



Planning Commission **STAFF REPORT**

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*Vincent Gonzalez, Planning &
Community Preservation
Department*

DATE: February 16, 2017

TO: Planning Commission

FROM: Vincent Gonzalez, Director of Planning & Community Preservation

SUBJECT: Discretionary Demolition Permit 16-01 (DDP 16-01): A request to allow the reconstruction of the roof and exterior walls of the residence located at 126 E. Mira Monte Avenue.
(Continued from January 19, 2017)

BACKGROUND

The applicant, William Kefalas, submitted an application for Discretionary Demolition Permit 16-01 to allow the reconstruction of the roof and exterior walls of a single-family residence located on the property at 126 E. Mira Monte Avenue.

The Planning Commission considered the request at its November 3rd, December 1st, 2016 meetings and January 19, 2017 meeting. At the January 19th meeting, the Commission voted to continue the meeting to the February 16, 2017 meeting to allow the applicant additional time to submit an application for a certificate of appropriateness for the project.

The applicant's attorney, Mr. Scott Carlson, has submitted a written request (attached herein) to continue the item to the Planning Commission meeting on March 16, 2017 to allow additional time for the applicant to submit the certificate of appropriateness application.

RECOMMENDATION

Staff recommends that the Planning Commission continue the item to the March 16, 2017 Planning Commission meeting.

Attachment:

Letter from Applicant's Attorney Scott Carlson requesting continuance of the item, dated 2/2/17.

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February 2, 2017

Via Email

Teresa Highsmith, Esq.
Colantuono, Highsmith & Whatley, PC
790 E. Colorado Blvd., Ste. 850
Pasadena, CA 91101

Re: 126 E Mira Monte Avenue, Sierra Madre - Discretionary Demolition Permit No. 16-01 (DDP 16-01) & Conditional Use Permit No. 15-23 (CUP 15-23)

Dear Ms. Highsmith:

As you know, we represent Mr. and Mrs. Kefalas in the above-referenced matter. Thank you for speaking with me recently concerning a possible path to resolution of it. As I explained when we spoke, my clients are interested in resolving this matter on acceptable terms that take into account the CUP they were granted by the City on December 15, 2015.

As set forth in more detail below, my clients have done nothing wrong, or beyond the scope of their CUP. Nonetheless, they were subjected to a myriad of vitriolic attacks by members of the Planning Commission at the last hearing. Based upon those statements, it appears that the Planning Commission intends to simply ignore the existing entitlements and force my clients into a costly and unjustified rebuilding of the antiquated structure. As a result, my clients are reluctant to proceed with the requested Certificate of Appropriateness for a discretionary demolition permit.

As mentioned above, my clients obtained their CUP on December 15, 2015. When the CUP was granted, there was no discretionary demolition permit required under the City of Sierra Madre's Zoning Code. In fact, that ordinance was enacted in March 2016, approximately one month before my clients submitted their plans for plan check. Hence, at a minimum, there is a threshold question of whether demolition permit ordinance can be applied to this project at all. Nevertheless, in an abundance of caution, my clients proceeded under an exemption from the Discretionary Demolition Ordinance requirements because less than 25% of the exterior walls were being replaced.

During plan check, one of the planners requested that a change be made in the roof framing, which called for new 2 x 10 rafters to be sistered onto the existing 2 x 3 rafters in the

vaulted ceilings which occur in several areas of the house, which are substandard. The plan was created to maintain the existing roof lines. The plan checker observed that the sistering would lower the headroom in the rooms under the ceilings because of the insulation that needed to be installed. He suggested that a better way would be to reframe the roof with new 2 x 10 rafters, which would raise the roof line minimally by a few inches, but which would be better construction. Mr. Kefalas advised that he had no objection to this change.

Mr. Kefalas was then advised that zoning would need to sign off on the change. He had a discussion with Mr. Gonzalez and others concerning this change, and it was approved and signed off on the plans. I understand that there is a dispute about whether Mr. Gonzalez was approving reframing the entire roof, or only a small portion of one of the vaulted ceilings. However, the position that it was only a small portion makes no sense because there are several vaulted ceilings where the same conditions existed.

Mr. Kefalas believed, and his contemporaneous notes reflect, that based on the City approval of the change, he would be reframing the entire roof with new rafters, which would minimally increase the roof height, but that otherwise would allow him to rebuild the roof to match the existing roof lines as originally proposed, approved, and intended. This appeared to be a minor change to Mr. Kefalas, and it was only because of this belief that the existing roof was removed.

We understand, however, that the City now contends that he wrongly removed the roof without a discretionary demolition permit. If he had believed otherwise, he would have never agreed to the plan change at all; rather, he would have proceeded with the sistering of the new joists. He only made the change to accommodate the City's desire to remove the sistering of the new rafters. Ironically, the Planning Commission now wants the roof rebuilt at its original height, which will create the decreased headroom condition that removing the roof was intended to avoid!

An additional item that surfaced during the removal of the siding of the house is that the house will need to be completely reframed because of the structure's dilapidated condition. In that regard, Mr. Kefalas intends to build his project in accordance with the CUP. Rather than submit to the arbitrariness of the Planning Commission, therefore, he is willing to agree to the following modifications.

Mr. Kefalas is willing to enter into an agreement with the City to build the house in accordance with the approved CUP along the following lines:

1. The house will be completely reframed, as previously recommended by the building official. The stone foundation and fireplace will remain.
2. There will be no changes to the approved CUP elevations/square footage and the permitted plan. The new roof will match to old lines, except that it will be built with new 2x 10 joists which will increase the roof height by the increased width of the new rafters.

Teresa Highsmith, Esq.
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3. Completion of the exterior walls with Hardie siding, and with Clad windows, both of which provide a safety and maintenance component that is not present with wood siding or solid wood windows. Mr. Kefalas will consider providing wood windows and wood siding if the property receives a Mills Act designation as those items will create a maintenance issue over time (although why the City would want all wood siding and windows in an extreme fire danger area is beyond me).

This City can enter into a direct settlement of this dispute and avoid litigation over these issues without requiring that the project go back before the Planning Commission. Please, therefore, let us know the City's response at your earliest convenience.

Last, in order to try to navigate to a solution of this matter, we request that the upcoming hearing on February 19, 2017 be continued to the end of March 2017.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott W. Carlson", with a long horizontal flourish extending to the right.

Scott W. Carlson,
of Carlson and Nicholas LLP