the original COA does not have an expiration date.

Since you mentioned that the COA is based on the project, you should have reviewed the conditions for getting permits on the original approval. The DRB approval was only valid for 1 year which expired on December 20, 2008. See image below. This is almost 11 years later. Why is the city using this project as the bases to get everything approved?

Even if the COA was still good, which we think is debatable, an additional COA is required for exterior changes not described in the above description and approved by CHC. The COA needs to conform to the stamped approved drawings. See the images below.

Dear Mr. & Mrs. Roybal,

NOTICE IS HEREBY GIVEN THAT on November 15, 2007 the City of South Pasadena Cultural Heritage Commission approved the Certificate of Appropriateness (Alteration) to:

Build a 293 sq ft addition on the first floor and a new 555 sq ft second story, for a total of 848 sq ft. This addition will be located in the rear of an existing single story 1,332 sq ft, Craftsman house on a 7,436 sq ft lot. The addition on the first story will consist of adding a new family room. The addition on the second story will add a master bedroom, two walk-in closets, a master bathroom, and a sitting area. All proposed materials will match existing materials.

Any interested person may appeal this decision in writing to the City Council fifteen (15) calendar days from the date of this notice and must be accompanied by a \$815.00 appeal fee.

CONDITIONS:  This Certificate of Appropriateness (C of A) is effective only for exterior changes detailed that was presented to the Cultural Heritage Commission on November 15, 2007.

An additional C of A is required for exterior changes not described in the above description and approved by the Cultural Heritage Commission.

All work (alteration, demolition, removal, or exterior changes) requiring a C of A shall substantially conform to the stamped approved plans dated the effective date of this approval.

Dear Mr. & Mrs. Roybal,

NOTICE IS HEREBY GIVEN THAT on December 4, 2007, the City of South Pasadena AM Design Review Board approved your proposal to construct a 293 sq ft addition on the first floor and a new 555 sq ft second story, for a total of 848 sq ft. This addition will be located in the rear of an existing single story 1,332 sq ft, Craftsman house on a 7,436 sq ft lot. The addition on the first story will consist of adding a new family room. The addition on the second story will add a master bedroom, two walk-in closets, a master bathroom, and a sitting area. All proposed materials will match existing materials.

Any interested person may appeal this decision in writing to the Planning Commission fifteen (15) calendar days from the date of this notice and must be accompanied by an \$815.00 appeal fee. **Assuming no appeal is filed, the planning approval is valid for one (1) year from the effective date of approval.**

The effective date of approval is December 20, 2007, the expiration of the 15 day appeal period.

PLEASE NOTE: PLANNING DEPARTMENT APPROVAL IS REQUIRED FOR ANY CHANGES TO THE PLANS THAT WERE APPROVED BY THE DESIGN REVIEW BOARD ON December 4, 2007. **BUILDING PERMITS WILL NOT BE FINALED IF CONSTRUCTION DEVIATES FROM THE PLANS APPROVED BY THE DESIGN REVIEW BOARD.**

Please note that you may submit the approved plans to Building and Safety for "plan check" prior to the expiration date of the appeal period, however, a building permit will not be issued

Authorization for a Chair Review and difference between a Major and Minor Project Review and request for a copy of the Chair Review Application

SD: The modifications to the previously approved Project plans were considered minor and therefore were subject to a Minor Project Review. Chapter 2, Article IVH, Section 2.65 (Certificate of Appropriateness – Alteration and Demolition) establishes that a Minor Project Review may be conducted if it involves "replacement of windows and doors if the proposed replacements are of the same material, form, color, and location..." or "minor changes to a previously approved certificate..." As defined by the Code a Chair Review was appropriate for the review and approval of those changes. Currently, there is no formal application for a Chair Review. Project applicants that are subject to a Chair Review are requested to visit City Hall to meet with the Chair to discuss their projects. Moving forward, the City will create a more defined process for Chair Reviews.

We understand that minor changes could be acceptable, but these are not minor changes. The structure is over 200 sqft, the elevation of the roof and the entire structure has increased in size and the structure has been moved to the south. The height has increased from 14' 11" originally to 16' 2" on the new details. The structure now covers an original window on the house that was not covered in the original approval. The doors and windows have also moved. The chimney has been removed.

If there were minor changes to the plans, why has it taken over 20 months to get this approved and why do they keep coming back for more changes? Please see the previous images regarding this section.

Code Enforcement actions and remedies

SD: As previously noted, Code Enforcement issued a Correction Notice and Notice to Stop Work in March of 2018. Once issued, the property-owner had 30-days to report to City Hall to work with City to remedy the issue. Currently, City policy establishes that as long as the property-owner demonstrates good faith to work with the City, Code Enforcement does not issue any citations. If no remedies are provided Code Enforcement may move forward with the issuance of a citation. However, the property-owner was responsive to the March 2018 notices and has been working with the City to bring the unpermitted construction into compliance with City code. Therefore, no citations have been issued at this time.

You claim the owner was responsive, but only after the 30-day deadline from the City letter. These are document we've requested but have yet to receive copies of those notices, letters or responses in our request for public documents. You mention this demonstrates good faith and compliance with the City code. He is and has been a general contractor for 40 years and knows the City ordinances. Why does Planning and Building continue to assist him in ignoring the ordinances and finding loopholes to build what he wants without public approval from neighbors? What he intends to build is different from what was conditionally approved 11 years ago and is almost identical to what he built illegally.

Illegal tree removal and oak tree trimming investigation

SD: In March of 2019, the Public Works Department was informed of a possible illegal tree removal and oak tree trimming. Based on the Public Works Department's investigation the removed tree was less than 12-inches in diameter and did not require a tree removal permit.

Edwar and Jose were notified about the tree removal when we first started this process in 2018. The timeline fails to address this. At no time did either of them state we should go to the Public Works and report it when a quick Google search could confirm. We discussed this at the February 11th meeting with David Bergman. If there was an investigation on the removal of the tree, why not investigate the oak tree at the same time? We contacted Public works twice by phone on the day of the cutting of the Oak and confirmed there was no permit. After numerous reminders, nothing appears to have been done on this. Below are pictures in January 2019 and March 2019 of the oak tree that was trimmed out of season. You didn't actually respond to this issue.



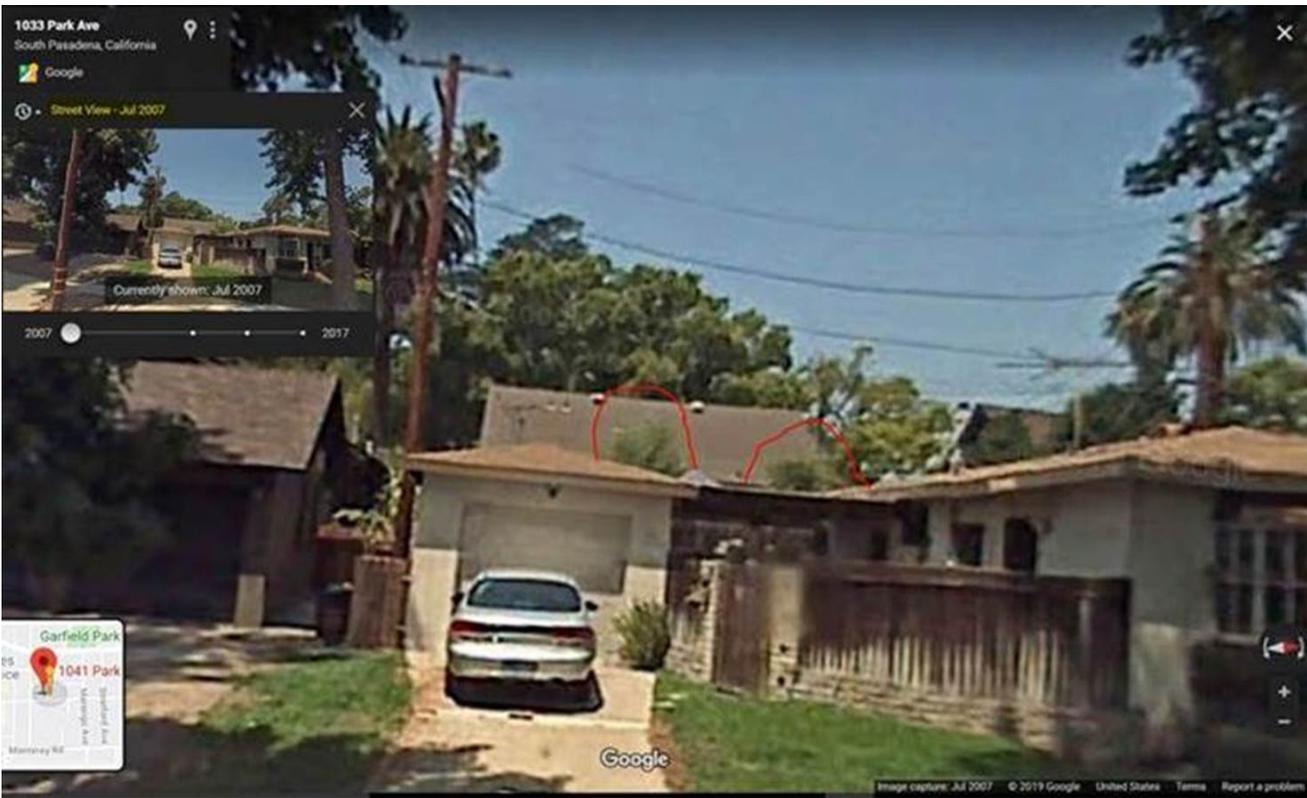
January 28
3:12 PM

Edit





Regarding the tree that the Public Works Department's did investigate, you stated it was less than 12-inches in diameter and did not require a tree removal permit. This is the first that we have heard of an investigation. Can you elaborate on this and include the public records that we've requested previously? Who investigated this and who did they speak with? Was it the owner who is a General Contractor? Are you aware that this was a multi trunk tree? You can see in the first picture from **2007** below that the tree was already well established and taller than the house roof line. Please see the second picture from July 2007 prior to approvals in November 2007. The red markings show the two trees in the Google street view. The picture below also shows the original porch that was torn down.





This is important because it shows that the owner knew that they could not conform to the parking that was a condition of the original approval. See how the pathway crosses where the tree was cut down and the Oak tree. See the November 2017 conditional approval plan and **no trees to be cut or trimmed**. We added the red dots to show the placement of the trees in the drawing below. The lower left dot was the multi-trunk tree that was cut down and the upper right is the oak that sits in the middle of the path to the carport that was supposed to be built if they wanted to build the addition.

Narrative for 1030 Brent Avenue

Diane and Robert Roybal would like to add a second floor to their existing one story bungalow as well as add a one story family room at the rear yard. On the back yard side of the existing roof they would also like to add a dormer to get more ceiling height in the second floor addition. The downstairs family room will have three small concrete patios off of the east, south and north elevations and will also have a fireplace and chimney on the northerly wall . In order to satisfy the parking requirement a two car trellis will be erected in the north east corner, to the east (behind) the existing efficiency unit.

- There will be no trees trimmed or cut. The new windows, doors, roofing, paint and sidewall materials will match the existing conditions.

2007 Narrative

Property line dispute and setback concerns

SD: Property line disputes are a civil matter and are not addressed by the City. If there are concerns regarding the property line and setbacks that were used in the Project plans, a surveyor would need to be retained to determine the exact location of the property lines.

This is not a civil matter as there is clearly fraud in the misrepresentation of the current and 2007 documents provided to the City. John Pope was recently quoted in the South Pasadena Review stating *“The City has little choice but to respond when the facts are ignored or misrepresented as they have been.....”*

We aren't talking about leaves falling on our property or even disputing inches. This is clearly a big discrepancy and we've taken pictures to help you understand. Keep in mind that the owner approached us to acquire a 2 ft swath of land for about \$12k along the length of their driveway during the process of getting this project approved in 2007. So even then he knew he did not have enough space to build what he wanted. In the pictures below, you can see the owner had trouble complying with a correction notice that included **setbacks** in **2007** when the architect was asked to clarify unclear property lines and setbacks even in **2007** and it clearly shows they put down what was needed to get approved.

The original plans and the new plans show a setback of **5ft** at the back of the property which isn't even our property, but another neighbor's. It doesn't take a surveyor to see in the pictures below that the fence line is at **2ft 9 inches**, not **5 feet** like the plans show. If it's true that they have a 5ft setback, it would be just under their neighbor's gutter on the back of the neighbor's garage.

You'll see in pink below that we measured the driveway in numerous sections and marked them accordingly on the owners site plan which don't conform. We even took a picture of their driveway showing **6 ft** in one section when their site plans clearly shows nothing smaller than **8ft 6 inches** at the top of the driveway. The image with the red tape measurer shows the actual location at 8' 6". Because of the confusion of the setbacks on the driveway and back of garage, the owner needs to have the property surveyed. See the text images from the owner in **February 2019** when he acknowledges that the City may require a survey and thinks it's a good idea since he mentions he's probably encroaching and states that the City may require verification of property lines. Then deciding that he doesn't want to disclose it to the new owners if/when he sells as his plans are to move on and not even live in the property.

Neither you nor David ever responded to the driveway that was poured without a permit. It's time to correct this issue once and for all and require a survey from the property owner.

**COMPLETE WITH CORRECTIONS
NOTICE**

File
Cur
October 31, 2007

APPLICANT NO.: Development Case No. 1101-DRX/COA

Applicant: Jim Fenske
111 Peterson Avenue
South Pasadena CA 91030

Owner: Robert and Diane Roybal
1030 Brent Avenue
South Pasadena CA 91030

Location of Project: 1148 Oxley Street

Project Description: The applicant is proposing a 293 sq ft addition on the first floor and a new 555 sq ft second story, for a total of 848 sq ft. This addition will be located in the rear of an existing single story 1,332 sq ft Craftsman house on a 7,436 sq ft lot. The addition on the first story will consist of adding a new family room. The addition on the second story will add a master bedroom, two walk-in closets, a master bathroom, and a sitting area. All proposed materials will match existing materials.

Pursuant to State Law, City staff has completed a preliminary review of the application referenced above within the prescribed 30-day review period. Your application has been deemed complete with minor corrections. The corrections following corrections must be made to the submitted plans.

Please correct the size of the property lot from 7440 sq ft to 7436 sq ft. This is the correct size according to the South Pasadena Building records. This correction will also cause a correction in the existing lot coverage, existing F.A.R., proposed lot coverage, proposed F.A.R. The maximum lot coverage is 50% for 1030 Brent Ave. The new lot coverage will be 50%, not 49.9%.

Site Plan

- 1) Please include and show all the existing walls/fences.
- 2) Please include the location of any proposed exterior lights.
- 3) Please include the setbacks for all property lines (existing and proposed)

Presentation

Staci Nesbitt (Project Architect) presented the project and responded to the Board's questions and regarding colors and tree removals.

Public Comment:

None

Discussion/Vote

After further review, and discussion, the Board voted 4-0 (Rusk-Morrish) to **APPROVE** the project finding that it meets all four of the required design review findings outlined in the Zoning Code Section 36.410.040(I).

1030 Brent Ave

Applicant: Jim Fenske, Architect
Project #: 1101 - COA/DRX

Description:

Construction of a 293 sq ft addition on the first floor and a new 555 sq ft second story, for a total of 848 sq ft. This addition will be located in the rear of an existing single story 1,332 sq ft, Craftsman house on a 7,436 sq ft lot. The addition on the first story will consist of adding a new family room. The addition on the second story will add a master bedroom, two walk-in closets, a master bathroom, and a sitting area. All proposed materials will match existing materials.

Presentation

Jim Fenske (Project Architect) presented the project and responded to the Board's questions regarding a proposed skylight, railings, and the accuracy of drawings.





2ft 9 inches at the back yard fence.



5ft at the section in the neighbor's backyard and just at the edge of the other neighbor's gutter.



Bob >

Fri, Feb 15, 1:43 PM

Talking to our architect today and looking like a major room addition will take place. We are in the process of converting the Cottage from a duplex designation to an ADU. I will continue to Keep your view into our backyard as presentable as possible. We can do plantings if you desire

Also, city may require verification of property lines which would probably be a good idea anyway. I'll let you know.

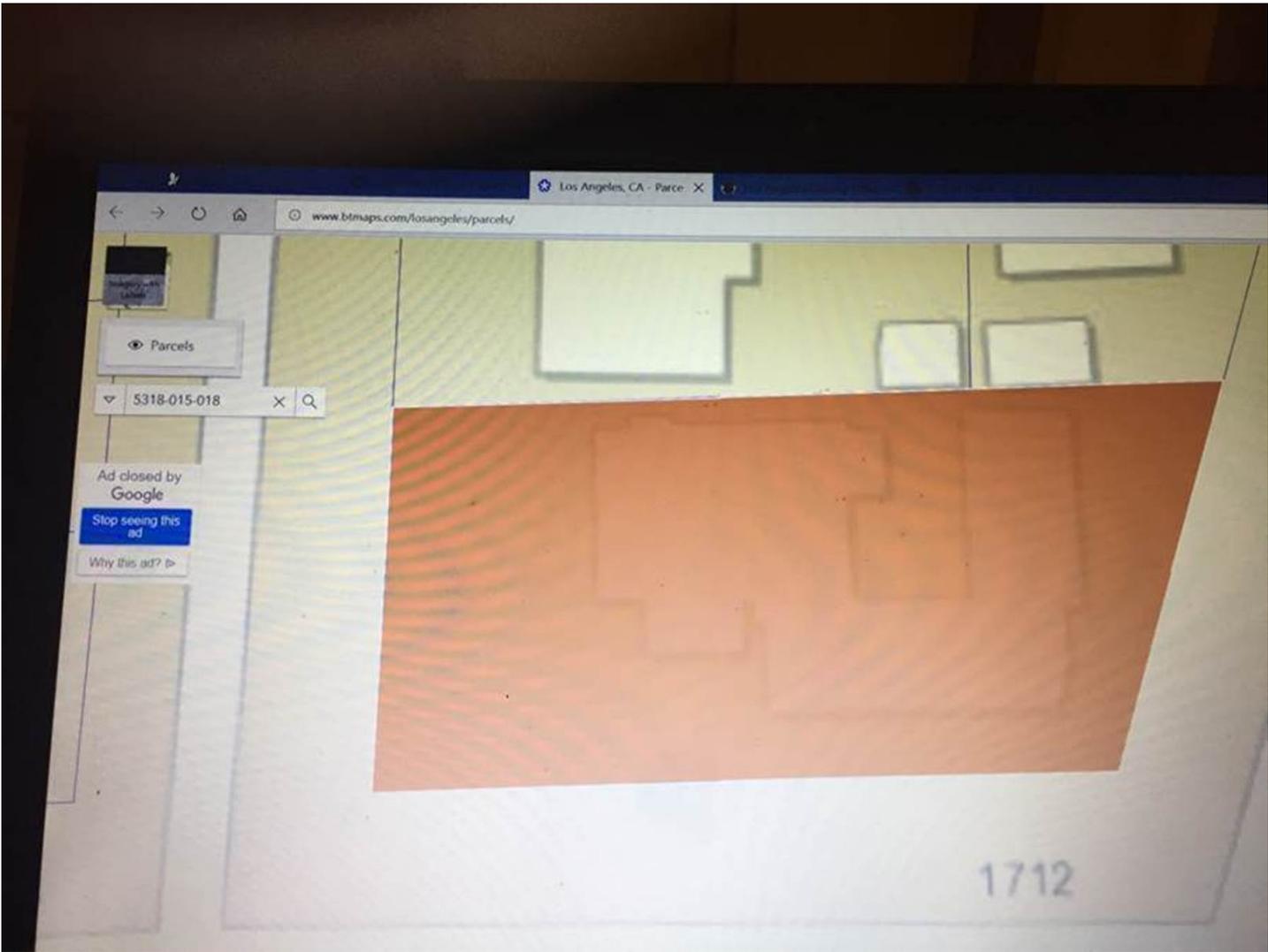
Sat, Feb 16, 11:01 PM

Travis, just to let you know that, as per our conversation, our intention is to complete this process and either sell or rent and move on. We have really appreciated you all as neighbors and will leave with having increased the value of all are properties. I thank you for your patience. Bob



iMessage







Thu, Feb 21, 10:03 AM

Hi Travis, still waiting on city to process our intentions. Also, I obtained an aerial picture of our property showing property lines and setbacks. Although, these views are only prospective, they do indicate non conformity and encroachment . I will not call for a survey right now because we might sell and then I would have to declare it any new buyers. I will wait on that . Again, we appreciate your help.

Thu, Feb 28, 3:03 PM

Hi Travis, New Report. I just received a call from the new city code enforcement officer Gus. The original complaint from last April regarding my patio addition just arrived at his desk. He knows nothing about it. Fortunately I have detailed documentation of my responses and compliance to all their requests and requirements. He



We also requested the documents and responses the owner is referring to in those texts in our request for public documents, but those too have not been provided.

Public Records Request

SD: The City Clerk's Office is responsible for Public Records Request and is currently looking into the request.

Unfortunately, this too has been mishandled. The first request was marked complete by J. Equivalls and when you review that information, he only provided 9 emails from the 2018 calendar year. Of those 9, one was a duplicate and all were generated in August, just two hours after we visited the planning desk for an update. We know there were communications throughout 2018 and not just August. We will need the City Clerk's Office to go back from 2018 to present day correspondences.

After our initial request in February 2019 with minimal results, Juan reached out in April and asked us to clarify what we needed. We were very clear and he never provided us with any documents. In June, Miriam Ferrel followed up and provided a copy of the ordinance 2004 which is not valid anymore. We appreciated that, but she too needed us to clarify what we needed. After several follow ups with her over the next 2 months, she too provided us with nothing. Now, Maria Ayala is also requesting clarification. She states "With respect to the role of the City Clerk's Office, we are looking to fulfill your request for **subject emails to your request**. I believe City Manager DeWolfe along with other Planning personnel will be working to provide you with other records" We have been clear from the first request and are still asking the same questions. Besides that, you stated the City Clerk's Office is responsible for the Public Records Request, but Maria is only looking to provide emails. Please confirm who will provide the documents that are not in email form and when we can expect them. Since we are now at 9 months and three employees later and have yet to receive the information we've requested, we'd like the City to clarify the email retention policy. We want to make sure that everyone is clear that no emails or documents shall be deleted, trashed, disposed of or purged from the network or backup drives. We have more pictures, documents and notes to support our story and can share as soon as we get the documents we have requested.

Stephanie and City Council, after seeing more information about these problems and actual support documentation and not hearsay, we hope that you are able to clearly see through this facade of misrepresentation from the owner and architect. Compliance with manipulation, misrepresentation and fraud give you the right to step in and revoke the COA. Remember, John Pope stated "The city has little choice but to respond when the facts are ignored or misrepresented as they have been in regard to the Drive property. And the community has expressed an interest in hearing the city's side of the story," spokesman John Pope said in a prepared statement during the gathering, which also included Mayor Marina Khubesrian, City Attorney Teresa Highsmith and, by telephone, City Manager Stephanie DeWolfe. Clearly the facts have been ignored and misrepresented in this case. It's time for the City and the City Council to acknowledge that the Owner/GC, Architect, City staffers, and Design Review failed in their due diligence regarding 1030 Brent Ave over the last 21 months and failed to respond appropriately. We ask again that all movement for this project stop and the COA be revoked.

Travis & Nichole Dunville

From: Tamara Binns <tbinns@southpasadenaca.gov>

Sent: Thursday, October 10, 2019 3:26 PM

To: Teresa Highsmith <thighsmith@chwlaw.us>; Lucy Demirjian <ldemirjian@southpasadenaca.gov>; Dr. Richard Schneider - Personal <Rdschneider0@yahoo.com>; City Clerk's Division <CityClerk@southpasadenaca.gov>; Robert Joe <rjoe@southpasadenaca.gov>; mkhubesran@southpasadenaca.gov; Michael Cacciotti - Personal <macacciotti@yahoo.com>; Stephanie DeWolfe <sdewolfe@southpasadenaca.gov>; Diana Mahmud <diana.mahmud@gmail.com>; Nichole <dunvillefisk@earthlink.net>

Subject: RE: Unpermitted Construction 1030 & 1032

Importance: High

Mr. and Mrs. Dunville,

Please see the attached letter answering your questions about the construction at 1030 and 1032 Brent Avenue.

If you have further questions, please feel free to contact our new Planning Director, Joanna Hankamer at jhankamer@southpasadenaca.gov or (626) 403-7222.

From: Stephanie DeWolfe

Sent: Wednesday, October 02, 2019 6:18 PM

To: Nichole; Teresa Highsmith; Maria Ayala; Tamara Binns; Miriam Ferrel; Lucy Demirjian; Dr. Richard Schneider - Personal; City Clerk's Division; Diana Mahmud; Robert Joe; mkhubesran@southpasadenaca.gov; Michael Cacciotti - Personal

Subject: RE: Unpermitted Construction 1030 & 1032

Mr. and Mrs. Dunville –

Thank you for sharing your concerns regarding the construction activities at this site. I apologize that you did not receive a timely and appropriate response from City staff in regard to your concerns. I know you had received several responses from David Bergman and it was my understanding that he was appropriately handling the issue. I'm sorry I did not realize that you had not received an appropriate response.

I have now personally delved into the history of this project at your request and have found the issues to be complex. Having the files spread out on my desk, I understand your frustration with the process. While I had hoped to have a complete response for you by today, I have not been able to complete my review due to the complexity and lengthy history of interrelated issues. Please know however, that this has my full attention and I am personally looking into each of the concerns you raised. I anticipate I will be able to provide you with a complete response next week.

I apologize again for the City's failure to respond in a timely manner and appreciate your patience. Please let me know if you have additional concerns in the meantime.

Sincerely,

Stephanie DeWolfe

City Manager

City of South Pasadena

1414 Mission Street

South Pasadena, CA 91030

www.southpasadenaca.gov

626.403.7210



From: Nichole <dunvillefisk@earthlink.net>
Sent: Wednesday, September 25, 2019 10:05 AM
To: Stephanie DeWolfe <sdewolfe@southpasadenaca.gov>; Teresa Highsmith <thighsmith@chwlaw.us>; Maria Ayala <mayala@southpasadenaca.gov>; Tamara Binns <tbinns@southpasadenaca.gov>; Miriam Ferrel <mferrel@southpasadenaca.gov>; Lucy Demirjian <ldemirjian@southpasadenaca.gov>; Dr. Richard Schneider - Personal <Rdschneider0@yahoo.com>; City Clerk's Division <CityClerk@southpasadenaca.gov>; Diana Mahmud <dmahmud@southpasadenaca.gov>; Robert Joe <rjoe@southpasadenaca.gov>; mkhubesran@southpasadenaca.gov;
Michael Cacciotti - Personal <macacciotti@yahoo.com>
Subject: RE: Unpermitted Construction 1030 & 1032

Hi Michael,

Another month has gone by and we still have not received a response from the city staff. On August 27th you asked Stephanie DeWolfe to have the staff provide an estimate as to when they would be able to respond to our requests. Is there a reason no one is responding? Is the city manager or city attorney concerned about liability? They both have been included on this thread since February.

In the last 9 months the City Clerk has failed to provide the public records we've requested, even after multiple requests and reminders. In the last 18 months, the Planning/Building Department started and failed to complete two investigations, first under David Watkins and then again under David Bergman. Also, Public Works and city staffers in Building & Planning have known about the unpermitted tree removal for the unpermitted construction and promised to look into it and as far as we know, they still have not. Two months into the investigation, Planning and Building knew that this addition deviated from the expired plans the homeowners had from 2007. Since then, Planning and Building has done nothing except help the homeowner who is acting as his own contractor, continue what is clearly an unpermitted addition, blatantly ignoring city ordinances.

We reported the unpermitted construction in 2017, wishing to remain anonymous. This is extremely frustrating. Please review the email thread below. The entire City Council needs to be aware of the unprofessionalism of city staff and management.

Kind regards,

Nichole and Travis Dunville

From: Nichole <dunvillefisk@earthlink.net>
Sent: Monday, September 9, 2019 8:41 PM
To: 'Michael Cacciotti' <macacciotti@yahoo.com>
Subject: RE: Unpermitted Construction 1030 & 1032

Hi Michael,

This is a follow up on your last email to Stephanie DeWolfe. After watching this video of the most recent Planning Commission meeting, we have a better understanding of what's going on. Between the antiquated analogue system and the lack of staff, Planning and Building appears to be off the rails! Now we understand how plans were lost and files were unavailable and changes were able to happen at the desk without any record or documentation. If you haven't seen this yet, we suggest a quick review of Councilmen Richard Schneider's comments at the 21:40-22:34 mark, Commissioner Braun from 24:00-25:45 and David Bergman from 30:00-37:30
http://www.spectrumstream.com/streaming/south_pasadena_pc/2019_08_13.cfm

We understand that City Council doesn't handle every single issue in the city, but with all of the vacancies in Planning and Building we have nowhere else to turn. It's been 4 years and 2 months since the start of the unpermitted construction going on next door and 19 months since a code enforcement officer was in our house and took pictures of it. No investigation has ever been completed and our requests for public records have been ignored. David Bergman claimed to be overworked and was either unwilling or unable to follow up on the investigation or answer our emails. When you came over to our house you mentioned setting up a meeting. With the departure of David Bergman we think it's time to set up a day and time to finally take care of this issue with a decision maker who has authority to put an end to this illegal construction.

As always, we thank you for your time and service to our city!

Travis and Nichole Dunville

From: Michael Cacciotti <macacciotti@yahoo.com>

Sent: Tuesday, August 27, 2019 6:15 PM

To: Nichole <dunvillefisk@earthlink.net>

Cc: sdewolfe@southpasadenaca.gov; Teresa L. Highsmith <thighsmith@chwlaw.us>; Maria Ayala <mayala@southpasadenaca.gov>; tbinns@southpasadenaca.gov; Marc Donahue Miriam Ferrel <mferrel@southpasadenaca.gov>; Lucy Kbjian <LKbjian@ci.south-pasadena.ca.us>; richard schneider <rdschneider0@yahoo.com>; cityclerk@southpasadenaca.gov

Subject: Re: Unpermitted Construction 1030 & 1032

Hi Nichole,

I have not received a response from Staff from my email last week. I will check on the status of your request.

Hi Stephanie,

Would you please have our staff provide Nichole and Travis with an estimate as to when staff will be able to respond to their request. They have been very patient up to this point.

Thanks

Michael

Sent from my iPhone

On Aug 27, 2019, at 9:26 AM, Nichole <dunvillefisk@earthlink.net> wrote:

Hi Michael,

Wanted to know if you've heard anything regarding this, because we haven't. Thanks for following up with this!

Kind regards,

Nichole and Travis

From: Michael Cacciotti <macacciotti@yahoo.com>

Sent: Monday, August 19, 2019 9:11 AM

To: dbergman@southpasadenaca.gov

Cc: sdewolfe@southpasadenaca.gov; Teresa L. Highsmith <thighsmith@chwlaw.us>; Maria Ayala <mayala@southpasadenaca.gov>; Marc Donahue Miriam Ferrel <mferrel@southpasadenaca.gov>; tbinns@southpasadenaca.gov; LDemirjian@SouthPasadenaCA.gov; RSchneider@SouthPasadenaCA.gov;

richard schneider <rdschneider0@yahoo.com>; dunvillefisk@earthlink.net

Subject: Fwd: Unpermitted Construction 1030 & 1032

Good morning David,

Just wanted to follow up on my email from two weeks ago about the above mentioned issue on Brent Ave. Please have staff provide us a response later this week as Travis and Nichole have been patiently waiting a response.

If for some reason we are not able to provide a response, please let them know when a response will be provided.

Thanks

Michael

Sent from my iPhone

Begin forwarded message:

From: "Nichole" <dunvillefisk@earthlink.net>
Date: August 19, 2019 at 8:35:13 AM PDT
To: "Michael Cacciotti" <macacciotti@yahoo.com>
Subject: RE: Unpermitted Construction 1030 & 1032

Hi Michael,

We appreciate your email two week ago. Have you had any contact or conversations regarding this issue since you sent the email? The reason we ask is that we still haven't heard anything.

Thanks,

Travis and Nichole

From: Michael Cacciotti <macacciotti@yahoo.com>
Sent: Sunday, August 4, 2019 6:27 PM
To: dbergman@southpasadenaca.gov
Cc: sdewolf@southpasadenaca.gov; tbinn@southpasadenaca.gov; Marc Donahue
Miriam Ferrel <mferrel@southpasadenaca.gov>; Maria Ayala
<mayala@southpasadenaca.gov>; Teresa L. Highsmith <thighsmith@chwlaw.us>;
dunvillefisk@earthlink.net; Lucy Kbjian <LKbjian@ci.south-pasadena.ca.us>
Subject: Fwd: Unpermitted Construction 1030 & 1032

Hi David

Good to see you at city Hall last week.

I wanted to follow up with Travis and Nichole's request for assistance (see emails below) on the alleged unpermitted construction occurring at the above location at 1030 and 1032 Brent Ave, just north of Oxley (which is adjacent to and north of their home).

When I met with Travis and Nichole today, they mentioned that they had requested some documents back in June 2019 from the city, but had not received everything they had requested in their Public Records Request. They are also concerned because construction continues intermittently at the location, which they believe is not

consistent with plans and/or permits approved by the city.

I know we have had substantial turnover in your department and the city clerk's office, but please, at your earliest available opportunity, this week, work with the city clerks office to provide any documents that are responsive to their request and are not privileged, etc. Also, please work with staff to address and respond to their concerns about this project including permitting, alleged deviations from approved plans, ongoing construction activities, etc.

Thanks for your hard work!
Michael
Sent from my iPhone

Begin forwarded message:

From: "Nichole" <dunvillefisk@earthlink.net>
Date: August 1, 2019 at 11:25:05 PM PDT
To: "'Michael Cacciotti'" <macacciotti@yahoo.com>
Subject: RE: Unpermitted Construction 1030 & 1032

You're welcome to come over to our house. It's 1036 Brent Ave.

From: Michael Cacciotti <macacciotti@yahoo.com>
Sent: Thursday, August 1, 2019 11:16 PM
To: Nichole <dunvillefisk@earthlink.net>
Subject: Re: Unpermitted Construction 1030 & 1032

Hi Travis and Nichole
I can meet at 2 pm. on this Sunday. - Where you want to meet?
Thanks
Michael

Sent from my iPhone

On Aug 1, 2019, at 4:06 PM, Nichole <dunvillefisk@earthlink.net> wrote:

Hi Michael,
Thank very much for responding so quickly! We are available anytime Sunday afternoon. Would that work?

Nichole and Travis
626-627-1010

From: Michael Cacciotti <macacciotti@yahoo.com>
Sent: Tuesday, July 30, 2019 11:59 PM
To: Nichole <dunvillefisk@earthlink.net>
Cc: Michael Cacciotti <mcacciotti@southpasadenaca.gov>
Subject: Re: Unpermitted Construction 1030 & 1032

Hi Travis and Nichole,

I am usually CC'd on the email communications between our city staff and you.

I would be happy to meet. Are you available to meet this weekend in the afternoon?

Thanks
Michael

Sent from my iPhone

On Jul 30, 2019, at 3:48 PM, Nichole
<dunvillefisk@earthlink.net> wrote:

Hi Michael,
Hope you're enjoying your summer. You may remember that we reached out to you 6 months ago regarding the unpermitted construction at 1030/1032 Brent. In that email, we were clear that we wanted honesty, transparency and oversight. As of today, we have not received answers to our questions about how this project was investigated and how it keeps moving forward when there are so many problems that have not been addressed. We were very specific in our questions and have yet to receive answers. In your reply to us on February 5, you mentioned that you wanted the staff to keep you informed on how they are working to resolve this issue. Besides the below thread, has the staff informed you of anything else? We ask because in the attached email thread, we requested specific documents with repeated follow ups with no response.

It's now been over 4 years since the start of construction and 18 months since the city inspector took pictures of the unpermitted structure. This is unacceptable. We would like to have a conversation with you when you are available.

Regards,
Travis & Nichole Dunville

From: Nichole
<dunvillefisk@earthlink.net>
Sent: Monday, June 17, 2019 8:25 AM
To: 'David Bergman'
<dbergman@southpasadenaca.gov>;
'Teresa Highsmith'
<thighsmith@chwlaw.us>
Cc: 'Michael Cacciotti'
<mcacciotti@southpasadenaca.gov>;
'Stephanie DeWolfe'
<sdewolfe@southpasadenaca.gov>;
'Code Enforcement'
<CodeEnforcement@southpasadenaca.gov>; 'Alex Chou'
<achou@southpasadenaca.gov>
Subject: RE: Unpermitted Construction
1030 & 1032

David,
We reviewed the plans at the counter on Friday, June 14th. Once again we are getting conflicting answers and there are still many errors that have not been addressed. The plans dated 7/28/2018 but are different from the Roybal's plans they provided us this year that are also dated 7/28/2018. It appears that the architect continues to make changes to the plans, that were not part of the original approvals,

without properly notating them on the plans. When we were in on Friday, Jose mentioned that everything has been corrected and permits are ready to be issued and paid for. While there are many errors in the plans, we pointed out just a couple of inaccuracies in the plans and stated it may be better to wait for you to come back on Monday before issuing anything and Jose agreed. The Roybals want an addition that is based on what they have already constructed illegally. These are some of the items that are different from the original approval: the pitch of the roof has increased in height, the width of the structure has increased, the footprint has moved 3ft south and every

elevation has changed from what was originally approved. The original plans were conditionally approved with the addition of additional parking on the property. The approval was based on a duplex, not an ADU. Everything about this project is different than the original plans. We would expect the planning and building department to notice these changes as we have mentioned them in person and in emails.

Also, the drawings have inaccurate setback measurements that we have discussed with you and your staff. One example is the setback behind the garage. We've attached a picture of the garage setback that shows 5ft on both the original and

new plans from 7/28/19. You'll see in the picture the setback is actually only 2 feet 9 inches. Besides the owner sending us a text stating that he believes he's encroaching our property with their driveway, he also poured a new wider driveway to possibly meet the minimum requirements for new construction and parking on the original approval. You may want to look at their permits and see if they have one for the driveway and if the driveway is even wide enough to meet the minimum parking requirements for the original approval.

On February 11th we requested all public documents. We received a few select items, but not what we originally

requested. After our second request to Juan on April 30th , we received an email from Miriam stating Juan is no longer working for the City on June 3rd. We sent her an email on Friday to request an update as to when we may expect those documents. We believe that the City should not move forward on this project and issue any permits until all issues have been resolved. If you disagree, please let us know.

You stated in your April 18th email that public works is in charge of the tree trimming and removal. A tree, that was never notated on any of the drawings, was cut down in 2015 to build the existing unpermitted structure and then another tree,

an oak, was trimmed in March of this year without a permit and out of season. Public works was notified twice on the day in March. It's now been two months and nobody from public works has followed up.

It has now been 16 months since the city inspector took pictures of this nuisance and 4 years since tree removal, demolition of the original back porch and construction of the eyesore started. As residents of this city for 25 years, we expect more. Regarding our other concerns in our previous emails, you have not responded to our specific questions about the approval process and how Mark G ignored the South Pasadena major review process. Will you or the

City Attorney be
addressing this issue?

Finally the new
ordinance from 2017
repeals and replaces the
previous ordinance. It
appears that the city is
choosing to ignore
this. Why would the
city choose to use the
old ordinance 2315,
from 1992 and not the
current ordinance from
July 2017?

Sincerely,
Travis and Nichole
Dunville

From: David Bergman
<dbergman@southpasadenaca.gov>
Sent: Monday, June 3, 2019 8:55 AM
To: Nichole
<dunvillefisk@earthlink.net>; Teresa
Highsmith <thighsmith@chwlaw.us>
Cc: Michael Cacciotti
<mcacciotti@southpasadenaca.gov>;
Stephanie DeWolfe
<sdewolfe@southpasadenaca.gov>;
Code Enforcement
<CodeEnforcement@southpasadenaca.gov>; Alex Chou
<achou@southpasadenaca.gov>
Subject: RE: Unpermitted Construction
1030 & 1032

Hello Mr and Ms. Dunville:

The development application has been reviewed by the City's Public Works Department and returned to the applicant with requests for corrections. The property has been issued a notice to correct unpermitted construction.

Please let me know if you have any additional questions.

Best

David Bergman

From: Nichole
<dunvillefisk@earthlink.net>
Sent: Sunday, June 2, 2019 11:27 AM
To: David Bergman
<dbergman@southpasadenaca.gov>;
Teresa Highsmith
<thighsmith@chwlaw.us>
Cc: Michael Cacciotti
<mcacciotti@southpasadenaca.gov>;
Stephanie DeWolfe
<sdewolfe@southpasadenaca.gov>
Subject: RE: Unpermitted Construction
1030 & 1032

Hello Mr. Bergman,
We are following up on our previous email from April 29th. Can you please update us regarding 1030/1032 Brent Ave.?

Sincerely,
Travis and Nichole Dunville

From: Nichole
<dunvillefisk@earthlink.net>
Sent: Monday, April 29, 2019 10:45 PM
To: 'David Bergman'
<dbergman@southpasadenaca.gov>;
'thighsmith@chwlaw.us'
<thighsmith@chwlaw.us>
Cc: 'Michael Cacciotti'
<mcacciotti@southpasadenaca.gov>;
'Stephanie DeWolfe'
<sdewolfe@southpasadenaca.gov>
Subject: RE: Unpermitted Construction
1030 & 1032

Mr. Bergman,

While we are glad to see you mentioned the structure will be removed, this is only part of the problem. If building permits are issued and the structure is torn down, whatever the City has approved could be rebuilt. Rebuilding the new structure is our concern since the City did not follow the ordinance and municipal code. Let's start with the investigation that originated on February 3rd or 4th of 2018. Over a year later, we receive a text from Bob Roybal on February 28th, 2019 that states: "Hi Travis, New Report. I just received a call from the new City Code Enforcement Officer Gus. The original complaint from last April regarding my patio addition just arrived at his desk. He knows nothing about it. Fortunately, I have detailed documentation on my responses and compliance to all their requests and requirements. He indicated that he would find out the present status of the matter and inform me. I also notified my architect. He replied that he is current and awaiting direction. I am pulling my hair out at this point and thinking about lighting matches! Thanks, hope we can get this done soon."

As for the COA still being valid, we would like the City Attorney to state why she believes that the COA is grandfathered in, as the new ordinance specifically states that the CHC of the South Pasadena Municipal Code is hereby repealed in its entirety and replaced with the following new CHC. We would like the City Attorney to explain directly so it doesn't get misinterpreted. Perhaps the City Attorney can explain how the Roybals will be able to get building permits without the COA and Design Review Board (DRB) certificate as well. The original COA and Design Review Board(DRB) certificates were needed to

acquire building permits under that approval. The original COA is based on the approved details. The COA then goes on to state an additional COA is required for exterior changes not described in the above description and approved by the CHC. All work (alteration, demolition or exterior changes) requiring a COA shall substantially conform to the stamped approved plans dated the effective date of this approval.

As we've previously mentioned to City staffers, and to you, on our February 11th meeting and in the previous emails, we still haven't been told how the Chair was able to "approve" the updated drawings. The original approval specifically states on the certificates and stamped approved drawings that it needs to be built exactly as CHC and DRB approved. This included the addition of 2 covered parking spots. The City staffer's own timeline states on April 16, 2018 that the owner called in and spoke to a plan checker and stated that the project plans have diverted from the original plans. At that time staffers should of stated these are considered new plans and will need to be resubmitted as a new project. There is a process that needed to take place and the former Director did not follow that process. Even if the Director did approve, which he did not, the Chair would have then needed to decide if this was a Major or Minor review. Clearly this procedure was overlooked. It would have been a good idea to include the other committee member of the CHC since this was unpermitted construction that was under investigation and diverted from the original approvals. Please let us know in as much detail as you can why the Major review was not followed or the rest of the CHC involved.

The next concern is the property line. You might remember that we mentioned the setbacks on the original

plan and the current site plan were incorrect and you would investigate it. What did you find? On February 15th, 2019 Bob Roybal stated in a text: "Also, City may require verification of property lines which would probably be a good idea anyway. I'll let you know." Then the next day on February 16th, 2019 Bob Roybal texted: " Travis, just to let you know that, as per our conversation, our intention is to complete this process and either sell or rent and move on. We have really appreciated you all as neighbors and will leave with having increased the value of all our properties. I thank you for your patience."

Then on February 21st, 2019 Bob Roybal texted:

"Hi Travis, still waiting on the City to process our intentions. Also, I obtained an aerial picture of our property showing property lines and setbacks. Although, these views are only prospective, they do indicate non conformity and encroachment. I will not call for a survey right now because we might sell and then I would have to declare it to any new buyers. I will wait on that. Again, we appreciate your help."

This is making more sense to us now because when the Roybals were getting the original plans approved in 2007, they wanted to purchase a 12 inch strip of our property along the North elevation of our property. We declined the offer. Looking back, they probably didn't have the minimum requirements for the driveway. The Roybals need to confirm their property lines.

There is no consideration of neighbors who were not living here in 2007/2008 when this was originally approved. Specifically, the owners directly behind who can see into the backyard at 1033 Park Ave. and 1029 Park. who are currently under construction and can see the addition from their property as well. Both neighbors were appalled at the process

and construction of the structure. Two doors from them are more new owners. It keeps on going around the block and at least 40% of the homeowners are new to the area since the original approvals. Maybe these neighbors should have had a chance to know what is going on as well.

We are demanding transparency. We do not want a structure to be built next door to us that has not gone through the correct approval process. If they want to build a structure, they need to go through the process and let the neighbors within a 300 foot radius know what is being built. We look forward to hearing from you and the city attorney.

Regards,
Travis and Nichole Dunville

From: David Bergman
<dbergman@southpasadenaca.gov>
Sent: Thursday, April 18, 2019 5:22 PM
To: Nichole
<dunvillefisk@earthlink.net>
Cc: Michael Cacciotti
<mcacciotti@southpasadenaca.gov>;
Stephanie DeWolfe
<sdewolfe@southpasadenaca.gov>
Subject: RE: Unpermitted Construction
1030 & 1032

Dear Mr. and Ms. Dunville:

Thank you for contacting me with your concerns about 1030 and 1032 Brent St. I wanted to provide you with an update on the status of the project. As I mentioned in our correspondence on April 2nd the property owner is in the process of submitting plans for new construction that will remove the unpermitted conditions. The plans for this project have been reviewed by the Planning Department for conformance with the project's conditions of approval and with the City's

development codes. The City's Public Works Department received the plans for their review on April 17th. They are currently in the process of checking the plan for conformance with their conditions of approval. After they have completed their review, which is expected to occur by April 26th, the City's Fire Department will review the plans. Assuming that no major revisions are required, the property owner should be able to receive building permits for the project that will remove the unpermitted construction in the first half of May.

As I mentioned previously, as a matter of policy, the City does not move forward with code enforcement on a property when it is being reviewed for approvals that would remediate unpermitted conditions. However, once the permits have been approved, we will begin code the enforcement process as an incentive for the property owner to begin work within 30 days after the clearance of the project for building permits.

As to your other concerns, please note the following:

- 1) I have reached out to the Deputy City Clerk regarding items missing from your initial Public Records Request. He should be able to work with you to determine if any disclosable public records were not included in your request. He should be able to engage with you to discuss other records that may be relevant to your inquiry. I have asked him to reach out to you on this matter.
- 2) I have contacted our City's Public Works Department regarding the unpermitted tree trimming and removal. This department's staff manages the

City's tree program and they should be able to give you the correct information on the status of the trees at the property. I have asked them to respond directly to you.

- 3) I reviewed your concerns about the Certificate of Appropriateness with the City Attorney. The City's historic preservation ordinance has been amended to include an 18 month expiration date on certificates of appropriateness. This is a change from the previous ordinance that did not have any time limit for these approvals. Because the certificate of appropriateness for this project was issued prior to the revision, it does not expire. If you have questions about the timing of the revisions of this ordinance I'd encourage you to reach out to the City Clerk's office for assistance.

City staff is engaged on this application and aware of the need for the property owner at 1030 and 1032 Brent to remediate any unpermitted construction. I will instruct our staff to inform me when the project has cleared its review for building permits.

Please let me know if you have additional questions or concerns.

Yours,

David Bergman

David Bergman
Interim Director
Planning and Building Dept.
City of South Pasadena
Wk: 626-403-7223
Fax: 626-403-7221

<image001.jpg>

*Help us shape the future of South Pasadena
by getting
involved in the General Plan and Mission
Street Specific
Plan updates. **Click the logo to see how!***

From: Nichole
<dunvillefisk@earthlink.net>
Sent: Wednesday, April 17, 2019 10:58
PM
To: David Bergman
<dbergman@southpasadenaca.gov>
Cc: Michael Cacciotti
<mcacciotti@southpasadenaca.gov>
Subject: RE: Unpermitted Construction
1030 & 1032

Hello David,

Thank you for the update. We still have concerns that have not been addressed. We have made our position very clear; we want this addition torn down. This project has been under construction since 2015 and now we look out at an ugly plywood structure. Since they were cited building illegally, the Roybals have told us they want to rebuild it to their old plans but with many significant changes, including making the addition taller and closer to our property. We don't understand why the city would continue to ignore the municipal code and continue to assist a general contractor to build without a permit or a Certificate of Appropriateness. We requested all public documents on February 11, 2019. While we have received some documents, we have received no emails, letters or documents between June 5, 2009 and August 7, 2018. In your timeline you stated there are correspondences between the Roybals and the City during this time period. The Roybals have the certified letter dated March 13, 2018 from the City to correct the

unpermitted construction. Jose Villegas showed the letter to us on January 31, 2019. When we asked him for copies of the letter and the investigation file, he stated that we would need to make a public file request. We were surprised that this letter was not in the public document file we requested; it makes us wonder what else we were not given.

We still don't understand how this process has gone on for over a year since the Roybals received their non-compliance letter and why the City did not follow the rules set in place for this type of situation. After telling you and your staff that the COA does expire and providing a copy of the ordinance in the last email, you still stated they do not expire. We'd like to point you to the municipal code that states Certificates of Appropriateness do indeed expire. Please review City Code 2.65 (11) Expiration of Certificate of Appropriateness. A certificate of appropriateness shall lapse and become void 18 months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon application by the property owner before the expiration of a certificate of appropriateness, the commission may extend the expiration date of the certificate for an additional period of up to 12 months. The commission may approve, approve with conditions, or deny any request for extension. Not only do the COAs expire, the Roybals COA had conditions to it. Their certificate stated: "This certificate of Appropriateness (C of A) is effective only for exterior changes detailed that was presented to the Cultural Heritage Commission on November 15, 2007. An additional C of A is required for changes not described in the above description and approved by the Cultural Heritage

Commission.” Not only did the C of A expire, so did the Design Review Board (DRB). The letter to the Roybals dated December 12, 2007 states in bold: “Assuming no appeal is filed, the planning approval is valid for one (1) year from the effective date of approval.” Because the effective date was December 20, 2007, this expired over ten (10) years ago. Not only did everything expire, the Roybals requested a refund and they were refunded fees spent on this project in 2009.

Besides the expirations, we also asked about the about how the Chair “approved” this project in our February 11th meeting with you, and again in our email. You stated you would find out what happened. After six weeks, all you state is that “On August 24th, 2018 the CHC Chairman approved the revisions to the approved COA for this project.” We stated that the owners didn’t file for a new COA and the Chair has no authority to approve a major design review. The only item that has a mention of approval from public documents was when architect Jim Fenske tells Jose, “Mark is good with it”. On August 24th Jose emailed Mark Gallatin and Mark only responds the “the site plan looks fine”. Is this how plans are approved?

Early February 2018 the illegal construction was reported to the City. From the beginning of the investigation in early Feb 2018, the first email we received in the public documents we requested was from Aug 7, 2018. This is the same day we inquired about the status of the property. A few hours later Jose emailed Jim, “I was wondering if you had an update on 1030 Brent St? Can you please let me know what is going on with this project? Thanks Jose” Jim replied “I’d like to meet with Marky G. on Thursday to see what changes were

made to the approved design.” On August 9, 2018 Jim writes back to Jose, “I met with Mark today and he says he’s ok with the redesign of the addition.” On August 24, 2018 Jim sent Jose the plans for the project. Minutes later Jose writes to Mark and says, “Jim mentioned he met with you about two weeks ago and that you were ok with this project. However, a site plan should be provided because it was missing.” A few minutes later Mark replies by email, “The site plan looks fine.” There were no more emails until five months later on January 28th, 2019, when we went in the office at about 2pm to ask the status again. On that day we requested to see the approved plans and Jose was unable to find them and he said the architect did not have copies either. Then that evening at 5:39, Jose emailed Jim, “Let’s meet on Wed, January 30 and discuss the project plans for the addition to 1030 Brent Ave. I found the approved set of copies. This is a time sensitive issue.” We find it curious that neither the City nor the architect had the approved plans. It was only after we would visit the planning and building office and ask questions that emails would start up again. And why would staff from planning building reach out to an architect of a current code enforcement case? But none of this actually matters since the COA expired years ago and a minor or major project review cannot happen without a COA. The changes that the Roybals and the architect have made to the plans would cause this to fall under a Major Project Review.

At the end of our meeting on February 11th, we talked about the tree that was cut down to build this unpermitted structure. You mentioned you would look into that. What were your findings? A search with Google Earth Pro shows the tree prior to the structure being constructed. The reason

we bring this up is that on March 13, 2019, the Roybals had the oak tree in their backyard trimmed. Per the City staffers, this tree was cut out of season and without a permit. We believe this continues to show a pattern of the Roybals ignoring City regulations.

Thank you for the offer to review the submitted plans, but we already have copies of the originals from 2007 and the plans that were submitted dated July 26, 2018. That is how we know that there are changes to all of the elevations including the amount of doors, the increase in height and placement of the structure closer to our property. On February 11, 2019 we left the meeting with you feeling confident that you would investigate what actually happened, or didn't happen. So far, this is not the transparency we were expecting. We have CC'd Michael Cacciotti to assist in a resolution before this moves any further.

Nichole and Travis Dunville

From: David Bergman
<dbergman@southpasadenaca.gov>
Sent: Tuesday, April 2, 2019 9:50 AM
To: Nichole
<dunvillefisk@earthlink.net>
Subject: RE: Unpermitted Construction
1030 & 1032

Hello Mr. and Ms. Dunville

I wanted to provide you with an update on the status of the application for development at 1030/ 1032 Brent. The property owner has been working with an architect and our staff to bring the property in to compliance with all applicable planning requirements and building codes. Please note the following:

- 1) The owner has submitted plans for the property that are currently waiting for Fire Dept. and Public Works Dept. review and approvals.
- 2) The property owner has been issued a notice to correct the unpermitted conditions at the property. As a general rule unless there is an immediate life safety issue the City does not move forward on enforcement of conditions where the property owner has applied for permits to correct the cited conditions. No building permits can be issued until the Fire Dept. and the Public Works Dept. have completed their review of the project. Building Dept. plan check and Planning Dept. plan check will proceed, once Fire Dept. and Public Works Dept. conditions are approved.
- 3) No building inspections have been done on this property as no building permits have been issued.
- 4) The Certificate of Appropriateness (COA) was issued at the November 15, 2007 CHC meeting, unlike building permits COA's do not have an expiration date. On August 24, 2018 the CHC Chairman approved the revisions to the approved COA for this project.

We are continuing to work with the property owner to ensure that the conditions on the site are brought in to conformance with the City's municipal code and that all reviews occur as specified in the City's approval process. I'd encourage you to come to the Planning Department to review the development plans that have been submitted. I will follow up with staff to investigate that any issues regarding

incorrectly designated set backs are being addressed under the proposed development application.

Please let me know if you have any further questions and thank you for your patience as we work with the property owner to remediate the issues at the property.

Yours,

David Bergman

From: Nichole
<dunvillefisk@earthlink.net>
Sent: Friday, March 29, 2019 8:33 AM
To: David Bergman
<dbergman@southpasadenaca.gov>
Subject: RE: Unpermitted Construction
1030 & 1032

Hello David,

We received the records we requested on March 4. We've reviewed the records, time line and codes, comparing them with our own notes and timeline. We wanted to wait to give you time to review the records as well. In our conversation on Feb. 11 you stated that you were going to review the code enforcement investigation. Has that been completed? And what are your findings? We still have yet to receive any public records regarding the code enforcement violation. Based on what we received, the South Pasadena Municipal Code (SPMC) has not been followed.

In our review of the records and time line there are several big red flags.

1. There is no current certificate of appropriateness.
2. This project does not fall under minor project review.
3. The setbacks are incorrect.
4. There is no reason to waive the parking requirement.

1. In reviewing the public records there is no current certificate of appropriateness. The owner/builder cannot get a building permit until he has a Certificate of Appropriateness. The first step after being caught building illegally, according to the SPMC, would be to apply for a certificate of appropriateness. The owner would have had to apply for this within 30 days of being notified by the city. It's been over one year, and there is still no public record of a certificate of appropriateness application. This is a very experienced General Contractor who knows exactly what he's doing. He cut down a tree without a permit to begin building, demolished an existing back porch, built an unpermitted addition, claiming it's a patio, and spent three years on construction. After three years of construction, he was notified by the city to stop construction, another year has passed and it's been a total of four years since this project began. After he was told to stop he brought in his old plans from 2007 with an expired certificate of appropriateness from 2008. It is not our job to enforce the city of South Pasadena's municipal codes. We rely on code enforcement and the building and planning office to do this job. When the codes are violated, the city has the obligation to investigate and follow the proper procedures, see below.

2.67 Enforcement and penalties. [Source](#)

(a) **Unpermitted Work without a Certificate.** Demolition, relocation, alteration or removal of any improvement, site or natural feature subject to the provisions of this article without obtaining a certificate of appropriateness is a misdemeanor and is further hereby expressly declared to be a nuisance.

(b) **Obligations and Consequences upon Failure to Obtain a Certificate of Appropriateness.**

Unpermitted work, without the approval of a certificate of appropriateness pursuant to the requirements of this article, shall be addressed as follows:

(1) The director or his/her designee shall give notice to the owner of record by certified or registered mail of the specific demolition or alteration work that was made without first obtaining a certificate of appropriateness. **The owner or person in**

charge of the structure shall apply within 30 days for a certificate of appropriateness.

(2) In reviewing the unpermitted alterations, demolition, relocation, or removal, the commission shall either:

(A) Approve the certificate of appropriateness pursuant to the criteria specified in SPMC [2.65](#); or

(B) Deny the certificate of appropriateness and require that the inappropriate alteration(s) or demolition be abated pursuant to subsection (c) of this section.

(3) If the property owner fails to apply for a certificate of appropriateness or abatement of the public nuisance pursuant to subsection (c) of this section is not possible, the matter shall be referred to the city prosecutor for further action.

(c) Abatement of Nuisance. Any work undertaken for which a certificate of appropriateness is required but was not obtained shall be deemed a nuisance. Such nuisance shall be abated by reconstructing or restoring the property to its original condition prior to the performance of work in violation of this article in the following manner:

(1) Covenant to Reconstruct Within One Year. Within 30 days of the effective date of the commission's denial of a certificate of appropriateness, the owner of the property shall execute and record a covenant in favor of the city to do such reconstruction or restoration within one year of the effective date of the commission's decision to deny a certificate of appropriateness. The form of the covenant shall be subject to approval by the city attorney, and shall run with the land.

(2) Time Extension on Covenant. Upon application to the commission, the time may be extended on a covenant to reconstruct if the owner shows the work cannot reasonably be performed within one year.

(3) City Action. If the owner refuses to execute and record such covenant, then the city may cause such reconstruction or restoration to be done, and the owner shall reimburse the city for all costs incurred in doing the work. The cost of the work performed by the city shall constitute a lien against the property on which the work is performed. Restoration or reconstruction may only be required when plans or other evidence is available to affect the reconstruction or restoration to the satisfaction of the director.

2. This project does not qualify for a minor project review. According to the SPMC, a project that qualifies for a minor review does not change exterior features and is fewer than 200 square feet. This is an entirely new project

that is well over 200 square feet and dramatically changes the exterior of the house and has shifted to the south and is visible from the street. The proposed addition is completely different than the 2007 project on all elevations, including the height and pitch of the roof.

- The north elevation called for a single door, exterior wall chimney in between, and another single door. Now, there is no chimney and one set of French doors. The north elevation is moved south more than three feet.
- The east elevation originally called for a set of French doors with glass panel/lights on each side. Now, the east elevation has two sets of French doors. The height of the roof was 14'11", it has been changed to 16'2".
- The south elevation was a single door with glass panel/lights on each side. The new plans call for a set of French doors. The south wall is moved over more than 3 feet to the south, covering an existing bedroom window.

This addition is a major project review. See SMPC below.

(4) Minor Project Review. A certificate of appropriateness may be obtained by going through a minor project review if it involves: demolition or relocation of non-character-defining features; noncontributing additions, garages, accessory structures or incompatible and previously replaced windows, doors or siding material; any undertaking that does not change exterior features such as re-roofing if the proposed roofing material is comparable in appearance, color and profile to the existing or original roofing material; replacement of windows and doors if the proposed replacements are of the same materials, form, color, and location as the existing or original windows and doors; an addition of less than 200 square feet proposed for the side or rear elevations (not visible from the public right-of-way) and does not materially alter the features or have an adverse effect on the historic integrity of a cultural resource; minor changes to a previously approved certificate; or any other undertaking determined by the director or his/her designee to not materially alter the

features or have an adverse effect on the integrity of a cultural resource.

(A) Requirements. The required application materials for minor project review shall include, without limitation: a written narrative of the proposed project, a vicinity map, a site plan, exterior elevations drawn to scale, a window and door schedule, and photographs of the structure and the neighborhood.

(B) Review Process. After the certificate of appropriateness application for minor project review is deemed complete by the director or his/her designee, the commission's chairperson (the "chair"), or his/her designee, shall evaluate the application to determine its eligibility for minor project review. If the proposed project meets the eligibility criteria for minor project review, the commission's chairperson, or his/her designee, may elect to do one of the following:

(i) Approve the Certificate of Appropriateness. If the proposed minor project is deemed consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the city of South Pasadena's adopted design guidelines, the commission's chairperson or his/her designee may approve the proposed project;

(ii) Consent Calendar. If the chair, or his/her designee, determines that the proposed minor project needs additional review by the commission, he or she may elect to place it on the commission's next meeting agenda. Such project shall be noticed pursuant to subsection (e)(7) of this section, Public Notice Requirements, as a consent calendar item on that agenda; or

(iii) Deny the Certificate of Appropriateness. If the proposed minor project is deemed to be inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the city's adopted design guidelines, the chair or his/her designee may elect to refer the proposed project to the entire commission through the certificate of appropriateness (major project review) procedure pursuant to

subsection (e)(5) of this section.

Major Project Review. The certificate of appropriateness application must be accompanied by any fee as required by the city of South Pasadena and documentation as the commission shall require, including without limitation:

- (A) Written Narrative. A written narrative of the project indicating the manner and the extent in which the proposed project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the city of South Pasadena's adopted design guidelines.
- (B) Landscaping Plan. A plan that accurately and clearly displays the following: existing trees on the project site that are subject to this city's adopted tree ordinance as set forth in Chapter 34 SPMC; species of all trees and their appropriate trunk diameter, height, and condition; proposed final disposition of all existing trees; the extent and location of all proposed vegetation; species and planting sizes of all proposed landscaping along with the provisions for irrigation and ongoing maintenance; an irrigation plan; and indication of all hardscape along with the exterior of all structures and amenities, including colors and materials keyed to a materials and colors board as appropriate.
- (C) Site of Plot Plan. A site or plot plan drawn at an appropriate scale that reflects the proposed project including: areas of alteration and/or demolition, property lines, and all recorded or proposed easements and public rights-of-way. The site plan shall also indicate the footprint of buildings on adjacent properties.
- (D) Floor Plan. Building floor plans and building sections at a scale of at least one-eighth inch equals one foot.
- (E) Elevations. Exterior elevations specifying all exterior materials with critical dimensions and existing character-defining features clearly indicated.
- (F) Exterior Finishes. Materials, colors, and finishes clearly indicated on elevation drawings and keyed to a materials and colors board including light reflectance values, a clear indication of the appearance, location, and light effects of all exterior lighting fixtures, and a two-point perspective rendering showing proposed structures with profile

drawings of the adjoining structures from an eye-level elevation.

(G) Window and Door Schedule. All doors and windows labeled with symbols that correspond to the labeling on the floor plans and elevations. The door and window schedule is a table containing the following information: existing and new window and door sizes, window and door manufacturer information, exterior finish, fabrication material, operational type, glazing information, divided lite details, and window muntins details when applicable.

(H) Photographs. Photographs of the site and its surroundings to document the existing conditions and provide a complete understanding of the property and its neighborhood context. This includes photographs of the site and adjacent properties for a distance of 300 feet from each end of the principal street frontage, as well as properties opposite the subject and adjacent properties. The photos shall be mounted color prints, supplied from continuous views along the principal streets, along with a key map provided indicating the relationship of all views to the parcels, streets, and related features.

(I) Other Documentation. Documentation as may be required to understand the history of previous construction on the property including but not limited to: a series of site plans illustrating the chronological order of construction of permitted and nonpermitted work, the construction or removal of character-defining features, or building permits.

(J) Scale Model. Although not a mandatory requirement, a three-dimensional scale model, a perspective view, or other similar types of graphic information may be recommended for a complete understanding of a proposed project.

3. The setbacks on the drawings are incorrect. It is our understanding that no one on the staff has been to the jobsite to verify any information. The setbacks on the plans on the south state "varies". The owner believes that he is encroaching on our property and told us that the city will require property line verification. On Feb. 21, 2019 the owner wrote to us and said

“Hi Travis, still waiting on city to process our intentions. Also, I obtained aerial picture of our property showing property lines and setbacks. Although, these views are only prospective, they do indicate nonconformity and encroachment. I will not call for a survey right now because we might sell and then I would have to declare it to any new buyers.”

4. The approval of this project in 2008 required the addition of covered parking. There have been conversations about converting the duplex into an ADU to skirt the parking requirements. The parking requirements for this project should not be waived. We are one block away from Fair Oaks and our street parking has been impacted by Mosaic and Blaze. The Blaze parking lot is almost always full and spills onto Oxley and Brent. With the addition of Burger Time, next door to Blaze, parking will even be more impacted. If Wells Fargo or Rite Aid were to sell or develop their parking lots, parking on Brent would be even worse. With rising cost of housing most of the apartments in our neighborhood are inhabited by couples or families as opposed to several years ago when many of the apartments were occupied by single people. The additional residents in apartments that do not have off street parking impact our street parking even more. Waiving a parking requirement for a property on a busy street is short sighted.

Every day when we look out the windows on the north side of our house, over the past four years, we are faced with a huge structure that has been illegally added and is out of proportion with the house (see attached picture). The noisy construction has been a nuisance and the addition is an eyesore. The uncertainty and duration of the project and the tension it has created between

the neighbors and us is causing us physical and emotional stress. We feel uncomfortable being in our backyard and along the north side of our house. The time we have spent researching municipal codes, going into the planning and building office and documenting the situation is taking time up too much time. We have been lied to by the neighbor who told us he was building a patio, now that he has been caught -over a year ago- and is being forced to comply with the building codes, he is trying to tweak his design on the same footprint which would allow him to build a bigger structure, that is higher and wider, and more than 3 feet closer to our property than what he originally had planned back in 2008. We are asking the city to do its job and protect the integrity of its historic resources and neighborhoods. We request that this structure to be removed, with the possibility of additional penalty.

d) Additional Penalty. With respect to a violation of this article on a landmark or an improvement within a historic district, or a on a building or structure listed on the inventory of cultural resources, no building or construction-related permits shall be issued for a period of five years following the date of demolition or complete reconstruction pursuant to subsection (c) of this section, whichever occurs last, for property on which demolition has been done in violation of this article. No permits or use of the property as a parking area shall be allowed during the five years if plans or other evidence for reconstruction or restoration of a demolished structure do not exist, or if the reconstruction or restoration is not completed for any reason. Permits which are necessary for public safety or welfare in the opinion of the director may be issued.

We look forward to hearing from you soon.

Regards,

Nichole and Travis Dunville

From: David Bergman
<dbergman@southpasadenaca.gov>
Sent: Tuesday, February 19, 2019 10:59 AM
To: dunvillefisk@earthlink.net
Subject: RE: Unpermitted Construction
1030 & 1032

Mr. and Ms. Dunville

Please see the attached
chronology The property owner has
been contacted about existing
unpermitted construction

On November 15, 2007; the CHC approved the “293 sq. ft. addition on the first floor and a new 555 sq. ft. second story, for a total of 848 sq. ft. This addition will be located in the rear of an existing single story 1,332 sq. ft. Craftsman house on a 7,436 sq. ft. lot. The addition on the first story will consist of adding a new family room. The addition on the second story will add a master bedroom, two walk-in closets, a master bathroom, and a sitting area. All proposed materials will match existing materials.”

On December 4, 2007; the DRB approved the “293 sq. ft. addition on the first floor and a new 555 sq. ft. second story, for a total of 848 sq. ft. This addition will be located in the rear of an existing single story 1,332 sq. ft., Craftsman house on a 7,436 sq. ft. lot. The addition on the first story will consist of adding a new family room. The addition on the second story will add a master bedroom, two walk-in closets, a master bathroom, and a sitting area. All proposed materials will match existing materials.

On March 13, 2018; the Building Inspector did an investigation inspection in regards to the

unpermitted construction taking place at 1030-1032 Brent Avenue. Staff received an anonymous call from a concerned resident reporting the unpermitted construction. A correction noticed was left with the property owner, informing him of the violation and to contact the Planning and Building Dept.

On April 9, 2018; the Community Improvement Coordinator, Marlon Ramirez sent the property owner a letter with options on how to resolved the unpermitted construction.

On April 16, 2018 Property owner contacted the City stating his intention to comply with notice of correction. He had a conversation with the plan checker, project plans have diverted from the original approved plans. The project did not comply with the required parking four cover parking spaces and one guest parking.

On April 16, 2018 Community Improvement Coordinator received a second call for the same violation.

On April 27, 2018; property owner met with the CHC Chairman Mr. Gallatin regarding his proposal for the 293 sq. ft. single story addition. The CHC approved project was revised to only include the single story addition only. Property owner stated that he was doing the designs drawings himself.

May 3, 2018; property owner met with the CHC Chairman again, and provided a revised set of plans that included the required covered parking. Four covered parking spaces and one guest parking.

On May 9, 2018; Property owner wrote a letter replying to Mr. Ramirez (received on May 14, 2018) confirming all unpermitted construction has stopped, and plans for an ADU have been submitted. Property owner wanted to confirm the deadline has

been extended as he has been working to resolve this situation.

On May 18, 2018; Property owner wrote another letter to Mr. Ramirez (received on May 21, 2018). After speaking with the Plan Checker, additional information will be required to convert the existing second unit to an ADU.

On August 24, 2018; the CHC Chairman approved the proposed change to the 2007 CHC project. A 293 sq. ft. single story addition with exterior materials to match the existing was approved.

On January 11, 2019; Mr. Jim Fenske submitted the plans for the 1030-1032 Brent Avenue ADU conversion.

On January 31, 2019; Jim Fenske met with the CHC Chairman. The Chairman confirmed he was reviewing the same project he approved in August 2018.

From: dunvillefisk@earthlink.net
<dunvillefisk@earthlink.net>
Sent: Tuesday, February 19, 2019 9:58 AM
To: David Bergman
<dbergman@southpasadenaca.gov>
Subject: RE: Unpermitted Construction 1030 & 1032

Hello David,

We appreciate the time you took to meet with us last week, on Feb. 11 regarding the illegal construction taking place at 1030 and 1032 Brent. Directly after our meeting, as you suggested, we requested copies of the public records pertaining to 1030 and 1032 Brent. We would like to know what steps the Planning and Building Department have taken and are taking in the investigation of illegal construction at 1030 and 1032 Brent between February 2018 – February 2019. We would also like to request a copy of the chronology and

review your staff prepared that you referred to in the previous email. Over the weekend the owner notified us in writing that it's "looking like a major room addition will take place" and "our intention is to complete this process and either sell or rent and move on." We request that this project not move forward until a thorough investigation has taken place.

We thank you for your attention to this matter.

Regards,
Nichole and Travis Dunville

From: David Bergman
<dbergman@southpasadenaca.gov>
Sent: Tuesday, February 5, 2019 10:27 AM
To: Michael Cacciotti - Personal
<macacciotti@yahoo.com>;
dunvillefisk@earthlink.net
Cc: Stephanie DeWolfe
<sdewolfe@southpasadenaca.gov>;
Teresa Highsmith
<thighsmith@chwlaw.us>; Lucy
Demirjian
<ldemirjian@southpasadenaca.gov>
Subject: Re: Unpermitted Construction

Hello Council Member Cacciotti:

Thank you for bringing this matter to my attention. Other than the request for an appointment next Monday this is the first I have heard about this matter. Although I'm not in the office today I have requested that my staff prepare a chronology and review of what has happened. I will brief you and Stephanie as soon as I am able to.

Best

David Bergman

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On Tue, Feb 5, 2019 at 10:13 AM -0800,

"Michael Cacciotti"

<macacciotti@yahoo.com> wrote:

Hi Nichole and Travis,

Wow, sorry for the inconvenience, frustration and uncertainty this project has caused you.

Since this issue/home construction project seems to be somewhat complicated by its history and city code's involved, my best recommendation is to provide our staff with the background information you have provided so Mr. Bergman is informed when he meets with you next Monday 2/11/19.

Consequently, I am including Mr. Bergman, the city manager and City attorney on this email so that they are aware of this issue and can work with Mr. Bergman and our Planning and Building Department to properly assess all the facts and determine how we can best assist you with your request.

I am also asking staff to keep me informed of how we are working to resolve this issue.

Thanks

Michael

Sent from my iPhone

On Feb 1, 2019, at 1:11 PM,

<dunvillefisk@earthlink.net>

<dunvillefisk@earthlink.net> wrote:

Hi Michael,

Hope all is well with you. We're enjoying the open space on Park Ave. and are looking forward to working on tree and shrub planting with my friend from Edison very soon.

We have a separate issue that we thought you might be able to advise us on since we noticed that you are the city council liaison for the Cultural Heritage Commission. Our neighbor went through the process to build an addition to their house in 2007. The additional square footage was contingent on them adding covered parking spaces in their backyard. They decided to not go through with the addition and got a refund for the plan check in 2009.

In 2015, the neighbor, who is also general contractor, started building the addition himself, working on it part-time. After three years of intermittent construction, something very different than the original plans has emerged. An inspector issued a stop work order in Feb 2018 since the work was unpermitted. We've followed up with Building and Planning and talked to the owners but have not been able to get a straight answer about the future of the unfinished addition. First,

Building and Planning said that it had to be torn down, then we were told that the city said the neighbor's duplex had to be turned into an ADU to avoid the city's additional parking requirements, then we were told that the illegal addition was approved by the Chairman since they had already gone through CHC and DRB in 2007. On Tuesday 1/29/19 we went into Building and Planning and were told it had not been approved. We went back Thursday 1/31/19 and were shown a new set of drawings that had been approved and signed shortly before we arrived. Building and Planning insisted that the plans had actually been approved in August of 2018 but the Building and Planning office lost the signed and stamped plans and the architect had lost his signed and stamped set as well. Our next step is to talk to the new Interim Director of Planning and Building, David Bergman. We are meeting with him Monday February 11th, his first available appointment time.

The frustrating part of this process has been living next to

unfinished construction since 2015, not knowing when it will be finished and what it will ultimately look like. It's been a nuisance. Right now there is a large 20' by 20' flat roofed structure with plywood siding and no windows or doors in the openings. The neighbor/builder even recently called it a monstrosity that he said he built on a whim. As much as we value the friendly relationship we have with our neighbors, our patience with this project is wearing thin. We have made many trips into Building and Planning to ask about the status, and the latest seems to be that the neighbor will be able to keep the structure, with modifications to the elevation plans that allow it to be wider, closer to our property, cover existing windows and 15% higher. We're surprised at the Building and Planning office's eagerness to approve this addition.

We're asking for honesty, transparency and oversight. The city has taken great care and time in developing codes and ordinances to keep people safe and maintain the

historical integrity of
South Pasadena
homes. We would like
the addition either
removed or rebuilt
adhering to the size
and details of the
original plans of the
first story addition.

We appreciate all you
do for the city and
want to thank you in
advance for your
advice.

Sincerely,

Nichole & Travis
Dunville

<mime-attachment>