





City of Sierra Madre Agenda Report

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Melinda Carrillo, Secretary
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TO: Honorable Mayor and Members of the City Council

FROM: Vincent Gonzalez, Director of Planning & Community Preservation 

REVIEWED BY: Gabriel Engeland, City Manager 

DATE: July 11, 2017

SUBJECT: **APPEAL OF PLANNING COMMISSION DECISION DENYING A REQUEST FOR A DISCRETIONARY DEMOLITION PERMIT TO ALLOW THE RECONSTRUCTION OF THE ROOF, EXTERIOR WALLS, AND TO COMMENCE A ROOM ADDITION PREVIOUSLY APPROVED THROUGH CONDITIONAL USE PERMIT 15-23 OF THE PROPERTY LOCATED AT 126 EAST MIRA MONTE AVENUE.**

SUMMARY

The City Council will conduct a de novo hearing to consider an appeal of the Planning Commission decision denying a request for Discretionary Demolition Permit 16-01 (DDP 16-01) to permit the reconstruction of the roof, and exterior walls of the property located at 126 E. Mira Monte Avenue.

The Applicants, William and Anastasia Kefalas, applied for a Discretionary Demolition Permit on October 21, 2016 as a result of a stop work order issued by the City for the removal of the roof supporting structure and east-facing gable of the structure.

The Commission considered the application and conducted three public hearings on November 3, 2016, December 1, 2016, and June 1, 2017, reviewing the staff reports and supporting documentation.

The previous materials reviewed by the Commission are attached to this report. The letter prepared by Carlson & Nichols, LLP and a historic assessment of the current conditions of the property prepared by Robert Carpenter, Architect are included in the June 1, 2017 staff report identified as Exhibit E – Attachment B, therein. Mr. Carpenter's letter attests that due to loss of original material, the house is not eligible for designation and construction of a new house with new materials that appears like that of the original does

not result in an eligible structure for historic designation under either the California Building Code or the California Environmental Quality Act. The report further states that no person significant to the historical Development of Sierra Madre lived on the property.

The Historic Evaluation Report prepared by Charles J. Fisher, Architectural Historian is included in the June 1, 2017 staff report identified as Exhibit E – Attachment G, therein. Mr. Fisher's report concludes that the Henry A. Darling Residence, prior to its deconstruction, was a rare example of an architectural type specimen, pre-Craftsman Arts and Crafts residence, although no known architect is identified in its original design. The report further states that although the house is in a deconstructed state, if the house were reconstructed using new materials which are like in kind to the original materials, the house can again display enough quality of design to be considered for an individual listing. Regarding historical significance, the report indicates that there do not appear to be any persons of historical note that have lived in the house rendering it ineligible for an individual listing based on historic grounds.

Both the Carpenter report and the Fisher report agree that no persons of historical note ever lived in the house; that the house in its current deconstructed state is not eligible for historic designation, and neither report identifies any notable architect or builder having designed or built the original structure. The sole point on which the two consultants disagree is whether reconstruction of the house using new but like in kind materials (such as cedar siding for the exterior cladding, treated wood shake for the roof and custom built wood clad windows to mimic the original windows) would result in a structure that would be eligible for historic designation, under Secretary of Interior standards.

Planning Commission Denial

At the June 1, 2017 meeting, the Commission denied DDP 16-01, on the sole basis that the Commission was unable to make finding Number No. 1 (referenced below) due to conflicting historic resource evaluation reports on the issue of whether the house could actual be made eligible for historic designation if reconstructed with new like in kind materials and/or the lack of additional CEQA (California Environmental Quality Act) evaluation regarding historic resource evaluation to refute the previous finding of CEQA exemption.

DDP Finding No. 1 a) Has no local, state or national historic significance as determined by the historic resources survey pursuant to Code Section 17.60.056.D.1; or b) Is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district

Given the unwillingness on the part of the applicant to provide additional information, such as a peer review of the historic evaluation reports, the Commission did not believe it could

give one consultant's report more "weight" than the other regarding the eligibility for historic designation of a reconstructed house with new but like in kind materials; on this sole basis, the Planning Commission could not make the Finding No. 1 and, therefore, denied the application.

Appeal Request

The Applicants, William and Anastasia Kefalas, submitted a written request for appeal of the Planning Commission's decision denying DDP 16-01. The appeal to City Council was submitted on June 5, 2017 stating that the Commission was in error in failing to make DDP finding No. 1, failing to approve the Categorical Exemption, and stating bias among members of the Planning Commission.

The Applicants request the City Council's consideration to approve the reconstruction of the roof and exterior walls of the structure as indicated in the conditions of approval in the June 1, 2017 staff report.

RECOMMENDATION

At the June 1, 2017 meeting, the Planning Commission denied Discretionary Demolition Permit 16-01, stating that the Commission was unable to make finding Number 1 based on conflicting historic evaluation reports and suggested that a peer review of the reports be performed, and/or that an initial study be prepared to address historic evaluation and determine resulting environment impacts from requested demolition. Essentially, the Planning Commission wanted additional reports to help them weigh the conflicting expert opinions regarding whether a deconstructed house can be eligible for historic designation if reconstructed as a look-alike original, using new like-kind materials.

Staff recommends that the City Council approve DDP 16-01 pursuant to City Council Resolution 17-34, subject to the findings in the staff report including the recommendations in the Construction Observation Report, as there is substantial evidence in the record to support the finding that the house in its deconstructed condition is not eligible for historic designation and that building a new "copy" of the original using new, but like in kind materials, does not satisfy Secretary of Interior Standards for historic designation.

ALTERNATIVES

Discretionary Demolition Permit 16-01

1. Grant the appeal and approve Discretionary Demolition Permit 16-01 pursuant to City Council Resolution 17-35.
2. Deny the appeal and uphold the decision of the Planning Commission to deny Discretionary Demolition Permit 16-01, and direct staff to prepare a City Council

resolution to this effect.

3. Continue the public hearing and request the applicant to consult with an architectural historian certified by the Secretary of the Interior's Standards identified in the City list of qualified architectural historians to perform a peer review of the prior reports at a cost to be borne by the applicant.

FINANCIAL REVIEW / SOURCE OF FUNDING

Per the City's fee schedule, an appeal fee has been paid by the applicants to cover the administrative costs to process this appeal request to the City Council. There is no other financial impact related to this appeal request. Should the project be approved, it would be subject to the plan check and permit fees that are customarily charged for new construction.

ANALYSIS

Background / Project Chronology

Conditional Use Permit 15-23 (Exhibit E – Attachment D, therein)

The Applicants, William and Anastasia Kefalas, received approval from the Planning Commission on December 17, 2015 for Conditional Use Permit 15-23 (CUP 15-23), allowing the addition of 1,886 square-feet to the existing 2,833-square-foot residence for a total of 4,719 square-feet of floor area. The house on the property was built in 1910, but is not listed on any local, state or federal register nor is it listed as a contributor to any local state or federal historic district. At the time the application was considered there was no evidence in the record to suggest that the house, which was in poor condition, could be eligible for any historic register, as it had not been designed, constructed or lived in by anyone of historical significance.

Staff processed Conditional Use Permit 15-23 which permitted the reconstruction of the house in a manner that it will resemble the original structure as viewed from the street. The scope of work included:

- Replacement of the wood siding with Hardie Board exterior clapboard siding;
- Replacement of original windows, casings and frames, with energy efficient aluminum clad windows;
- Repair of the front porch and supporting columns, balcony, roof eaves, where feasible or replace with new material;
- Install new foundation within the perimeter of the existing arroyo stone foundation;
- Reconfiguration of interior walls, and
- Rear addition of 1,866 square feet.

The application for CUP 15-23 included demolition of the south-facing wall to accommodate a new addition to the rear of the existing structure. Demolition of any portion of a residential structure more than 75 years old requires a Discretionary Demolition Permit, the application for which requires a written historic assessment or survey by a qualified historic preservation consultant which concludes that the property proposed for demolition is not eligible for local listing or designation, nor a contributor to an existing or potential historic district. At the time of the application for CUP 15-23, the Discretionary Demolition Ordinance provided an "exception" Pursuant to Section 17.60.056 F.1, which provided that:

A discretionary demolition permit was not required if twenty-five percent or less of the linear footage of the exterior walls of the structure were proposed for removal to accommodate an addition or remodel which would not impact the front facade.

The applicant proceeded under this "exception." As a result, no historic assessment was performed regarding the application to reconstruct or rehabilitate the single family home, and a finding was made that, on this record, a Categorical Exemption under CEQA Guidelines Section 15061(b)(3) was applicable, e.g., that based on the record before the Planning Commission, that "the project," which was to reconstruct the house as a new "look alike" version of the original, with an addition at the back, would not have a significant effect on the environment. Additionally, the CUP permitted the removal of all exterior siding and original windows and replacement with modern (not like-kind) materials and did not require preservation of any removed original materials for reuse later, either for this project or as salvage for another project.

The project was reviewed over two public hearings (November 5, 2015 and December 17, 2015) before the Planning Commission. At the November 5, 2015 meeting the Commission considered whether to require the Applicant to prepare a historic assessment of the house but rejected doing so. At the December 17, 2015 meeting, the Commission again considered whether the house should be treated as "historic" and how such a designation would change the process (noting a certificate of appropriateness would be required to change the exterior) and materials (noting windows would be repaired, not replaced with new, and the original structure and the addition would need to be differentiated with use of different materials). The Planning Commission, finding that the original house was in poor condition and not treating it as a potentially historic structure, approved the CUP through Resolution 15-23, supporting the reconstruction of the house as a look-alike version of the original with modern, updated materials and a seamless addition at the back, as represented in the CUP application.

Public testimony received at the public hearing also supported the reconstruction of the residence as a "look-alike" Craftsman-style structure.

Building Permit and Stop Work Order

During the deconstruction process the applicant removed all the exterior siding on the property, which given the interior demolition, reduced the structure to only the exterior and interior framing sitting on the arroyo stone foundation. It is important to note that this effort was permitted under the CUP, which granted the applicant the right to reconstruct a "look alike" structure, using modern materials (including Hardie Board siding and energy-efficient aluminum clad windows). As for the roof, however, the applicant removed not only the north facing attic dormer (which he was permitted to do to repair and replace as a "minor alteration" of his plans), but the entire roof structure and the east-facing gable. Due to the removal of the entire roof structure and east facing gable, staff determined that the alteration exceeded the scope of the minor alteration previously approved as a minor alteration and a stop work order was issued for removal of the roof.

Due to the applicant's demolition of the entire roof structure and the fact that the original house exceeded 75 years in age, staff determined that the applicant required a Discretionary Demolition Permit:

Pursuant to Chapter 17.60.056 B, demolition is defined as the destruction and removal, in part or in whole, of the foundation, exterior walls, or roof structure.

Staff required the applicant to submit an application for a Discretionary Demolition Permit for consideration by the Planning Commission prior to proceeding with the project.

Discretionary Demolition Permit (Exhibit E – Attachment G, therein)

On November 3, 2016, the applicants submitted Discretionary Demolition Permit 16-01 (DDP 16-01) requesting the reconstruction of the roof and exterior framing of the entire structure. The Commission continued the public hearing to December 1, 2016, directing staff to provide a building observation report of the as-built conditions of the remaining structure, and requested that the applicant obtain a historical resource evaluation of the property prepared by a qualified architectural historian. An application for a Discretionary Demolition Permit (DDP) requires a written historic assessment or survey by a qualified historic preservation consultant, which is additional information for the record that did not exist when the project was limited to the CUP application without the DDP application (due to the applicant's use of the "exception").

At the December 1, 2016 meeting, the Commission reviewed the Construction Observation Report prepared by the City Building Official. The purpose of the report was to determine the structural integrity of the roof, foundation, and exterior framing of the primary structure and detached garage. The investigation revealed extensive damage to the sill plates that rest on the stone foundation and inadequate structural framing of the

existing exterior walls, in particular the first floor east building elevation and the entire second story exterior walls, gables and roof.

The Commission also reviewed the findings provided in the Historical Resources Evaluation report, prepared by Charles Fisher, Architectural Historian, who identified the structure, prior to its deconstruction or demolition, as an early example of a pre-Craftsman Arts and Crafts residence. The report opined that the property, *prior to demolition*, was eligible for designation as a local historic landmark, and provided mitigation measures to reconstruct what was left of the structure with like-kind materials, asserting that the resulting rebuilt structure would be eligible for historic landmark designation. The Fisher report did not acknowledge the reality that the applicant had previously been granted the right under the approved CUP to remove all original wood siding and replace it with Hardie-board, remove all original windows and replace them with modern, aluminum-clad windows, with no condition to stockpile or salvage original materials. Based on Fisher's report, the Commission suggested the property owner submit an application for a certificate of appropriateness (essentially treating the structure as a defacto designated historic resource) for the Commission's consideration, as the best process forward, and requesting a revised plan for rebuilding the structure with like-kind materials, including replacing the Hardie-board with actual wood siding, replacing the windows with wood cladding, instead of aluminum-cladding, addressing the addition in a manner that would comport with Secretary of the Interior's Standards to differentiate "original" portions of the building from the "modern" portions, and addressing the height and cladding of the roof.

A certificate of appropriateness is an authorization awarded by the Planning Commission allowing alteration, demolition, or new construction to a historic site or structure to ensure that potential changes to the structure are consistent with the property's character and/or setting.

The Commission continued the public hearing from December 1, 2016 to January 19, 2017. At the request of the applicant, the January 19, 2017 meeting was continued to February 16, 2017, March 16, 2017, and again to April 20, 2017 to allow additional time for the applicant to prepare the certificate of appropriateness application. The Planning Commission continued the April 20, 2017 meeting to May 4, 2017 due to lack of quorum. At the May 4th meeting, the applicant requested a 30-day continuance to prepare needed documentation. The Planning Commission continued the meeting to June 1, 2017 stating that the Discretionary Demolition Permit application along with any other documentation submitted by the applicant will be heard by the Commission on that date.

On May 22, 2017, the applicant submitted an historic analysis prepared by Robert Carpenter, Architect, disputing the property's eligibility as a historic resource under the California Environmental Quality Act or under the Secretary of Interior Standards.

Historical Resource Evaluation Report – Prepared by Charles J. Fisher
(Exhibit E – Attachment G, therein)

The purpose of a discretionary demolition permit is to insure that potential historic resources are properly evaluated before they are altered or removed. In order to determine if a property meets the requirements as a historical resource in accordance with Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines, a historical resource evaluation report is prepared by a qualified historic preservation consultant. The conclusions of the report will generally determine if the property qualifies as a historical or architectural resource at the Federal, State or local levels.

The criteria used in evaluating a potential historic property include an analysis of architectural and historical significance, as well as specific evaluations as to whether the subject property meets the various requirements for it to be considered historic. These requirements may include the age and rarity of the design, significance of an architect, builder or owner/resident of the property along with how the structure relates to its historic context, how much of its own architectural integrity has survived as well as whether non-historic alterations can be easily reversed.

At the direction of the Planning Commission, an “after-the-fact” historical resource evaluation report was prepared to provide the Commission with further background. The Applicant selected Charles J. Fisher, Historian to prepare the report. The Fisher report opined that the Henry A. Darling Residence, prior to its deconstruction, was a rare example of an architectural type specimen, pre-Craftsman Arts and Crafts residence. The report further stated that although the house is in a deconstructed state, the house can again display enough quality of design to be considered for an individual listing, as a good architectural specimen, by reconstruction using materials which are like in kind to the original materials. Regarding historical significance, the report indicates that there do not appear to be any persons of historical note that have lived in the house, rendering it ineligible for an individual listing based on historic grounds, other than as a representative of early development of Sierra Madre and the San Gabriel Valley. The report also states that the architectural design would be eligible as a contributor to a potential district (which the report does not identify), as well as eligible for local listing at the individual level.

According to the Fisher report, the following elements are “character defining features” of the structure that embody the characteristics of the Pre-Craftsman Arts and Crafts architectural design:

- The north facing Dutch-gabled dormer
- The eaves which are open with beams spaced to support the eaves
- The arroyo-stone chimney
- The broad front porch with a stone base, flanked by a wide concrete central stairway

- The multi-light double hung and casement wood windows
- The cedar clapboard siding
- The stone foundation

The Fisher report recognizes that this is a reconstruction effort rather than a restoration effort. The Fisher recommendation is to reconstruct the building by replacing materials in-kind and retaining as much of the original framing as possible. Fisher opines that the use of cedar siding on the original structure should be introduced. Hardie Board siding may be used on the new addition to show differentiation between the original building and new addition. Fisher also opined that the original roof was made of wood shake shingles, and therefore, recommended the use of a fire-retardant shake shingle roofing to reflect the original materials. The Fisher report essentially reviewed a structure that no longer existed, and in doing so failed to recognize that the applicant had previously been granted the right under a CUP to remove some of the character defining original features (wood siding, original windows) without stockpiling them for reuse or salvage.

Construction Observation Report by City Building Official
(Exhibit E – Attachment G, therein)

At the direction of the Planning Commission, the Building Official, Structural Engineer, Building Inspector, and Director of Planning and Community Preservation conducted an independent onsite investigation of the property. The purpose of the investigation was to determine the structural integrity of the existing foundation and framing of the primary structure, and to present this information in a construction observation report. That report indicates that the existing proposal approved under CUP 15-23 is still valid and full demolition of the remaining components of the structure is not warranted. The investigation revealed extensive damage to the sill plates that rest on the stone foundation and inadequate structural framing of the existing exterior walls, in particular the first floor east building elevation and the entire second story exterior walls, gables and roof.

The recommendation of the report are:

1. The installation of new sill plates around the perimeter of the entire foundation, which includes removal of approximately the top 10-inches of the stone foundation wall to install a new cast bond-beam. The existing stone rubble walls will be used as a stone veneer to mask the concrete bond-beam;
2. The installation of a new approximately 12-foot segment of the exterior wall along the east building elevation of the first floor dining room, saving the east facing walls adjacent to the existing kitchen and pantry;
3. The removal and replacement of the entire second floor roof, gables and walls to achieve compliance with current code is recommended in order to provide the structural stability necessary to withstand wind shear conditions. This may increase the height of the structure from six to twelve inches and

may necessitate an increase in height of the chimney to a minimum of two feet above the ridge of the roof. The existing height of the building is 22 feet. Any alteration to the roof structure should be within the maximum 25-foot height requirement.

Peer Review of Historic Analysis by Robert Carpenter, Architect
(Exhibit E – Attachment B)

In an effort to obtain a second opinion regarding historic resource eligibility of a completely reconstructed structure with new "like-kind" materials, the applicant contracted with Robert Carpenter, Architect, to evaluate the "Fisher Report," and to determine the integrity of the property as a potential historic resource. Mr. Carpenter is qualified under the City's Ordinance to render an historic assessment. Mr. Carpenter notes that the house was never designated as historic or as a contributor to any historic district and that the City Planning Commission made a discretionary finding that the reconstruction of the house with modern materials qualified for a Categorical Exemption under CEQA, stating that "it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment and therefore is not subject to CEQA." Carpenter's report goes on to say that the current state of the property is not eligible for designation as an architectural resource, even if reconstructed with like-kind original materials because the reconstruction of the house as a "new copy" of the original will not qualify the house as "historic" under the Secretary of Interior standards. The Carpenter opinion further reports that although portions of the original house remain, (e.g., the foundation stone walls, exterior wall framing and floors), "the key portions of the house that point to the Arts and Crafts style are missing and unrecoverable." Mr. Carpenter concludes that the house, reconstructed as a "new copy," cannot be considered historic under the Secretary of the Interior's Standard Number 6, applicable to a rehabilitation project:

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Mr. Carpenter also explains that the California Historic Building Code (CHBC), is only available for application on properties that have been previously determined to be eligible for historic or architectural designation or designed historic resources. Since the property was not previously designated, the structure is not subject to the benefits offered through the CHBC.

Carpenter also cites that under CEQA, "the significance of an historic resource is impaired when a project:

- A. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and justify its inclusion in, or eligibility for, inclusion in the California Register of Historic Resources; or,
- B. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources..."

Mr. Carpenter concludes, that although the property "may or may not" have been eligible for designation, in its current condition "it does not have the required physical features allowing it to be considered historical now," even if reconstructed with like-kind materials as a "new copy" of the original.

Carpenter's report concludes that should mitigation measures be considered desirable, the only feasible mitigation measure would be to provide a complete record of the property, in archival form, showing its past and recent history.

California Environmental Quality Act

For the purposes of CEQA, historical resources are defined as resources (1) eligible for or listed in the California Register of Historical Resources; (2) officially designated as historically significant in a local register of historical resources; (3) determined to be significant or eligible for listing in accordance with an approved historical resources survey; or (4) that the lead agency otherwise determines are historic in the exercise of the agency's discretion. Pub Res C §21084.1.

Thus, a resource that has not been (1) "listed" in the California Register, (2) "determined to be eligible" for listing in the California Register, (3) "included in a local register of historical resources," or (4) determined to be significant or eligible for listing in accordance with an approved historical resources survey is not a historical resource or presumed to be a historical resource within the meaning of this exception.

As both Fisher and Carpenter agree that the Darling House, in its present condition, is not listed in the California Register of Historical Resources, officially designated as historically significant in a local register, or determined to be significant or eligible for listing in accordance with an approved historical resources survey, the structure is not a historical resource unless, in the exercise of its discretion, the City deems it so for purposes of CEQA. Such a determination must be supported by substantial evidence in light of the whole record. Guidelines, Section 15064.5, subd. (a)(3). Absence of substantial evidence that a structure is historic is alone sufficient to support an agency's determination that it is not historic.

Fisher concluded that the Darling house could "again display enough quality of design to be considered for an individual listing, as a good architectural specimen" *if the house*

were reconstructed using materials which are like in kind to the original.” (Emphasis added.) Carpenter concludes, however, that the structure may no longer be considered an historical resource under the Secretary of the Interior’s standards, which call for repair, rather than replacement, of a structure’s historic features in a historic rehabilitation project. He notes in particular that “the key portions of the house that point to the Arts and Crafts style are missing and unrecoverable.” Essentially both Fisher and Carpenter agree that the house, in its current state of deconstruction, is not eligible for historic designation. The disagreement between the two opinions is whether the house could be *reconstructed to become eligible for historic designation*. Given that the applicant had permission under the CUP to remove all of the exterior siding, windows and other key features and reconstruct them with modern materials, the Carpenter opinion provides additional support for the Planning Commission’s original finding that the project (essentially rebuilding a “new copy” of the original house) was categorically exempt from CEQA pursuant to Guidelines Section 15061(b)(3) of the California Environmental Quality Act.

A deferential substantial evidence standard of judicial review, rather than a fair argument standard of judicial review, applies to a lead agency’s decision that a resource is not a discretionary historical resource. *Friends of the Willow Glen Trestle v. City of San Jose* (2016) 2 CA5th 457, 473.

Discretionary Demolition Permit Findings

The Discretionary Demolition Permit is subject to the following findings:

1. The structure proposed for demolition:

- a) Has no local, state or national historic significance as determined by the historic resources survey pursuant to Code Section 17.60.056.D.1; or**
- b) Is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document;** in that the conclusions of the Fisher report find the structure to be a rare example of an architectural type specimen, pre-Craftsman Arts and Crafts residence. The report further states that although the house is in a deconstructed state, the house can again display enough quality of design to be considered for an individual listing, as a good architectural specimen. Fisher’s conclusions are disputed by the Carpenter peer review in that the original

structure was not listed on any historic register and that there is no historic district, potential or otherwise, identified for which it could have been a contributing member, and that the City's previous approval of reconstructing the house as a "look-alike" version of the original properly identified the structure as "not historic." Carpenter contests Fisher's conclusions that the house, in its current state of deconstruction, could be completely rebuilt with like-kind materials and still be eligible for historic designation, in any event, under the Secretary of Interior Standards because reconstruction of the original house based solely on photographs and with all new materials cannot be considered "historic" under the Secretary of Interior Standards or any other known standard. Given that the original CUP permitted the deconstruction of the structure (other than the supporting beams of the roof) and reconstruction of the house as a "look alike" version of the original, using modern, fire resistant materials and current Building Code standards, there is substantial evidence in the record that the project, which now includes reconstruction of the roof supporting beams, could not be eligible for historic designation as a reconstruction of the original using new materials under Secretary of Interior Standards No. 4 and 5 for "Reconstruction" of a historic structure.

2. **That the proposed demolition activities will not reasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the roof will be reconstructed to match the demolished roof with substantially similar height and pitch. The existing and proposed square footage of the lot will remain the same and the walls that are damaged are being replaced with materials that resemble the original structure, thereby supporting the findings of the report that the structure is a good architectural specimen, although a "look alike" version of the original.
3. **That there is a demonstrated need for the demolition activity requested;** in that the property owner obtained a building permit to deconstruct and rebuild the structure. When the contractor began taking the interior lath and plaster and exterior siding and roof sheeting from the building, extensive structural damage was found, thus requiring a demolition of the roof in order to preserve the safety of the structure, but the end result remains consistent with the original Conditional Use Permit and Planning Commission Resolution 15-15, for construction of a look-alike version of the original structure, with an addition at the rear of the structure in order to accommodate the needs of a growing family.
4. **That the result of the demolition activity is consistent with the objectives of the general plan;** in that the demolition of the roof and 25% of the linear footage of exterior walls is required to construct the proposed project. The project complies with all requirements of the R-1 Zoning Ordinance which codifies and implements the objectives of the General Plan with respect to Residential Low Density development.

5. **That the public interest, convenience, and necessity require that the demolitions activity be undertaken at the location requested;** in that the existing roof, top plate, sill plate, and exterior walls have extensive structural damage and therefore needs to be rebuilt in order to mitigate any potential danger.

ENVIRONMENTAL (CEQA)

The proposed project qualifies for a Categorical Exemption, pursuant to CEQA Guidelines Sections 15061(b)(3), in that it can be seen with certainty that there is not possibility that the project may have a significant effect on the environment and Guidelines Section 15301(e) Class 1 additions to Existing Facilities provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before that addition, or 2,500 square feet, whichever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and (B) The area in which the project is located is in not environmentally sensitive.

PUBLIC NOTICE PROCESS

The City Council appeal hearing was noticed pursuant to Sierra Madre Municipal Code Section 17.60.100. Residents within 300 feet of the property have been notified of this hearing and the property has been posted as required by Code. Copies of this report are available at the City Hall public counter, the Sierra Madre Public Library, and the City's website at <http://www.cityofsierramadre.com/>. Notice of the hearing was also published through the City of Sierra Madre Facebook page.

Exhibits (5):

- Exhibit A: Appeal of Decision dated 6.5.17
- Exhibit B: City Council Resolution 17-35
- Exhibit C: PC Resolution 16-09 and Meeting Minutes of 6.1.17
- Exhibit D: Secretary of the Interior's Standards
- Exhibit E: PC Staff Report for DDP 16-01 with exhibits dated 6.1.17

**CONDITIONS OF APPROVAL
DISCRETIONARY DEMOLITION PERMIT 16-01**

General Conditions:

The applicant and property owner shall:

1. Comply with all applicable provisions of the Sierra Madre Municipal Code, including but not limited to those Chapters pertaining to Zoning, Building and Construction, Vehicles and Traffic, and Health and Safety, and including all such provisions which may be contained in Uniform Codes which have been incorporated by reference within the Sierra Madre Municipal Code.
2. Comply with all applicable provisions of Federal, State and Los Angeles County law and regulations, including but not limited to the California Environmental Quality Act.
3. Execute and deliver to the City's Department of Development Services an Affidavit of Acceptance of Conditions on a form to be provided by such Department within ten business days of the date of this approval. This approval shall not be effective for any purpose until the Applicant complies with this condition.
4. Prepare report for archival purposes of the history of the original house up to and including its reconstruction, with "before and after" photographs of the original exterior of the building on all sides and offer the report to the Sierra Madre Library.
5. To the fullest extent permitted by law, fully protect the City, its employees, agents and officials from any loss, injury, damage, claim, lawsuit, expense, attorneys' fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this approval, or the activities conducted pursuant to this approval. Accordingly, to the fullest extent permitted by law, the applicant and property owner shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys' fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this approval, or the activities conducted pursuant to this approval. Applicant and property owner shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

Planning Conditions

The applicant and property owner shall:

1. Construct the project in substantial conformance with approved Conditional Use Permit 15-23 and supporting materials presented to the Planning Commission on June 1, 2017. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
2. Construct the project in substantial conformance with the Construction Observation Report dated November 21 and revised on November 23, 2016 and all applications and supporting materials presented to the Planning Commission on November 3, 2016, December 1, 2016, and June 1, 2017 regarding Discretionary Demolition Permit 16-01. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
 - a. Foundation
Install new foundation and pier/post/girder system.
Completely replace north cripple wall and mudsill. Repair may include adding or "sistering" new studs to existing studs.
 - b. Floor System
Repair/replace deteriorated floor joists as necessary in both first and second floor. Repair may include adding or "sistering" new floor joists to existing joist. Replace all rim joists.
 - c. Exterior Framing
First floor – Replace east dining room exterior framing including new double top plate and plywood shear wall. Repair/replace studs. Repair may include adding or sistering new studs to existing studs. Add strapping at existing single plate breaks.

Second floor – Completely replace all exterior walls. Install new double top plates and plywood shear walls.
 - d. Roof
New replacement structural roof system to match removed roof and must be installed to provide minimum ceiling height clearance for the second story room and shall not exceed the maximum 25-foot height restriction. As a result of the potential increase in height of the second story roof, the chimney may also increase in height to accommodate the required two-foot clearance between the top of the roof ridge and the top of the chimney cap.
 - e. Garage
New roof must be installed. New roof to match slope and type of roofing material for main dwelling. East foundation must be repaired/replaced and slab must be replaced.

(end of conditions)



APPEAL OF DECISIONS

City of Sierra Madre
Development Services Department
232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024
phone 626.355.7138 fax 626.355.2251

APPELLANT INFORMATION

Name of Appellant: William Kefalas
Address: 126 E. Mira Monte Ave
Phone Number: (626) 786-4635 Date: 6/5/17

APPEAL INFORMATION

Application Number: DDP 16-01 Appeal of: ☐ Staff Decision
☒ Planning Commission
Decision Date: 6/1/17

The Municipal Code provision for appeals is provided in Chapter 17.66 – "Appeals and Calls for Review". Please note that, pursuant to Code Section 17.66.050.A.1, appellate review under this code is de novo.

Please describe the specific decision being appealed and state the reasons for this appeal. If additional sheets are necessary, please attach them to this form.

Denial of Discretionary Demolition Permit.
Commission was substantively in error in failing
to make historic finding given CEQA exemption
and substantial evidence before it.
Planning Commissioner with obvious bias refused
to recuse himself, thus violating my due
process rights.

Applicant's Signature [Signature]

FEES

\$ 318.75 (75% of Original Application Fee)

☒ Paid

Received By: [Signature]

Date: 6/5/17

CITY COUNCIL RESOLUTION 17-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE approving THE APPEAL of the PLANNING COMMISSION DECISION TO DENY DISCRETIONARY DEMOLITION PERMIT 16-01 REQUESTING THE PARTIAL DEMOLITION AND RECONSTRUCTION OF THE ROOF AND PORTIONS OF THE EXTERIOR WALLS AT THE PROPERTY LOCATED AT 126 EAST MIRA MONTE AVENUE.

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, an application for a Discretionary Demolition Permit was filed by:

**William and Anastasia Kefalas
267 W. Montecito Ave.
Sierra Madre, CA. 91024**

WHEREAS, the request for DISCRETIONARY DEMOLITION PERMIT 16-01 can be described as:

A request to allow the demolition and reconstruction of the roof and portions of the exterior walls of the primary building as detailed in the construction observation report and repair of the garage. Pursuant to SMMC 17.60.056, any required demolition for an addition or alternation to the structure that impacts the original front façade of the structure, shall be subject to the granting of a discretionary demolition permit. The reviewing body for a demolition permit and an accompanying replacement project which requires a conditional use permit is the Planning Commission.

WHEREAS, public hearings were held before the Planning Commission on November 3, 2016, December 1, 2016, and June 1, 2017 with all testimony received being made part of the public record;

WHEREAS, the Planning Commission received the reports and recommendations of staff, and at its meeting on June 1, 2017, denied the request based on the finding provided in Planning Commission Resolution 16-09 to the City Council;

WHEREAS, the demolition of the roof supporting structure and portions of the exterior walls of the primary building will allow for the reconstruction of the house as a "new copy" of the original structure, consistent with the previously approved CUP 15-23 pursuant to Planning Commission Resolution 15-15;

WHEREAS, the proposed project qualifies for a Categorical Exemption, pursuant to CEQA Guidelines Sections 15061(b)(3), in that it can be seen with certainty that there is not possibility that the project may have a significant effect on the environment and Guidelines Section 15301(e) Class 1 additions to Existing Facilities provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before that addition, or 2,500 square feet, whichever is less; or (2) 10,000

square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and (B) The area in which the project is located is not environmentally sensitive.

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the City Council at the June 27, 2017 public hearing, the City Council now finds as follows:

1. **The structure proposed for demolition a) has no local, state or national historic significance as determined by the historic resources survey pursuant to Code Section 17.60.056.D.1; or b) is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document;** the conclusions of the Fisher report find the original structure was a rare example of an architectural type specimen, pre-Craftsman Arts and Crafts residence. The report further states that although the house is in a deconstructed state, the house can again display enough quality of design to be considered for an individual listing, as a good architectural specimen. Fisher's conclusions are disputed by the Carpenter peer review in that the original structure was not listed on any historic register and that there is no historic district, potential or otherwise, identified for which it could have been a contributing member, and that the City's previous approval of reconstructing the house as a "look-alike" version of the original properly identified the structure as "not historic." Carpenter contests Fisher's conclusions that the house, in its current state of deconstruction, could be completely rebuilt with like-kind materials and still be eligible for historic designation, in any event, under the Secretary of Interior standards because reconstruction of the original house based solely on photographs and with all new materials cannot be considered "historic" under the Secretary of Interior Standards or any other known standard. Given that the original CUP permitted the deconstruction of the structure (other than the supporting beams of the roof) and reconstruction of the house as a "look alike" version of the original, using modern, fire resistant materials and current Building Code standards, there is substantial evidence in the record that the project, which now includes reconstruction of the roof supporting beams, could not be eligible for historic designation.
2. **That the proposed demolition activities will not reasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the property is a single-family residence in a residential zone, surrounded by other single-family homes, the property will not encroach on minimum setbacks or any other property rights. The roof will be reconstructed to match the demolished roof. The roof will retain the same height and pitch. The existing and proposed

square footage of the lot will remain the same and the walls that are damaged are being replaced with materials that resemble the original structure, thereby supporting the findings of the report that the structure is a good architectural specimen, although a "look alike" version of the original.

3. **That there is a demonstrated need for the demolition activity requested;** an extensive on-site structural evaluation was conducted by city staff and documented in a Construction Evaluation Report. The results of the report identified extensive structural damage requiring the demolition of the entire second floor (roof, gables, and walls). Additional work includes the replacement of the foundation sill plate, removal of a 12-foot segment of the exterior wall along the east elevation, and remediation of the structural framing through the remainder of the building. Reconstruction efforts will match the existing building. The existing and proposed square footage of the structure will remain the same as approved by Conditional Use Permit 15-23; and the exterior siding that is being replaced with new materials will resemble that of the original structure, with an addition at the rear of the structure in order to accommodate the needs of a growing family.
4. **That the result of the demolition activity is consistent with the objectives of the general plan;** in that the demolition of more than 25% of the roof and exterior walls is required to construct the proposed project. The project complies with all requirements of the R-1 Zoning Ordinance which codifies and implements the objectives of the General Plan with respect to Residential Low Density development.
5. **That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested;** in that the existing foundation sill plate, top plate, exterior walls along a portion of the first floor of the east elevation, and second floor exterior walls and roof have extensive structural damage and therefore needs to be demolished and rebuilt in order to mitigate any potential safety hazards.

PURSUANT TO THE ABOVE FINDING, IT IS RESOLVED that the City Council APPROVES Discretionary Demolition Permit 16-01.

The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The Planning Commission Secretary shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolution of the City.

RESOLUTION APPROVING DISCRETIONARY DEMOLITION PERMIT 16-01
APPROVED, the ____ day of _____ 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rachelle Arizmendi, Mayor
City of Sierra Madre

ATTEST:

Melinda Carrillo, City Clerk

I, MELINDA CARRILLO, CITY CLERK OF THE CITY OF SIERRA MADRE, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the _____ day of _____, 2017.

Melinda Carrillo, City Clerk

PC RESOLUTION 16-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE DENYING DISCRETIONARY DEMOLITION PERMIT 16-01 REQUESTING THE PARTIAL DEMOLITION AND RECONSTRUCTION OF THE ROOF AND PORTIONS OF THE EXTERIOR WALLS AT THE PROPERTY LOCATED AT 126 EAST MIRA MONTE AVENUE.

THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, an application for a Discretionary Demolition Permit was filed by:

**William and Anastasia Kefalas
267 W. Montecito Ave.
Sierra Madre, CA. 91024**

WHEREAS, the request for DISCRETIONARY DEMOLITION PERMIT 16-01 can be described as:

A request to allow the demolition and reconstruction of the roof and portions of the exterior walls of the primary building as detailed in the construction observation report and repair of the garage. Pursuant to SMMC 17.60.056, any required demolition for an addition or alternation to the structure that impacts the original front façade of the structure, shall be subject to the granting of a discretionary demolition permit. The reviewing body for a demolition permit and an accompanying replacement project which requires a conditional use permit is the Planning Commission.

WHEREAS, the Planning Commission has received the report and recommendations of staff;

WHEREAS, public hearings were held before the Planning Commission on November 3, 2016, December 1, 2016, and June 1, 2017 with all testimony received being made part of the public record;

WHEREAS, no environmental review is required for a Planning Commission to deny a project;

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission now finds as follows:

- 1. The structure proposed for demolition a) has no local, state or national historic significance as determined by the historic resources survey pursuant to Code Section 17.60.056.D.1; or b) is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental**

review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document; the conclusions of the Fisher report find the original structure was a rare example of an architectural type specimen, pre-Craftsman Arts and Crafts residence. The report further states that although the house is in a deconstructed state, the house can again display enough quality of design to be considered for an individual listing, as a good architectural specimen. Fisher's conclusions are disputed by the Carpenter peer review in that the original structure was not listed on any historic register and that there is no historic district, potential or otherwise, identified for which it could have been a contributing member, and that the City's previous approval of reconstructing the house as a "look-alike" version of the original properly identified the structure as "not historic." Carpenter contests Fisher's conclusions that the house, in its current state of deconstruction, could be completely rebuilt with like-kind materials and still be eligible for historic designation, in any event, under the Secretary of Interior standards because reconstruction of the original house based solely on photographs and with all new materials cannot be considered "historic" under the Secretary of Interior Standards or any other known standard.

Given that there are conflicting historic evaluation reports, the Planning Commission requested that the applicant consult with an architectural historian certified by the Secretary of the Interior's Standards identified in the City list of qualified architectural historians to perform a peer review of the prior reports as a cost to be borne by the applicant. Given the unwillingness on the part of the applicant to provide additional information, such as a peer review of the historic evaluation reports, the Commission denied the application stating that the Planning Commission was unable to make finding No. 1.

PURSUANT TO THE ABOVE FINDING, IT IS RESOLVED that the Planning Commission DENIES Discretionary Demolition Permit 16-01.

The denial is final, unless appealed to the City Council in writing within ten (10) days following the adoption of this Resolution, pursuant to the provisions of Section 17.60.120 of the Sierra Madre Municipal Code.

The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The Planning Commission Secretary shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolution of the City.

RESOLUTION OF DENIAL APPROVED, the 1st day of June 2017, by the following vote:

AYES: Chair Frierman-Hunt, Vice Chair Spears, Desai, Hutt, Pevsner

NOES: 0

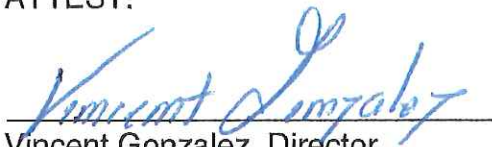
ABSTAIN: 0

ABSENT: Matthew Buckles, Leslie Hinton



Gina Frierman-Hunt, Chairperson
Sierra Madre Planning Commission

ATTEST:



Vincent Gonzalez, Director
Planning & Community Preservation Department

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CITY OF SIERRA MADRE
PLANNING COMMISSION MINUTES
Regular Meeting of
Thursday, June 1, 2017 at 7:00 p.m.
City Council Chambers, 232 W. Sierra Madre Blvd.

CALL TO ORDER

Chair Frierman-Hunt called the meeting to order at 7:40 p.m.

ROLL CALL

Present: Chair Frierman-Hunt, Vice Chair Spears Commissioners Desai, Hutt, Pevsner
Absent: Commissioners Hinton, Buckles
Staff: Vincent Gonzalez, Director of Planning and Community Preservation
Leticia Cardoso, Planning Manager
Jennifer Peterson, Administrative Analyst
Theresa Highsmith, City Attorney

REPORT OUT FROM CLOSED SESSION

City Attorney Highsmith reported that the Planning Commission had met in closed session and no action had been taken.

APPROVAL OF AGENDA

Commissioner Desai moved to approve the agenda. Commissioner Hutt seconded. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 18, 2017

Vice Chair Spears moved to approve the minutes. Commissioner Desai seconded. Motion carried unanimously.

AUDIENCE COMMENTS

None.

PUBLIC HEARING

1. **DISCRETIONARY DEMOLITION PERMIT 16-01**
Address: 126 E. Mira Monte Avenue

Applicant: William and Anastasia Kefalas
(continued from May 4, 2017)

Director Gonzalez delivered the staff report.

Vice Chair Spears inquired about the roof of the garage.
Director Gonzalez stated that the roof had been removed, which was observed during a site visit. Staff wanted to include the garage in the scope of conditions that the roof shall be required to match the roof pitch and architectural style of the main house.

Scott Carlson

Representative of Applicant

Mr. Carlson spoke in agreement with the staff recommendations. He requested clarification of proposed conditions 2 a, b, c based on the construction observation report prepared by the City Building Official. Director Gonzalez stated that these conditions would still be applicable to the project. Mr. Carlson stated that the applicant may not want to use the existing wood and sister new structural framing to existing studs. Director Gonzalez stated that the language does not compel the applicant to do that, rather it provides opportunity for new materials to be used if the existing studs are so deteriorated that they are unable to accept new structural material.

Mr. Carlson requested that the language "inaccuracies /misrepresentations will be grounds for revocation" be deleted as he feels that it is ambiguous. City Attorney Highsmith stated that the language does not waive compliance with revocation process. Commissioner Hutt added that redundancy doesn't provide waiver of rights, simply restates code. Director Gonzalez stated that the provision is standard language to the conditions of approval.

Joe Catalano

N. Lima

License architect/Historic Architect

Mr. Catalano spoke about sistering vs. replacing, and the benefits to enact the historic building code. Sistering allows preservation of historic profiles.

Mr. Catalano also stated that Mr. Carpenter's assessment is incorrect as he quoted the incorrect code Secretary of International Standards.

Barry Gold

Preserve Sierra Madre

Spoke in favor of preservation of structure. Mr. Gold encouraged the Commission to deny the Discretionary Demolition Permit, rescind the Conditional Use Permit, require the applicant to rebuild the original structure and to penalize the applicant.

Cheryl Galbraith

W. Mira Monte

Ms. Galbraith spoke in favor of demolition, allowing project to move forward.

Robert Carpenter

Wrote report

Mr. Carpenter stated that he had been asked to review project in current state. He stated that he had no knowledge of project prior to construction.

Mr. Carpenter stated that the Commission should have required a historic report from the beginning. The project then would have been subject to historic building code.

Mr. Carpenter spoke regarding the option of sistering, stating that the old studs likely don't have elasticity to accept new nails. He stated that it was possible that current nailing requirements could not be met.

Scott Carlson

Representing applicant

Mr. Carlson spoke of communication breakdowns. Mr. Carlson stated that that the applicant had complied with conditions of the Conditional Use Permit. Mr. Carlson stated that when the applicant removed the roof it was to comply with building code, and he had intended to rebuild the roof exactly.

Chair Frierman-Hunt pointed out that the applicant is requesting raising of roof, which would not be an exact rebuild.

Mr. Carlson stated that Mr. Fisher is not a qualified Architectural Historian. He also requested that the applicant be allowed to completely reframe the house.

City Attorney Highsmith stated that Mr. Fisher qualifies under City requirements.

Joe Catalano

N. Lima

Mr. Catalano spoke regarding the use of the International Building Code vs. the State Historic Building Code, wherein the applicant would have options to work with existing materials and circumstances.

Chair Frierman-Hunt closed the Public Hearing.

Vice Chair Spears requested to make a statement. He stated that there had been an allegation by the applicant that he is biased based on the fact that he has restored a historic structure, has visited the subject property and house, and statements he allegedly made. Vice Chair Spears stated, "For the record that I am not biased and take my commitment to the Commission very seriously."

Chair Frierman-Hunt noted that this is a very contentious project and the first test of the Discretionary Demolition Ordinance. The Chair stated that under the current law, the process would be different, and different decisions may have been made. She stated that removal of roof rafters constitutes demolition. Chair Frierman-Hunt noted that the commission is being asked to consider this matter 'after the fact' that the demolition has

135 already occurred. She recalled that the house was deteriorated when Commission
136 originally considered it two years ago, but the integrity existed.

137
138 Commissioner Pevsner stated that he wasn't around for the original Conditional Use
139 Permit hearings, but is sympathetic to neighbors/neighborhood. He stated however
140 that it is still difficult to make the first finding of the Discretionary Demolition Permit
141 Ordinance.

142
143 Chair Desai stated he had similar thoughts and had difficulty with the first finding, as
144 both historic resource evaluation reports are conflicting.

145
146 Vice Chair Spears stated that this project has a contentious history, but that the historic
147 nature of house has always been the guiding factor. He stated that the overall
148 perception is that the project has always had historic value. Vice Chair Spears stated
149 that after reviewing both reports, he would also have difficulty making finding No. 1.

150
151 Commissioner Hutt agreed with Mr. Carpenter. He stated that it would have been ideal
152 to have known historic significance from outset. Commissioner Hutt spoke as an
153 advocate for a citywide historic survey. He recalled that when the project was originally
154 considered, the Commission didn't have any reports, and that new information has
155 come to light. Commissioner Hutt also pointed out that CEQA guidelines are
156 addressing conflicting reports and directs the Commission to treat the project as
157 historic.

158
159 Scott Carlson
160 Rep Applicant

161 Mr. Carlson stated that the Categorical Exemption had been given with the granting of
162 the original Conditional Use Permit.

163
164 Commissioner Hutt stated that since that was granted we have received significant new
165 information.

166
167 Chair Frierman-Hunt noted that the scope of the project has changed as well. She
168 agreed with Commission that with the conflicting reports it is a challenge to make finding
169 #1. She stated that the Commission had three options: Can make recommendations
170 to deny Discretionary Demolition Permit 16-01; the Commission can request new tie
171 breaker historic report, at a cost to be borne by the applicant, or the Commission can
172 require the applicant to prepare an initial environmental study.

173
174 Scott Carlson
175 Applicant representative

176 Mr. Carlson rejected all of the Commissions options. He stated that the project has the
177 Categorical Exemption, and that all historic materials have been removed per the
178 Conditional Use Permit. He stated that he feels that it is unduly punitive to require
179 more reports or reviews.

City Attorney Highsmith explained the options before the Commission, from a procedural standpoint because she was observing that the Commission did not have 3 supporting votes to make findings. She stated that if the Carpenter Report cannot be approved, the Commission has two choices:

- 1) Deny Discretionary Demolition Permit 16-01.
- 2) Continue the matter to allow applicant to return with tie breaking historic resources report.

City Attorney Highsmith suggested that the Commission give applicant options.

Mr. Carpenter

Stated that would like to challenge the Fisher report on basis that the report findings were all based on architectural style; not on historic significance. He further stated that the City granted CEQA exemption through Conditional Use Permit process. Mr. Carpenter stated that he felt that the house could no longer be designated as historic.

Action: Commissioner Desai moved to deny Planning Commission Resolution 16-09, as they are unable to make finding #1. Chair Spears seconded. Motion carried unanimously.

ORAL COMMUNICATION

Audience

None.

Planning Commission

Commissioner Hutt stated he was not available for the July 6, 2017 Planning Commission meeting.

Planning & Community Preservation Staff

Director Gonzalez reviewed the items for upcoming meetings.

Chair Frierman-Hunt adjourned the Planning Commission meeting at 8:59 p.m.


Secretary to the Planning Commission

Vincent Gonzalez, Director of Planning & Community Preservation

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Rehabilitation as a treatment

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment.

SECRETARY OF THE INTERIOR'S STANDARDS FOR RESTORATION

1. A property will be used as it was historically or be given a new use that interprets the property and its restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

Restoration as a Treatment

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

SECRETARY OF THE INTERIOR'S STANDARDS FOR RECONSTRUCTION

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

Reconstruction

When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.

SECRETARY OF THE INTERIOR'S STANDARDS FOR PRESERVATION

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Preservation as a treatment

When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment.



Planning Commission **STAFF REPORT**

Gina Frierman-Hunt, Chair
Bob Spears, Vice-Chair
Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
William Pevsner, Commissioner

Vincent Gonzalez, Director
Planning & Community Preservation

DATE: June 1, 2017

TO: Planning Commission

FROM: Vincent Gonzalez, Director – Planning & Community Preservation

SUBJECT: THE PLANNING COMMISSION WILL CONSIDER DISCRETIONARY DEMOLITION PERMIT 16-01 – A REQUEST TO ALLOW THE RECONSTRUCTION OF THE ROOF AND EXTERIOR WALLS OF THE STRUCTURE AND ROOM ADDITION PREVIOUSLY APPROVED THROUGH CONDITIONAL USE PERMIT 15-23 OF THE PROPERTY LOCATED AT 126 EAST MIRA MONTE AVENUE.

SUMMARY

The Planning Commission (Commission) will consider Discretionary Demolition Permit 16-01 (DDP 16-01). The application requests the Commission's consideration to approve the reconstruction of the roof and exterior walls of the structure.

In addition to the previous materials reviewed by the Commission attached to this report, the Commission will also review an opinion letter prepared by Robert Carpenter, Architect included as Attachment A. Mr. Carpenter's letter attests that due to loss of original material, the house is no longer eligible for designation and construction of a new house that appears like that of the original does not make it historic under either the California Building Code or the California Environmental quality Act.

Staff recommends that the Commission approve DDP 16-01 subject to the findings in the staff report including the mitigation measures identified in the Historical Resource Evaluation Report prepared by Robert Carpenter and the recommendations in the Construction Observation Report prepared by the City Building Official.

BACKGROUND (CHRONOLOGY)

Conditional Use Permit 15-23

The applicants, William and Anastasia Kefalas, received approval from the Planning Commission on December 17, 2015 for Conditional Use Permit 15-23 (CUP 15-23),

allowing the addition of 1,886 square-feet to the existing 2,833-square-foot residence for a total of 4,719 square-feet of floor area on the property located at 126 E. Mira Monte Avenue. The house on the property was built in 1910, but is not listed on any local, state or federal register nor is it listed as a contributor to any local state or federal historic district.

Staff processed Conditional Use Permit 15-23 which permitted the reconstruction of the house in a manner that it will resemble the original structure as viewed from the street. The scope of work included:

- Replacement of the wood siding with Hardie Board exterior clapboard siding;
- Replacement of original windows, casings and frames, with energy efficient aluminum clad windows;
- Repair of the front porch and supporting columns, balcony, roof eaves, where feasible or replace with new material;
- Install new foundation within the perimeter of the existing arroyo stone foundation;
- Reconfiguration of interior walls, and
- Rear addition of 1,866 square feet.

The application for CUP 15-23 included demolition of the south-facing wall to accommodate a new addition to the rear of the existing structure. Demolition of any portion of a residential structure more than 75 years old requires a Discretionary Demolition Permit, the application for which requires a written historic assessment or survey by a qualified historic preservation consultant which concludes that the property proposed for demolition is not eligible for local listing or designation, nor a contributor to an existing or potential historic district. At the time of the application for CUP 15-23, the Discretionary Demolition Ordinance provided an "exception" under Section 17.60.056 F.1, which provided that a discretionary demolition permit was not required if twenty-five percent or less of the exterior walls of the structure were proposed for removal to accommodate an addition or remodel which would not impact the front facade. The applicant proceeded under this "exception." As a result, no historic assessment was performed regarding the application to reconstruct or rehabilitate the single family home, and a finding was made that, on this record, a Categorical Exemption under CEQA Guidelines Section 15061(b)(3) was applicable, e.g., that based on the record before the Planning Commission, that the project would not have a significant effect on the environment. Additionally, the CUP permitted the removal of all exterior siding and original windows and replacement with modern (not like-kind) materials and did not require preservation of any removed original materials for reuse later, either on this project or as salvage for another project.

The Planning Commission, finding that the original house was in poor condition, approved the CUP through Resolution 15-15, supporting the reconstruction of the house as represented in the CUP application; public testimony received at the public hearing also supported the reconstruction of the residence as a "look-alike" Arts and Crafts structure.

Building Permit and Stop Work Order

A building permit was issued in April 2016 for the deconstruction of the portion of the original structure necessary for the construction of a new addition. The applicant met with Planning staff and the structural engineer to discuss altering the roofline of the north facing attic dormer to achieve additional height. Staff and the structural engineer determined this modification was a minor alteration, which was approved to move forward with construction of the project.

During the deconstruction process the applicant removed all the exterior siding on the property, which given the interior demolition, reduced the structure to only the interior framing sitting on the arroyo stone foundation. It is important to note that this effort was permitted under the CUP, which granted the applicant the right to reconstruct a "look alike" structure, using modern materials (including Hardie-board siding, energy-efficient aluminum clad windows). As for the roof, however, the applicant removed not only the north facing attic dormer (which he was permitted to do as a "minor alteration" of his plans), but the entire roof structure and the east-facing gable. Due to the removal of the entire roof structure and east facing gable, staff determined that the alteration exceeded the scope of the minor alteration previously approved and a stop work order was issued for removal of the roof.

Due to the applicant's demolition of the entire roof structure and the fact that the original house exceeded 75 years in age, staff determined that the applicant required a Discretionary Demolition Permit:

Pursuant to Chapter 17.60.056 B, demolition is defined as the destruction and removal, in part or in whole, of the foundation, exterior walls, or roof structure.

Staff required the applicant to submit an application for a Discretionary Demolition Permit for consideration by the Planning Commission prior to proceeding with the project.

Discretionary Demolition Permit

On November 3, 2016, the applicants submitted Discretionary Demolition Permit 16-01 (DDP 16-01) requesting the reconstruction of the roof and exterior framing of the entire structure. The Commission continued the public hearing to December 1, 2016, directing staff to provide a building observation report of the as-built conditions of the remaining structure, and requested that the applicant obtain a historical resource

evaluation of the property prepared by a qualified architectural historian. An application for a Discretionary Demolition Permit (DDP) requires a written historic assessment or survey by a qualified historic preservation consultant, which is additional information for the record that did not exist when the project was limited to the CUP application without the DDP application (due to the applicant's use of the "exception").

At the December 1, 2016 meeting, the Commission reviewed the Construction Observation Report prepared by the City Building Official. The purpose of the report was to determine the structural integrity of the roof, foundation, and exterior framing of the primary structure and detached garage. The determination of the report indicates that the majority of the structure, e.g., remaining framing, foundation and chimney, can be utilized in the reconstruction effort.

The Commission also reviewed the findings provided in the Historical Resources Evaluation report, prepared by Charles Fisher, Architectural Historian, who identified the structure as an early example of a pre-Craftsman Arts and Crafts residence. The report further states that the property prior to demolition was eligible for designation as a local historic landmark, and provided mitigation measures to reconstruct what was left of the structure with like-kind materials, asserting that the resulting rebuilt structure would be eligible for historic landmark designation. Based on this determination, the Commission requested the property owner to submit an application for a certificate of appropriateness for the Commission's consideration, as the best process forward, and a revised plan for rebuilding the structure with like-kind materials, including replacing the Hardie-board with actual wood siding, replacing the windows with wood cladding, instead of aluminum-cladding, addressing the addition in a manner that would comport with Secretary of Interior standards to differentiate "original" portions of the building from the "modern" portions, and addressing the height and cladding of the roof.

A certificate of appropriateness is an authorization awarded by the Planning Commission allowing alteration, demolition, or new construction to a historic site or structure to ensure that potential changes to the structure are consistent with the property's character and/or setting.

The Commission continued the public hearing from December 1, 2016 to January 19, 2017. At the request of the applicant, the January 19, 2017 meeting was continued to February 16, 2017, March 16, 2017, and again to April 20, 2017 to allow additional time for the applicant to prepare additional documentation. The Planning Commission continued the April 20, 2017 meeting to May 4, 2017 due to lack of quorum. At the May 4th meeting, the applicant requested a 30-day continuance to prepare needed documentation. The Planning Commission continued the meeting to June 1, 2017 stating that the Discretionary Demolition Permit application along with any other documentation submitted by the applicant will be heard by the Commission on that date.

On May 20, 2017, the applicant submitted an opinion from Robert Carpenter, Architect, disputing the property's eligibility as a historic resource under the California

Environmental Quality Act or under the Secretary of Interior Standards.

ANALYSIS

Historical Resource Evaluation Report (Prepared by Charles J. Fisher)

The purpose of a discretionary demolition permit is to insure that potential historic resources are properly evaluated before they are altered or removed. In order to determine if a property meets the requirements as a historical resource in accordance with Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines, a historical resource evaluation report is prepared by a qualified historic preservation consultant. The conclusions of the report will determine if the property qualifies as a historical or architectural resource at the Federal, State or local levels.

The criteria used in evaluating a potential historic property include an analysis of architectural and historical significance, as well as specific evaluations as to whether the subject property meets the various requirements for it to be considered historic. These requirements may include the age and rarity of the design, significance of an architect, builder or owner/resident of the property along with how the structure relates to its historic context, how much of its own architectural integrity has survived as well as whether non-historic alterations can be easily reversed.

At the direction of the Planning Commission, an “after-the-fact” historical resource evaluation report was prepared to provide the Commission with further background. The Applicant selected Charles J. Fisher, Historian to prepare the report. The conclusions of the report cited the Henry A. Darling Residence, prior to its deconstruction, as a rare example of an architectural type specimen, pre-Craftsman Arts and Crafts residence. The report further states that although the house is in a deconstructed state, the house can again display enough quality of design to be considered for an individual listing, as a good architectural specimen, by reconstruction using materials which are like in kind to the original materials. Regarding historical significance, the report indicates that there do not appear to be any persons of historical note that have lived in the house, rendering it ineligible for an individual listing based on historic grounds, other than as a representative of early development of Sierra Madre and the San Gabriel Valley. The report also states that the architectural design would be eligible as a contributor to a potential district (which the report does not identify), as well as eligible for local listing at the individual level.

According to the Fisher report, the following elements are “character defining features” of the structure that embody the characteristics of the Pre-Craftsman Arts and Crafts architectural design:

- The north facing Dutch-gabled dormer
- The eaves which are open with beams spaced to support the eaves
- The arroyo-stone chimney

- The broad front porch with a stone base, flanked by a wide concrete central stairway
- The multi-light double hung and casement wood windows
- The cedar clapboard siding
- The stone foundation

The Fisher report recognizes that this is a reconstruction effort rather than a restoration effort. The recommendation is to reconstruct the building by replacing materials in-kind and retaining as much of the original framing as possible. The use of cedar siding on the original structure should be introduced. Hardie Board siding may be used on the new addition to show differentiation between the original building and new addition. There is also evidence that the original roof was made of wood shake shingles. It is recommended that the use of a fire-retardant shake shingle roofing be used that reflects the original materials.

Construction Observation Report

At the direction of the Planning Commission, the Building Official, Structural Engineer, Building Inspector, and Director of Planning and Community Preservation conducted an independent onsite investigation of the property. The purpose of the investigation was to determine the structural integrity of the existing foundation, framing of the primary structure and detached garage, and to present this information in a construction observation report. That report indicates that the existing proposal approved under CUP 15-23 is still valid and full demolition of the remaining components of the structure is not warranted. The investigation revealed extensive damage to the sill plates that rest on the stone foundation and inadequate structural framing of the existing exterior walls, in particular the first floor east building elevation and the entire second story exterior walls, gables and roof.

The recommendation of the report are:

1. The installation of new sill plates around the perimeter of the entire foundation, which includes removal of approximately the top 10-inches of the stone foundation wall to install a new cast bond-beam. The existing stone rubble walls will be used as a stone veneer to mask the concrete bond-beam;
2. The installation of a new approximately 12-foot segment of the exterior wall along the east building elevation of the first floor dining room, saving the east facing walls adjacent to the existing kitchen and pantry;
3. The removal and replacement of the entire second floor roof, gables and walls to achieve compliance with current code is recommended in order to provide the structural stability necessary to withstand wind shear conditions. This may increase the height of the structure from six to twelve inches and may necessitate an increase in height of the chimney to a minimum of two feet above the ridge of the roof. The existing height of

the building is 22 feet. Any alteration to the roof structure should be within the maximum 25-foot height requirement.

Peer Review by Robert Carpenter, Architect

In an effort to obtain a second opinion, the applicant contracted with Robert Carpenter, Architect, to evaluate the "Fisher Report," and to determine the integrity of the property as a potential historic resource. Mr. Carpenter is qualified under the City's Ordinance to render an historic assessment. Mr. Carpenter notes that the house was never designated as historic or as a contributor to any historic district and that the City Planning Commission made a discretionary finding that the reconstruction of the house with modern materials qualified for a Categorical Exemption under CEQA, stating that "it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment and therefore is not subject to CEQA." Carpenter's report goes on to say that the current state of the property is not eligible for designation as an architectural resource, even if reconstructed with like-kind original materials because the reconstruction of the house as a "new copy" of the original will not qualify the house as "historic" under the Secretary of Interior standards. The Carpenter opinion further reports that although portions of the original house remain, (e.g, the foundation stone walls, exterior wall framing and floors), "the key portions of the house that point to the Arts and Crafts style are missing and unrecoverable." Mr. Carpenter concludes that the house, reconstructed as a "ne copy," cannot be considered historic under the Secretary of the Interior's Standard Number 6:

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Mr. Carpenter also explains that the California Historic Building Code (CHBC), is only available for application on properties that have been previously determined to be eligible for historic or architectural designation or designed historic resources. Since the property was not previously designated, the structure is not subject to the benefits offered through the CHBC.

Carpenter also cites that under CEQA, "the significance of an historic resource is impaired when a project:

- A. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and justify its inclusion in, or eligibility for, inclusion in the California Register of Historic Resources; or,

- B. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources..."

Mr. Carpenter concludes, that although the property "may or may not" have been eligible for designation, in its current condition "it does not have the required physical features allowing it to be considered historical now," even if reconstructed with like-kind materials as a "new copy" of the original.

Carpenter's report concludes that should mitigation measures be considered desirable, the only feasible mitigation measure would be to provide a complete record of the property, in archival form, showing its past and recent history.

California Environmental Quality Act

For the purposes of CEQA, historical resources are defined as resources (1) eligible for or listed in the California Register of Historical Resources; (2) officially designated as historically significant in a local register of historical resources; (3) determined to be significant or eligible for listing in accordance with an approved historical resources survey; or (4) that the lead agency otherwise determines are historic in the exercise of the agency's discretion. Pub Res C §21084.1.

Thus, a resource that has not been (1) "listed" in the California Register, (2) "determined to be eligible" for listing in the California Register, (3) "included in a local register of historical resources," or (4) determined to be significant or eligible for listing in accordance with an approved historical resources survey is not a historical resource or presumed to be a historical resource within the meaning of this exception.

As both Fisher and Carpenter agree that the Darling House, in its present condition, is not listed in the California Register of Historical Resources, officially designated as historically significant in a local register, or determined to be significant or eligible for listing in accordance with an approved historical resources survey, the structure is not a historical resource unless, in the exercise of its discretion, the City deems it so for purposes of CEQA. Such a determination must be supported by substantial evidence in light of the whole record. Guidelines, Section 15064.5, subd. (a)(3). Absence of substantial evidence that a structure is historic is alone sufficient to support an agency's determination that it is not historic.

Fisher concluded that the Darling house could "again display enough quality of design to be considered for an individual listing, as a good architectural specimen" if the house were reconstructed using materials which are like in kind to the original." Carpenter concludes, however, that the structure may no longer be considered an historical resource under the Secretary of the Interior's standards, which call for repair, rather than replacement, of a structure's historic features. He notes in particular that "the key portions of the house that point to the Arts and Crafts style are missing and unrecoverable." Given that the applicant had permission under the CUP

to remove all of the exterior siding, windows and other key features and reconstruct them with modern materials, the Carpenter opinion provides additional support for the Planning Commission's original finding that the project (essentially rebuilding a "new copy" of the original house) was categorically exempt from CEQA pursuant to Guidelines Section 15061(b)(3) of the California Environmental Quality Act.

A deferential substantial evidence standard of judicial review, rather than a fair argument standard of judicial review, applies to a lead agency's decision that a resource is not a discretionary historical resource. *Friends of the Willow Glen Trestle v. City of San Jose* (2016) 2 CA5th 457, 473.

Discretionary Demolition Permit Findings

The Discretionary Demolition Permit is subject to the following findings:

- 1. The structure proposed for demolition a) has no local, state or national historic significance as determined by the historic resources survey pursuant to Code Section 17.60.056.D.1; or b) is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document;** the conclusions of the Fisher report find the structure to be a rare example of an architectural type specimen, pre-Craftsman Arts and Crafts residence. The report further states that although the house is in a deconstructed state, the house can again display enough quality of design to be considered for an individual listing, as a good architectural specimen. Fisher's conclusions are disputed by the Carpenter peer review in that the original structure was not listed on any historic register and that there is no historic district, potential or otherwise, identified for which it could have been a contributing member, and that the City's previous approval of reconstructing the house as a "look-alike" version of the original properly identified the structure as "not historic." Carpenter contests Fisher's conclusions that the house, in its current state of deconstruction, could be completely rebuilt with like-kind materials and still be eligible for historic designation, in any event, under the Secretary of Interior standards because reconstruction of the original house based solely on photographs and with all new materials cannot be considered "historic" under the Secretary of Interior Standards or any other known standard. Given that the original CUP permitted the deconstruction of the structure (other than the supporting beams of the roof) and reconstruction of the house as a "look alike" version of the original, using modern, fire resistant materials and current Building Code standards,

there is substantial evidence in the record that the project, which now includes reconstruction of the roof supporting beams, could not be eligible for historic designation.

2. **That the proposed demolition activities will not reasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the roof will be reconstructed to match the demolished roof. The roof will retain the same height and pitch. The existing and proposed square footage of the lot will remain the same and the walls that are damaged are being replaced with materials that resemble the original structure, thereby supporting the findings of the report that the structure is a good architectural specimen, although a "look alike" version of the original.
3. **That there is a demonstrated need for the demolition activity requested;** in that the property owner obtained a building permit to deconstruct and rebuild the structure. When the contractor began taking the interior lath and plaster and exterior siding and roof sheeting from the building, extensive structural damage was found, thus requiring a demolition of the roof in order to preserve the safety of the structure, but the end result remains consistent with the original CUP and PC Resolution 15-15, for construction of a look-alike version of the original structure, with an addition at the rear of the structure in order to accommodate the needs of a growing family.
4. **That the result of the demolition activity is consistent with the objectives of the general plan;** in that the demolition of the roof and 25% of the linear footage of exterior walls is required to construct the proposed project. The project complies with all requirements of the R-1 Zoning Ordinance which codifies and implements the objectives of the General Plan with respect to Residential Low Density development.
5. **That the public interest, convenience, and necessity require that the demolitions activity be undertaken at the location requested;** in that the existing roof, top plate, sill plate, and exterior walls have extensive structural damage and therefore needs to be rebuilt in order to mitigate any potential danger.

Recommendation: Staff recommends that the Planning Commission approve Discretionary Demolition Permit 16-01 based on the findings and mitigation measures included in Planning Commission Resolution 16-09.

ENVIRONMENTAL

The proposed project qualifies for an exemption pursuant to Section 15061 ("Review for Exemption") of the California Environmental Quality Act (CEQA), in that there is no possibility that the proposed work may have a significant effect on the environment.

PUBLIC NOTIFICATION

The subject project was properly noticed pursuant to the City's Municipal Code, including noticing through the regular agenda notification process. A legal newspaper notice was included in the November 3, 2016 publication in Mountain Views News. At the November 3, 2016 meeting, the Commission voted to continue the meeting to December 1, 2016. At the December 1, 2016 meeting the Planning Commission voted to continue the Public Hearing to the following meetings: January 19, 2017, February 15, 2017, March 16, 2017, April 20, 2017, May 4, 2017, and June 1, 2017 public hearings. A legal newspaper notice was included in the May 20, 2017 publication in Mountain Views News. The site was posted and courtesy notices were mailed to residents within a 300-foot radius of the property to provide notification of the June 1, 2017 meeting. Copies of this report are available at the City Hall public counter, the Sierra Madre Public Library, and on the City's website at <http://www.cityofsierramadre.com/>.

ALTERNATIVES

Discretionary Demolition Permit 16-01

1. Approve the application for Discretionary Demolition Permit 16-01, with conditions of approval and the recommendations of the Historic Resource Evaluation and Construction Observation report;
2. Deny the application for Discretionary Demolition Permit 16-01, identifying the findings that the Commission feels cannot be made and the basis for rejecting those findings;
3. Continue the project, and provide the applicant with direction.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Approve DDP 16-01 pursuant to Planning Commission Resolution 16-09, subject to the findings in the staff report including the mitigation measures identified in the Historical Resource Evaluation and the recommendations in the Construction Observation Report.

Attachments (8):

- Attachment A: Planning Commission Resolution 16-09
- Attachment B: Letter from Carlson & Nichols, LLP, Carpenter Assessment
- Attachment C: Project Chronology
- Attachment D: Staff Report for CUP 15-23 with Exhibits dated 12.17.15
- Attachment E: Inspection Report by FAR Engineering Services dated 10.28.16
- Attachment F: Staff Report for DDP 16-01 with exhibits dated 11.3.16
- Attachment G: Staff Report for DDP 16-01 with exhibits dated 12.1.16
- Attachment H: Secretary of the Interior's Standards for Rehabilitation

ATTACHMENT A

Planning Commission Resolution 16-09

(Revised: June 1, 2017)

PC RESOLUTION 16-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE APPROVING DISCRETIONARY DEMOLITION PERMIT 16-01 TO ALLOW THE PARTIAL DEMOLITION AND RECONSTRUCTION OF THE ROOF AND PORTIONS OF THE EXTERIOR WALLS AT THE PROPERTY LOCATED AT 126 EAST MIRA MONTE AVENUE

THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, an application for a Discretionary Demolition Permit was filed by:

**William and Anastasia Kefalas
267 W. Montecito Ave.
Sierra Madre, CA. 91024**

WHEREAS, the request for a DISCRETIONARY DEMOLITION PERMIT can be described as:

A request to allow the demolition and reconstruction of the roof and portions of the exterior walls of the primary building as detailed in the construction observation report and repair of the garage. Pursuant to SMMC 17.60.056, any required demolition for an addition or alternation to the structure that impacts the original front façade of the structure, shall be subject to the granting of a discretionary demolition permit. The reviewing body for a demolition permit and an accompanying replacement project which requires a conditional use permit is the Planning Commission.

WHEREAS, the Planning Commission has received the report and recommendations of staff;

WHEREAS, public hearings were held before the Planning Commission on November 3, 2016, December 1, 2016, and June 1, 2017 with all testimony received being made part of the public record;

WHEREAS, the demolition of the roof supporting structure and portions of the exterior walls of the primary building will allow for the reconstruction of the house as a "new copy" of the original structure, consistent with the previously approved CUP 15-23 pursuant to Planning Commission Resolution 15-15;

WHEREAS, the proposed project qualifies for a Categorical Exemption, pursuant to CEQA Guidelines Sections 15061(b)(3), in that it can be seen with certainty that there is not possibility that the project may have a significant effect on the environment and Guidelines Section 15301(e) Class 1 additions to Existing Facilities provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before that addition, or 2,500 square feet, whichever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are

available to allow for maximum development permissible in the General Plan; and (B) The area in which the project is located is in not environmentally sensitive.

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission now finds as follows:

1. **The structure proposed for demolition a) has no local, state or national historic significance as determined by the historic resources survey pursuant to Code Section 17.60.056.D.1; or b) is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document;** the conclusions of the Fisher report find the original structure was a rare example of an architectural type specimen, pre-Craftsman Arts and Crafts residence. The report further states that although the house is in a deconstructed state, the house can again display enough quality of design to be considered for an individual listing, as a good architectural specimen. Fisher's conclusions are disputed by the Carpenter peer review in that the original structure was not listed on any historic register and that there is no historic district, potential or otherwise, identified for which it could have been a contributing member, and that the City's previous approval of reconstructing the house as a "look-alike" version of the original properly identified the structure as "not historic." Carpenter contests Fisher's conclusions that the house, in its current state of deconstruction, could be completely rebuilt with like-kind materials and still be eligible for historic designation, in any event, under the Secretary of Interior standards because reconstruction of the original house based solely on photographs and with all new materials cannot be considered "historic" under the Secretary of Interior Standards or any other known standard. Given that the original CUP permitted the deconstruction of the structure (other than the supporting beams of the roof) and reconstruction of the house as a "look alike" version of the original, using modern, fire resistant materials and current Building Code standards, there is substantial evidence in the record that the project, which now includes reconstruction of the roof supporting beams, could not be eligible for historic designation.
2. **That the proposed demolition activities will not reasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the property is a single-family residence in a residential zone, surrounded by other single-family homes, the property will not encroach on minimum setbacks or any other property rights. The roof will be reconstructed to match the demolished roof. The roof will retain the same height and pitch. The existing and proposed square footage of the lot will remain the same and the walls that are damaged are

being replaced with materials that resemble the original structure, thereby supporting the findings of the report that the structure is a good architectural specimen, although a "look alike" version of the original.

3. **That there is a demonstrated need for the demolition activity requested;** an extensive on-site structural evaluation was conducted by city staff and documented in a Construction Evaluation Report. The results of the report identified extensive structural damage requiring the demolition of the entire second floor (roof, gables, and walls). Additional work includes the replacement of the foundation sill plate, removal of a 12-foot segment of the exterior wall along the east elevation, and remediation of the structural framing through the remainder of the building. Reconstruction efforts will match the existing building. The existing and proposed square footage of the structure will remain the same as approved by Conditional Use Permit 15-23; and the exterior siding that is being replaced with new materials will resemble that of the original structure, with an addition at the rear of the structure in order to accommodate the needs of a growing family.
4. **That the result of the demolition activity is consistent with the objectives of the general plan;** in that the demolition of more than 25% of the roof and exterior walls is required to construct the proposed project. The project complies with all requirements of the R-1 Zoning Ordinance which codifies and implements the objectives of the General Plan with respect to Residential Low Density development.
5. **That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested;** in that the existing foundation sill plate, top plate, exterior walls along a portion of the first floor of the east elevation, and second floor exterior walls and roof have extensive structural damage and therefore needs to be demolished and rebuilt in order to mitigate any potential safety hazards.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission APPROVES Discretionary Demolition Permit 16-01, subject to the attached conditions of approval.

The approval is final, unless appealed to the City Council in writing within ten (10) days following the adoption of this Resolution, pursuant to the provisions of Section 17.60.120 of the Sierra Madre Municipal Code.

The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The Planning Commission Secretary shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolution of the City.

APPROVED, the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gina Frierman-Hunt, Chairperson
Sierra Madre Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning & Community Preservation Department

**CONDITIONS OF APPROVAL
DISCRETIONARY DEMOLITION PERMIT 16-01**

General Conditions:

The applicant and property owner shall:

1. Comply with all applicable provisions of the Sierra Madre Municipal Code, including but not limited to those Chapters pertaining to Zoning, Building and Construction, Vehicles and Traffic, and Health and Safety, and including all such provisions which may be contained in Uniform Codes which have been incorporated by reference within the Sierra Madre Municipal Code.
2. Comply with all applicable provisions of Federal, State and Los Angeles County law and regulations, including but not limited to the California Environmental Quality Act.
3. Execute and deliver to the City's Department of Development Services an Affidavit of Acceptance of Conditions on a form to be provided by such Department within ten business days of the date of this approval. This approval shall not be effective for any purpose until the Applicant complies with this condition.
4. Prepare report for archival purposes of the history of the original house up to and including its reconstruction, with "before and after" photographs of the original exterior of the building on all sides and offer the report to the Sierra Madre Library.
5. To the fullest extent permitted by law, fully protect the City, its employees, agents and officials from any loss, injury, damage, claim, lawsuit, expense, attorneys' fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this approval, or the activities conducted pursuant to this approval. Accordingly, to the fullest extent permitted by law, the applicant and property owner shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys' fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this approval, or the activities conducted pursuant to this approval. Applicant and property owner shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

Planning Conditions

The applicant and property owner shall:

1. Construct the project in substantial conformance with approved Conditional Use Permit 15-23 and supporting materials presented to the Planning Commission on June 1, 2017. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
2. Construct the project in substantial conformance with the Construction Observation Report dated November 16, 2016 and all applications and supporting materials presented to the Planning Commission on November 3, 2016, December 1, 2016, and June 1, 2017 regarding Discretionary Demolition Permit 16-01. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
 - a. Foundation
Install new foundation and pier/post/girder system.
Completely replace north cripple wall and mudsill. Repair may include adding or “sistering” new studs to existing studs.
 - b. Floor System
Repair/replace deteriorated floor joists as necessary in both first and second floor. Repair may include adding or “sistering” new floor joists to existing joist. Replace all rim joists.
 - c. Exterior Framing
First floor – Replace east dining room exterior framing including new double top plate and plywood shear wall. Repair/replace studs. Repair may include adding or sistering new studs to existing studs. Add strapping at existing single plate breaks.

Second floor – Completely replace all exterior walls. Install new double top plates and plywood shear walls.
 - d. Roof
New replacement structural roof system to match removed roof and must be installed to provide minimum ceiling height clearance for the second story room and shall not exceed the maximum 25-foot height restriction. As a result of the potential increase in height of the second story roof, the chimney may also increase in height to accommodate the required two-foot clearance between the top of the roof ridge and the top of the chimney cap.
 - e. Garage
New roof must be installed. New roof to match slope and type of roofing material for main dwelling. East foundation must be repaired/replaced and slab must be replaced.

(end of conditions)

ATTACHMENT B

Letter from Carlson & Nichols, LLP
(May 26, 2017)

Robert Carpenter, Architect
Historic Assessment
(May 20, 2017)

CARLSON & NICHOLAS, LLP

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May 26, 2017

Via Email - VGonzalez@cityofsierramadre.com

Vincent Gonzalez, Director | Planning & Community Preservation
City of Sierra Madre
232 W. Sierra Madre Blvd.
Sierra Madre, CA 91024

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 Mr. Gonzales:

This letter is submitted on behalf of the applicant and our client William Kefalas. As explained below, the only, narrow issue presented is whether the requested Discretionary Demolition Permit (“DDP”) should be granted to allow Mr. Kefalas to reframe his house. There are no other issues before the Planning Commission.¹ Accordingly, for the following reasons the application should be approved.

First, Section 17.60.056.E.1 of the City’s Zoning Code provides, in relevant part:

“No discretionary demolition permit shall be approved unless the reviewing body determines ...:

The residential structure proposed to be demolished is neither designated on the local list of historic resources nor eligible for designation as an individual resource or contributor to a district or potential district, and the replacement development project is approved;”

In this case, Mr. Kefalas has met both requirements. Specifically, the City already has correctly concluded that his house was and is not historic when it granted a categorical exemption under the California Environmental Quality Act (“CEQA”) and approved Mr. Kefalas’s Conditional Use Permit (“CUP”) on December 17, 2015.

Second, since that time, there is no new credible or substantial information or evidence presented to the Planning Commission that contradicts its prior determination. As established by the Carpenter report we have submitted to the City, Charles J. Fisher is not qualified to opine on

¹ There is no pending application for a Certificate of Appropriateness or action to revoke the CUP.

the subject, his report was full of inaccuracies and contradictions, and the house is **not** historic under any applicable national, state, or local guidelines/rules.

Third, with this letter, we are providing a timeline of the City's communications with Mr. Kefalas, together with photographs he provided at previous hearings, and the FAR Engineering report that has inexplicably not been included in the record by City staff. This timeline and photographs show conclusively that Mr. Kefalas did the construction work contemplated by his CUP, and learned of the major degradation of the structure while doing that work. In sum, Mr. Kefalas has met his burden under Section 17.60.056, and his application for a DDP, therefore, should be granted.

1. The City Has Already Determined That the House is Not Historic.

The administrative record is clear that the City already has determined that the house is not historic. In particular, in Resolution 15-15, the City, adopting the recommendation in the staff report, made the following finding concerning CEQA:

“WHEREAS, the proposed project qualifies for a Categorical Exemption, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that **there is no possibility that the project may have a significant effect on the environment and therefore is not subject to CEQA.**” (emphasis added).

Resolution 15-15 further states:

“1. Construct the project in substantial conformance with all applications and supporting materials presented to the Planning Commission on November 5, 2015.” **Those supporting materials include the staff report that specifically states that all the features will be removed and replaced.**

As stated by Mr. Carpenter at pages 5-6 of his report:

“Categorical exemptions operate very differently from statutory exemptions. Categorical exemptions are made up of classes of projects that generally are considered not to have potential impacts on the environment. Categorical exemptions are identified by the State Resources Agency and are defined in the CEQA Guidelines (14 CCR § 15300-15331). Unlike statutory exemptions, categorical exemptions are not allowed to be used for projects that may cause a substantial adverse change in the significance of an historical resource (14 CCR § 15300.2(f)). Therefore, lead agencies must first determine if the project has the potential to impact historical resources and if those impacts could be adverse prior to determining if a categorical exemption may be utilized for any given project. If not, then the exemption can be approved.

In this case, the exemption was approved thus establishing the City's conclusion that the work to be done did not create a significant environmental impact on a historic resource, i.e., the City determined the house was not historic.”

Moreover, the City is in no position to disavow its prior determination and approval by claiming that since the proposed project would only impact less than 25% of the house, the house was thus not historic. California law is clear that the standard for a lead agency's determination that a presumptively historic resource is or is not a historic resource under California Environmental Quality Act (CEQA) is whether substantial evidence supports the lead agency's decision, not whether a fair argument can be made to the contrary. *Friends of the Willow Glen Trestle v. City of San Jose* (2016) 2 Cal.App.5th 457 reh'g denied (Sept. 7, 2016), review denied (Oct. 26, 2016).

Here, the City had at its disposal all of the property, building, public works and other records for the house dating back to its initial construction. The City thus had available to it whatever information it needed to make that determination. And, there is no basis under CEQA that allows the City to determine whether a house is or is not a historic resource depending on the work to be done to it. To the contrary, the City must first determine if it is or is not a historic resource, then decide if the proposed work is or is not a significant impact, not the other way around.

Similarly, the work undertaken by Mr. Kefalas does not impact the City's determination, nor nullify it. As stated in the attached timeline, and previously by Mr. Kefalas to the City, he discovered the significant structural problems in the house when the exterior siding, and interior lathe and plaster were removed. This work was expressly contemplated by his CUP. As such, to date, he has not demolished any exterior walls of the house. Nevertheless, based on the extensive deterioration and degradation of the structure, it must be reframed to current building codes, which is why he has applied for the demolition permit.

Conversely, while there has been discussion about whether Applicant's removal of the roof exceeded the allowed demolition under the CUP, that issue is a red herring in this proceeding. The roof would need to be removed and replaced as part of the reframing, regardless of whether the roof framing was presently on the house. More importantly, a structure cannot suddenly become historic after the fact when an applicant discovers that the structure is in such disrepair that it needs to be reframed, which is an interior change not affecting the exterior appearance of the house anyway.

2. The Fisher Report Is Not Substantial Evidence.

As noted above, a CEQA determination must be based on substantial evidence – not personal bias or opinion. Under CEQA:

“...substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.

(2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.” Pub. Resources Code, § 21080.

“Complaints, fears, and suspicions about a project's potential environmental impact likewise do not constitute substantial evidence. [Citations.]” (1 Kostka & Zischke, *supra*, § 6.42, pp. 6–47–6–48.) *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, review denied (Oct. 12, 2016)

In this case, the well-reasoned Carpenter report sets forth in detail why the house is not historic. Previously, however, the Commission had a report before it by Charles Fisher that seemed to suggest otherwise. For the record, and to be clear, Mr. Fisher is not a qualified historian - or anything else for that matter - under the Secretary of the Interior standards, which specifically require the following qualifications to opine as an expert on whether something is or is not a historical resource:

“History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history”. National Park Service website - https://www.nps.gov/history/local-law/arch_stnds_9.htm.

In this matter, not only does Mr. Fisher does not state that he has any degree in history, or any qualifications that meet items 1 or 2 above, but after researching his website, Wikipedia, and Facebook, there is no evidence that he has any degree in history or a closely related field at all. To the contrary, his Facebook site specifically states that he was only a political science major at Cal State Los Angeles. And, there is nothing that state he has ANY full-time professional experience with any academic or other qualifying institution. He thus is not qualified to express any professional or expert opinion in this matter and, under California law, his personal opinions are irrelevant.

Conversely, Mr. Carpenter’s qualifications conclusively demonstrate that he is a qualified architect who meets the Secretary of the Interior Standards for Architecture:

“Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.”

In sum, the only evidence before the Commission is that the City determined the house is not historic based upon all of the readily available information to it, and the only qualified expert report is the one by Mr. Carpenter that supports that determination. There is no new evidence to suggest otherwise and Mr. Kefalas has met his burden on that point.

3. The Fisher Report Erroneously Concludes That the House is Historic.

Even if the Commission wanted to consider the Fisher Report, as noted on page 2 of the Carpenter report, Fisher's conclusion that that house is historic is undercut by Fisher's own analysis:

"However, the [Fisher] report also recognizes that the current state of the property blunts any such historic designation now and puts the appreciation of a historic property in serious doubt. The report further expressly acknowledges that, *"The structure is not presently listed on any local, state or federal register nor is it listed as a contributor to any local, state or federal historic district."* **By his own admission of the facts and the lack of original architectural features (the basis of the nomination), the house is not historic.** (emphasis added).

As further explained, Fisher makes several critical errors in his analysis:

"additional errors by Fisher include:

- It is clear from the outset; the report was developed with the overarching presumption that the house was historic and that a newly constructed home that looks like the original house will retain its "historic" value. Fisher states, Section 1- Executive Summary, page 2: *"The house is presently in a state of partial deconstruction and will be evaluated in relation to how to reconstruct it in a manner that will retain an appropriate level of historic significance."* (emphases added)
- The previous comment should be considered in light of his earlier statement that recognizes that the house was not listed on any historic register. Fisher states, Section 1 Executive Summary, page 1: *"The structure is not presently listed on any local, state or federal register nor is it listed as a contributor to any local, state or federal historic district."* Proclaiming that the property is not currently listed and yet it has historic status is a fatal inconsistency.
- As stated earlier in this report, Fisher misused the Secretary of the Interior standards for preservation by citing standard #6 as the basis for the reconstruction. The intent of standard #6 (see full text of the standard above) was to preserve the original house by fashioning minor improvements to help retain the original structure; not to rebuild the entire house and then pronouncing it historic. It is puzzling how Fisher can proclaim the house historic when by his own admission, it is missing those architectural features needed to identify the house as a specific historic style.
- Fisher Report, Section 3- Historic Property Regulations, page 6: Concerning the basic requirement of the National Register Criteria stated: *"to be eligible for the National Register, a property must not only be shown to be significant under the National Register criteria, but must also have integrity."* Fisher goes on to say: *"In other words, a property must not be so altered from the condition during the period of significance, that it fails to show the reasons for that significance."* At the date of the Fisher report the property clearly is lacking integrity and unable to display historic

significance.

- Fisher Report, Section 8 – Historical Significance, Page 22 states: *“The goal is to rebuild the house in a manner that it will look the same from the street, as well as maintain its eligibility as a contributor for a potential National Register district as well as being individually eligible for local designation.”* This may have been a goal; however, it is not achievable. Fisher’s entire analysis articulated in this section was based on records and pre-demolition photographs and ignored the property’s current state. Therefore, the house cannot be considered historic based on the lack of original architectural features that represent the architectural style.
- Fisher Report, Section 9 - Conclusion, Fisher states: *“The subject resource clearly displays enough architectural design to be eligible as a contributor to a district, potentially at the National level...”* In my opinion there is no basis for this statement.
- Further, it is my opinion that the Fisher report has done more harm than good. The report has given all concerned the false hope that the state of the property can be restored by building a new copy. Once the house is completed regardless of final form it will not be considered historic by any of the national, state or local registries.”

Fisher further errs in recommending that “rebuilding the house as a new house so that it looks like the original house, reestablishes its historic value, and could be considered anew for any such historical designation.” Carpenter report, page 3. However, building a look-alike house is not the intent of the Secretary of Interior Standards for Rehabilitation, and will not qualify it for any historical designation. Rather, as noted by Carpenter on page 3 of his report:

”, the intent of the Secretary of the Interior’s Standards for Rehabilitation number 6 is to allow for the recreation of a missing bracket, window trim or other architectural features to reestablish an architectural edifice and thereby retain its historic status.

However, it was never intended to reconstruct an entire house based on photos and drawings or regain historic status with all new materials. “Even though there are remnants of the original house still present – the foundation stone walls, exterior wall and roof framing and floors – the key portions of the house that point to the Arts and Crafts style - are missing and unrecoverable. Therefore, the house is not historic and cannot be considered historic under the Secretary of Interior’s Standards or any other known standard.”

Any historical original features of the house that may have existed are no longer present. Further, the structure of the house is so dilapidated that it cannot reasonably be saved. As noted by Mr. Carpenter:

The Planning and Community Preservation Memorandum dated 21 and 23 of November 2016 also supports this conclusion by highlighting the present state of the property including: 1)

Victor Gonzales

May 26, 2017

Page 7

Damaged and ineffective foundations that do not meet current code standards; 2) Framing details that no longer are allowed by current code; 3) Damaged framing due to rot and insect infestation; 4) Lack of seismic structural features; 5) Lack of fire resistive materials in the exterior walls, eaves and roof systems; and more. The memo went on to recommend reconstructing the house to meet current code in a manner that would only mimic the original house, thus further establishing that it is not historic.

Further, The Engineering Review dated 28 Oct 2016, prepared by FAR Engineering Services, Inc. supports this conclusion by highlighting the structural items needing attention and by concluding that: "Based on the observations and recommendations stated on this report, it is (sic) found that replacing all of the framing by new framing with the same layout is needed to maintain the structure integrity and ability of the building to withstand the anticipated loads."

As such, there is no basis to consider the Fisher Report, there is no new information or evidence, let alone substantial evidence, that contradicts the City's previous determination that the house is not historic, and Mr. Kefalas has met his burden.

In sum, Mr. Kefalas has worked diligently and tirelessly with the City for over 2 years to complete his project. The house is not historic. The City should grant him the demolition permit to reframe the house and complete his project before the next rainy season.

Very truly yours,



Scott W. Carlson,
of Carlson and Nicholas LLP

Planning Timeline prepared by William Kefalas

- 1 April through May 2015. Over the counter consultations with staff (Assistant planner Monica Esparza) regarding zoning codes, specifically square footage. New R-1 code had not yet been finalized or adopted, but we consulted to make sure we were compliant with the proposed changes. Matter of discussion surrounded the rear deck. It was discussed, that because deck would not be solid (rain through), it did not need to be calculated. It was explained that the plan would entail replacing all of the exterior siding, windows, doors, trim and any other exposed material that was in disrepair. Staff advised that was allowed, as long as actual structural members were not removed (exterior walls only).
- 2 Staff (Leticia Cordoza), was adamant that the crawl space under the house would have to be calculated as gross floor area, bringing the current house square footage over the maximum amount allowed under the new code, without any addition. She required either a minor CUP to remove it or a variance, which she said would not be granted.
- 3 I sent a communication to the city council requesting clarification regarding the gross floor area and "crawl spaces" June 2015 (see gross floor area emails)
- 4 Conditional use permit application submitted to city. July 22, 2015
- 5 Remedy for crawl space/gross floor area issue was decided to be a minor conditional use permit. Decision was changed after the staff report was published and public notification was made to remove minor CUP and instead record a covenant to not convert crawl space to habitable space. 10/20/15
- 6 CUP application completed 10/20/15
- 7 Covenant presented by city regarding crawl space, included the wording "not to be used as habitable space or storage space". Assistant city planner, Leticia Cordoza insisted that crawl space could not be used for storage either and I must sign this to move forward. I refused and again consulted with the city manager. Covenant was changed to remove the restriction of storage. (See covenant storage email) 10/28/15
- 8 Extension of deadline for Sierra Madre to Act pursuant to permit streamlining act (govt code 65920-65964) granted by applicant 11/17/15
- 9 First Planning commission hearing, project continued to address gross floor area calculation. Rear deck was not calculated and per city code (commissioner Desai) we were required to do so, because of the height of the deck from existing grade, and that the covering would be considered solid, even though it would not be a rain tight roof. Plan was adjusted to reduce area, including jogging the east elevation. Commissioners also wanted a differentiation from existing house to new house. Materials board

presented to commission, including cement fiberboard siding, stone veneer, paint samples. Commission requested 3-D renderings of rear elevation and conceptual landscape plan. 11/5/2015

- 10 Continuance requested from 12/3/15 meeting to 12/17/15 , meeting.
- 11 Second planning commission hearing. Corrections to gross floor area presented as well as requested renderings and conceptual landscape plan. Plan was approved with conditions. Conditions included lowering the veneer rock wall at the rear, record a covenant to not convert the crawl space to habitable space, record a covenant to disallow lot splits and easements, underground the utilities, and only permeable surfaces in the landscape. 12/17/2015
- 12 Interacted with city planner regarding “only permeable surfaces” condition which was never motioned to be included as a condition, or discussed as a condition. Agreed to change the language to “use permeable surfaces wherever practicable” 2/2/16 (see cup email)
- 13 Consulted with city staff (Jennifer Peterson), regarding the need to remove interior wall coverings so that they engineer could asses the structure and create the plan. I asked to pull a permit for the removal of the drywall, and was told I did not need one.
- 14 Demolition contractor went to city hall to obtain a business license to conduct interior covering removal. (apx 02/3/16)
- 15 Stop work order issued (apx 02/03/16) for removal of interior coverings
- 16 Meeting with city staff, Vincent Gonzales, Jennifer Peterson (not sure of anyone else), regarding the issuance of stop work order, in conflict with staff consultation. Staff (Jennifer Peterson), was adamant that she was not told I would be removing all the wall coverings. They said to continue, I would need a demolition plan, then a permit based on the percentage removed. I explained that they already had the demolition plan from the approved CUP which outlined all the interior demolition, and that I tried to pull a permit but was told that I did not need it because I was not going to be constructing anything yet. After their consultation with the building official, they determined that my engineer did not need to see anything else and that any further removal would constitute a violation. Nothing further was removed (see original demo email)
- 17 Recording of covenants (march 2016, multiple dates)
- 18 Plans submitted for plan check. Corrections requested, including meeting title 24 insulation requirements for the roof 4/25/16

- 19 Plans submitted for second plan check 08/2016 (not sure of exact date, architect took care of this). Included in the changes was the remedy for the roof which included sistering the existing 2x4 rafters with 2x10 rafters, which would allow a deep enough cavity for the required insulation.
- 20 City engineer/plan checker Hong Tam (contracted from Willdan Engineering) requested a meeting with me at city hall on Friday 9/2/16 to request minor over the counter changes to the plan, prior to issuing final approval. Please note, city hall is closed on Fridays to the public, and I would not have been able to access city hall of my own volition. At said meeting, the city engineer requested the following changes to be made, by hand, so as to make final approval. The changes were as follows
- a. Page A-10 field check the size of the bathroom south elevation window. Plan calls for 4x2, may be too close to roofline
 - b. Page A-7 staircase riser is called at 8", change to 7 3/4"
 - c. Page A-9 change verbiage of "new wood siding". Remove the word "wood" as it is in a severe fire zone, and combustible materials are not allowed.
 - d. Page A-11 Add verbiage to say "reframe to match existence"
 - i. City engineer was not satisfied with planned remedy to sister existing rafters from the roof down, because it would reduce the ceiling height at vaulted ceilings, which were already low. He suggested reframing the rafters to sit on top of the top plate of the house. He then stated that this change would require the approval of the director planning and community preservation. The director, Vincent Gonzales, was called over, it was discussed what the problem and remedy was to be. The city engineer instructed the applicant to write the verbiage "reframe to match the existence" at the top of the page, and the director signed the change.
- 21 Building permits were issued on 9/06/2016
- 22 Hazardous Waste removal clearance was issued by P.W. Stephens for removal of asbestos.
- 23 Demolition of exterior and interior materials commenced 10/2016.
- a. Exterior siding, windows, doors, railings, rear deck, casings, roofing material, and roof rafters.
 - b. Interior lathe and plaster, wood trim, ceilings, insulation, brick ducting.
- 24 Contractor and homeowner went to building and safety counter at city hall, to seek direction regarding the conditions uncovered during demolition. An on site inspection was requested and scheduled (meeting took place on 10/10/16). All construction/demolition ceased.

- 25 On site inspection of property was conducted on 10/11/16. Persons present were, James Guerra (building official), Marty Caro (Inspector), Roy Malleappah (Contractor) and William Kefalas (homeowner). Building official commented that he could not make the finding that the property was an “eminent hazard”, but did in fact mention that the condition was in far worse shape than he anticipated, and his report would reflect that.
- 26 Stop work order issued on 10/13/16 by Inspector Marty Caro “obtain permit for garage and plans (new) house” – no work was done since 10/10/16
- 27 Communication with Vincent Gonzales, homeowner requested building officials report of structural condition 10/14/16. Was advised that report was being sent to city attorney for feedback. See email (official report request)
- 28 City released approved Building official’s memorandum 10/17/16 (see Building official memorandum)
- 29 Meeting with then City manager Elaine Aguilar regarding “work beyond scope of CUP”. 10/19/16 Ms. Aguilar would not concede that they ever gave permission to remove the roof, even when shown the signed document. She also was adamant that I removed the walls as well. When I showed her the pictures that the walls were still there, and told her we only removed the siding, she said there was more there than siding. I then showed her pictures of a couple pieces of siding still on the building, with nothing but tar paper behind them, and she backed off. She stated that the only way to move forwards was with a discretionary demolition permit for the roof and the framing.
- 30 Preservation consultants were contacted 10/17-10/28.
 - a. Page and Turnbull: Did not see the need for survey, as the home was in a state of demolition already
 - b. HRG: Did not want to take the job. Advised that they were not interested in working in Sierra Madre.
 - c. GPA Consulting: Did not respond
 - d. Kathryn McGee: Several emails and calls. Did not respond until several weeks later.
 - e. Charles Fisher: The only available person on the list was hired
- 31 Stop work order issued on 10/20/16 by Inspector Marty Caro “obtain permit for garage remodel & obtain ‘new’ plans for house” no work was done since 10/10/16
- 32 Stop work order issued on 10/26/16 by code enforcement “Stop work order!! No one enter property until further notice per: planning department” No work done since 10/10/16
- 33 Applied for Discretionary Demolition permit 10/21/16

34 FAR Engineering report obtained on or about October 16, 2016. Copy attached

35. First Discretionary demolition hearing before the planning commission 11/3/16. Commissioners requested a historical survey, and a report from the city building official indicating what structural repairs needed. FAR Report presented in advance but not included at hearing- no explanation given.

36 Charles Fisher, Historian, hired on 11/10/16 to prepare historic resource evaluation. Report completed on 11/28/16

37 Site inspection with Building official James Guerra, City Engineer Hong Tam, Inspector Marty Caro, Director of community preservation and planning Vincent Gonzales, Code enforcement officer (name unknown), Contractor Roy Malleappah and homeowner William Kefalas.

38 Building official's report released 11/21/16.

39 Meeting with Building official James Guerra and Director Vincent Gonzales. Was in regards to limited scope of report, and that it did not address all of the structural concerns. Report was amended 11/23/16 to reflect changes. Also at the meeting, I requested that city staff set the record straight on how many times we consulted regarding this project, to dispel the misinformation perpetuated by the planning commission, that we did not do any consulting with city staff. Although, they stated they would not make such comments, they requested that I put it in my rebuttal to their report, and they would concur with my statement. (see rebutted BO memorandum revised 11-23-16, City remarks underlined, Applicant remarks italicized). They did not include the wording or make any mention to that effect at the meeting.

40 Second Discretionary Permit Hearing 12/1/16. Fisher's report was accepted and the planning commission required a certificate of appropriateness to continue. Commissioners also stated that they would now be looking at altering the approved CUP, possibly removing any elements visible from the street. Commissioners also were now requiring a compliance officer to oversee the project.

From: Elaine Aguilar eaquilar@cityofsierramaria.com
Subject: RE: 126 Mira Monte
Date: June 15, 2015 at 2:59 PM
To: William Kefalas billkefalas@verizon.net

EA

Very good! We will see you Thursday at 1 pm, here at City Hall.

Thanks,

Elaine

From: William Kefalas [<mailto:billkefalas@verizon.net>]

Sent: Monday, June 15, 2015 2:52 PM

To: Elaine Aguilar

Subject: Re: 126 Mira Monte

1pm Thursday is great.

thank you

On Jun 15, 2015, at 2:36 PM, Elaine Aguilar wrote:

Hello Bill-

Would 1 pm on Thursday work for you?

Please let me know -- if not, please let me know what works for you. (I can't do a morning appointment on Thursday.)

Thank you!

Elaine

From: William Kefalas [<mailto:billkefalas@verizon.net>]

Sent: Monday, June 15, 2015 2:09 PM

To: Elaine Aguilar

Subject: Re: 126 Mira Monte

Hello Elaine,

I just left the architect and I will have the plan tomorrow. Could we schedule a time so I could meet with you and the planning director? Thursday is best, but wednesday afternoon also works.

Just let me know what is best for you.

Thank you

-Bill

On Jun 2, 2015, at 8:31 AM, Elaine Aguilar wrote:

Hello Bill-

Thank you for responding to my email. I think it will be helpful to see

the draft, preliminary plan. I will wait to hear back from you. Our schedule is very flexible; if you need to come in before or after hours, we can accommodate your schedule.

Thank you,
Elaine

From: William Kefalas [<mailto:billkefalas@verizon.net>]

Sent: Monday, June 01, 2015 7:03 PM

To: Elaine Aguilar

Subject: Re: 126 Mira Monte

Hi Elaine.

My architect is drafting a preliminary plan which should be completed late next week. When he is done, I will contact you so we can meet. We aren't doing anything beyond the allowed r1 guidelines, my concern is with the building counters requirement for both a minor conditional use permit as well as a full conditional use permit for what amounts to the same square footage issue.
Bill

Sent from my iPhone

On Jun 1, 2015, at 5:48 PM, Elaine Aguilar
<eaguilar@cityofsierramadre.com> wrote:

Hello Mr. Kefalas:

I was forwarded your email by the City Council.

I would like to assist you with this matter, and it would help me if I could better understand what you are proposing to do. Is there a time that is convenient for you to either call me or come in? I would like the Planning Director to also participate in the conversation. We can accommodate your schedule.

Thank you!

Elaine Aguilar
City Manager

Sent from my iPad

Begin forwarded message:

From: William Kefalas

<billkefalas@verizon.net>

Date: May 28, 2015 at 6:46:46 PM PDT

To: "JCapoccia@cityofsierramadre.com"

<JCapoccia@cityofsierramadre.com>

~~<ggoss@cityofsierramadre.com>~~ ,
"ggoss@cityofsierramadre.com"
<ggoss@cityofsierramadre.com>,
"rarizmendi@cityofsierramadre.com"
<rarizmendi@cityofsierramadre.com>,
"ddelmar@cityofsierramadre.com"
<ddelmar@cityofsierramadre.com>,
"JHarabedian@cityofsierramadre.com"
<JHarabedian@cityofsierramadre.com>

Subject: 126 Mira Monte

Dear mayor, mayor pro tem and members
of the city council,

My name is William kefalas, long time
resident of Sierra madre, and business
owner/operator in this city.

Most recently I purchased 126 e Mira
Monte with the intention of doing a
foundation to ceiling restoration, remodel,
and addition to house my young family. I
fully expect this to be an expensive
project with many challenges, not least of
which is the structural integrity of the
foundation.

I am currently working with an architect
to develop a plan to accomplish my goals
within the new r1 guidelines.

I have run into a situation which I would
like clarification on, as I do not believe
the information I received from the
building department to be accurate and/or
the intention of the council. In computing
gross floor area, the r1 standards dictate
that a partial basement of 3ft up to 8ft
must be included in the calculation of
floor area. Simply put, our code states that
what basically amounts to a crawl space
must be computed into the gross floor
area. This is a problem, because my home
sits on a slopping lot from both north to
south and west to east. The entire home
sits on a partial basement as defined by
the code. The only way around this is a
minor CUP. The bigger problem however,
is that my project will exceed the 3500 sq
ft threshold and I will need a conditional
use permit. I am willing to do this as it is
the code, but what I don't understand, is

why I must also apply and pay for a minor conditional use permit for the same project and what amounts to the same issue. The building counter said I must go through both processes and pay for both. I contend that a minor CUP was established because it is an issue not needing the entire CUP process. So why then must I apply, pay and go through both? Surely there must be away around this. Please advise.

As a sidebar, I was able to come to one of the council meetings regarding the r l changes and was hoping to speak against it, but I waited to long and missed my chance. I'm sure it is too late, but I must at least voice to you my disagreement with this alteration as it is unnecessary and punitive. It unreasonably restricts normally accepted building standards without reason. Our current code had plenty of protection against "McMansions". Now we have another major hurdle to overcome and subsequent fees.

Sincerely
William kefalas

Sent from my iPhone

From: Elaine Aguilar <eaguilar@cityofsierramadre.com>
Subject: RE: 126 e Mira monte
Date: October 29, 2015 at 5:32 PM
To: William Kefalas <billkefalas@verizon.net>

EA

Hello Mr. Kefalas:

I looked into this situation – I hope you have read Monica's email. Staff will be removing the reference to "no storage" in the covenant.

Please let me know if I can be of any assistance in the future!

Thank you,

Elaine

From: William Kefalas [mailto:billkefalas@verizon.net]

Sent: Wednesday, October 28, 2015 4:53 PM

To: Elaine Aguilar <eaguilar@cityofsierramadre.com>

Cc: John Harabedian <jharabedian@cityofsierramadre.com>; Gene Goss <ggoss@cityofsierramadre.com>

Subject: Re: 126 e Mira monte

Hello Elaine,

I don't know if you read my previous email yet, but

I decided to once again re-read Municipal code 17.20.015 to see if there is any merit to what Leticia was insisting on, and I have found that even the claim that storage areas are to be counted is false.

Here is the code:

"Gross floor area" means the sum of all horizontal areas of floors covered by solid roof including first and second floors, attic spaces over 7.5 feet in height, basements, lofts, guest houses, garages, carports, patios, porches, balconies, barns, gazebos, and raised decks which are higher than 7.5 feet from natural or pre-existing grade as measured from the perimeter of the structure. Further, the area of interior spaces over sixteen feet in height shall be counted as double the floor area (see Diagram A), except for stairways and elevator shafts, which shall only be counted once. The horizontal floor area of vents, shafts, and courts shall be included in the calculation of gross floor area.

Neither "crawl space" or storage areas are mentioned in this definition. The verbiage is specific and uses the word "including" but does not leave the definition open ended as Leticia was implying. There is simply no way to suggest that my situation (and many other old houses with crawl spaces) is somehow addressed in this definition.

-William Kefalas

For reference, here are pictures of the offending "crawl space"

On Oct 28, 2015, at 1:23 PM, William Kefalas wrote:

Hello Elaine

I hope you are well.

I am writing because I had an encounter this morning with planning regarding my project at 126 e Mira monte. As you recall, we met many months ago regarding the "basement" issue and how to not include it as gross floor area. After agreeing to a covenant to never use it as habitable space, we moved forward. The latest revision from planning asked me to change the label of basement to crawl space because it does not meet the definition of either full or partial basement. I have been arguing this from the beginning. Problem came up today however, that The covenant should include verbiage to not use the crawl space as storage.

First off, the building and planning department can not classify the crawl space as anything other than that, thus there is nothing in the r1 code regulating its existence. They are insisting that I must either get a variance or sign a covenant never to use it as storage.

According to them storage is counted towards gross floor area. While that may be true, I am not classifying it as such nor does the code make clear what is a storage area. My interpretation of that is a a room or structure with a head of 7.5' or greater, just like any other habitable space, not a crawl space. My space as you may recall is 42" at the lowest and 60" at the highest with the average being 5'. the r1 code has a description for its purpose and neither my plan or my intentions interfere with that, but the planning department seems hell bent on proving something. I do not want to escalate this because what they are asking for is irrelevant to me, the city or my neighbors. However, I will not be marginalized by someone who wants to throw the book at me, when the book itself does not define my situation. To ask me to sign a covenant that I will not store anything under my house is a display of overstepping and an abuse of the mandate of this office.

I have requested that the city attorney prove to me that my situation is implicitly and without question addressed in the code, which would stipulate my needing to sign anything. The code addresses full basements as exempt from being included in gross floor calculation, and partial basements as included. My crawl space does not fit either description, thus it is not addressed. The directors insistence that storage is included as part of the calculation does not apply here, because storage is not defined as to height as is the case with basements and attics. Therefore the only assumption to be made, is that it falls under standard height requirements of 7.5'.

I really don't understand why the city feels it needs to be so punitive regarding something that doesn't even have a clear mandate, nor affect anyone other than me. This crawl space is existing. It has been their for 108 years, and I am trying to protect it. I didn't add on to the second floor which would have been logical, in order to comply with the height requirement, and I didn't try to tear it down so as to preserve a historical asset. As a citizen of this town I deserve the benefit of the doubt, not the opposite.

If the city council wanted to address this, it would have been in the code, not up to an employee to decipher intent. There is a new r1 code that is very restrictive and I have gone to great lengths to comply with it. There is nothing in my plan that circumvents any of it, nor its intent.

This issue needs to go away already, as I am wasting time, money and more importantly getting very aggravated over something so asinine.
Please address this as soon as possible as I am scheduled for a planning commission hearing on November 5th.

Sincerely
William kefalas

Sent from my iPhone

From: **Monica Esparza** mesparza@cityofsierramadre.com

Subject: 126 E Mira Monte Ave

Date: February 2, 2016 at 2:05 PM

To: William Kefalas billkefalas@verizon.net

Cc: Vincent Gonzalez vgonzalez@cityofsierramadre.com, Leticia Cardoso lcardoso@cityofsierramadre.com, Elaine Aguilar eaguliar@cityofsierramadre.com

ME

Good afternoon Mr. Kefalas:

I spoke to the City Attorney and it was decided that the language of Condition of Approval #6 of Planning Commission Resolution 15-15 will be softened to reflect the intent of Commissioner John Hutt to ensure that all hardscape be as permeable as practicable. However, according to the City Attorney, this is a legitimate Condition of Approval because a motion was carried out to adopt the resolution with the noted corrections. I will revise the resolution and will send it to you once it is signed by the Planning Commission Chair. If you have any questions, please let me know.

Thank you for your patience,

Monica Esparza | *Assistant Planner*
Planning & Community Preservation
City of Sierra Madre
232 W Sierra Madre Blvd
Sierra Madre, CA. 91024
(626) 355-7135

From: William Kefalas bilkefalas@verizon.net
Subject: Re: 126 E Mira Monte Ave
Date: February 4, 2016 at 6:16 PM
To: Jen Peterson jpeterson@cityofsierramadre.com

DK

I never spoke with the inspectors, they must have spoken to a worker who was removing a stove and some hardware. I will not be doing any debris removal. I have canceled the removal of drywall because of the apparent hassle to do so, and will leave the demolition to be done all at once after plan check is complete. Removing all of the interior skin had been requested by the engineer to provide the clearest picture possible and to anticipate any design modifications due to the poor condition of the structure. I went to great lengths to make sure I was doing this properly, by consulting with staff on several occasions, procuring an environmental report (which I brought with me when I attempted to pull the permit) and notifying AQMD. And yes I know I need a demolition permit when I do the construction demo. What time is this inspection?

On Feb 4, 2016, at 5:17 PM, Jen Peterson wrote:

Bill,

Staff has met with our Structural Plan Checker regarding the work done on your property. Based on site observations and conceptual plans submitted as part of your Conditional Use Permit application, it has been determined that the partial removal of the lath & plaster should be sufficient for your structural engineer to proceed with their drawings. According to your conversation with Monica, your engineer has sufficient information to proceed from here. No further removal of wall and ceiling finishes is needed, therefore additional removal of materials will be considered a violation until drawings are submitted, at which time it will be determined if a demo permit is required.

Per your conversation today with Officer Silva & Inspector Caro, you may proceed with cleaning and removal of debris from the site. The Stop Work may be removed only after inspection on Monday February 8, 2016.

Thank you for your cooperation,

Jennifer Peterson |Administrative Analyst
Planning & Community Preservation
City of Sierra Madre
(P) 626.355.7135 (F) 626.355.2251

Original demo email

From: **Vincent Gonzalez** vgonzalez@cityofsierramadre.com
Subject: Re: 126 E. Mira Monte
Date: October 14, 2016 at 12:09 PM
To: William Kefalas billkefalas@verizon.net

VG

Bill,

Before releasing the report to you, I wanted the City Attorney to provide feedback. It should be ready on Monday.
-Vincent

Sent from my iPhone

On Oct 14, 2016, at 10:48 AM, William Kefalas <billkefalas@verizon.net> wrote:

Hello Vincent,

Can I get a copy of James Guerra's report of the condition of the structure as he determined it?
I would like to know what course of action he is recommending/requiring.

Thanks

Bill Kefalas

Official report request

MEMORANDUM
DEVELOPMENT SERVICES DEPARTMENT

Date: October 13, 2016
To: Vincent Gonzalez, Director
From: James M. Guerra, Building Official
Subject: Permit No. 204485

126 E. Miramonte Avenue

Additional plan submittal requirements

Field inspection of the subject property revealed the owner/contractor has proceeded with demolition far beyond the scope of the approved plans. The entire roof structure has been removed. The garage wall and roofing covering has been removed. In addition, the owner is now proposing to replace all of the exterior walls and second floor structure and to construct a new garage.

The following additional plans and structural calculations are required:

1. Roof removal and replacement: Complete roof framing plans for the proposed new roof including connection to the exterior walls.
2. Wall and floor replacement: Complete wall and floor plans for the proposed new walls including lateral calculations for any required shear transfer.
3. Garage replacement: Complete plans including foundation replacement if any and walls and roof framing complete with foundation connections and roof connections, and the proposed roof covering and exterior wall covering.

The scope of the approved plans did not include a complete roof replacement. It did include installing additional roof rafters. It did not include removal and replacement of the exterior walls only the exterior siding.

Regarding the necessity for the new exterior walls, the now exposed wall framing has revealed the lack of a sill plate and double top plate as well the lack of any lateral bracing. However, this type of wall construction is typical and consistent with the method of construction when the original house was constructed.

The approved plans there did not require the replacement of the exterior walls. However, the replacement of the entire roof structure will now require at least a double top plate on the second story exterior walls to allow for adequate connection to the replacement roof structure.

Replacement of the exterior walls is now recommended but not required. The replacement of the exterior walls would require that the new second floor structure and a new lateral bracing system be installed.

Building Official memorandum

FAR Engineering Services, Inc

20833 Kingscrest Dr., Saugus, CA 91350

Tel: 818.793.2980 – Fax: 509.756-9443

e-mail: a.farag@arengineeringservices.com

INSPECTION REPORT

For

Property located at
126 E. Mira Monte Ave.
Sierra Madre, CA 91024

Prepared For:

William Kefalas

Project No. SG-12-21

10/28/2016

FAR report

1.0 SCOPE OF SERVICES

This report presents the results of a structural **visual** inspection for the existing framing of the single family house located at 126 E. Mira Monte Ave., Sierra Madre, CA 91024. No vertical or lateral load analysis of any kind is prepared as a part of this inspection; however our recommendations for the visual deficiencies / damages are stated hereinafter:

2.0 VISUAL INSPECTION:

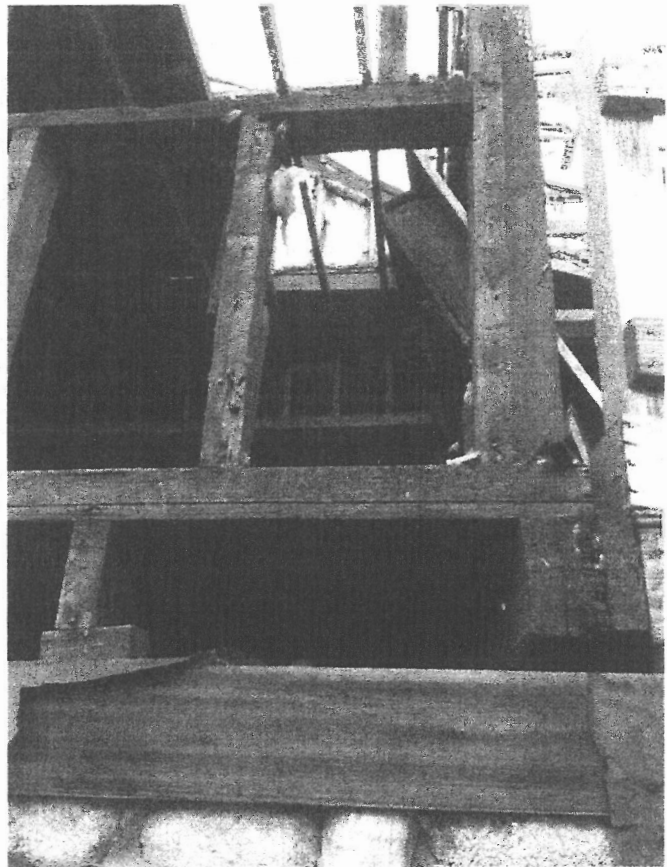
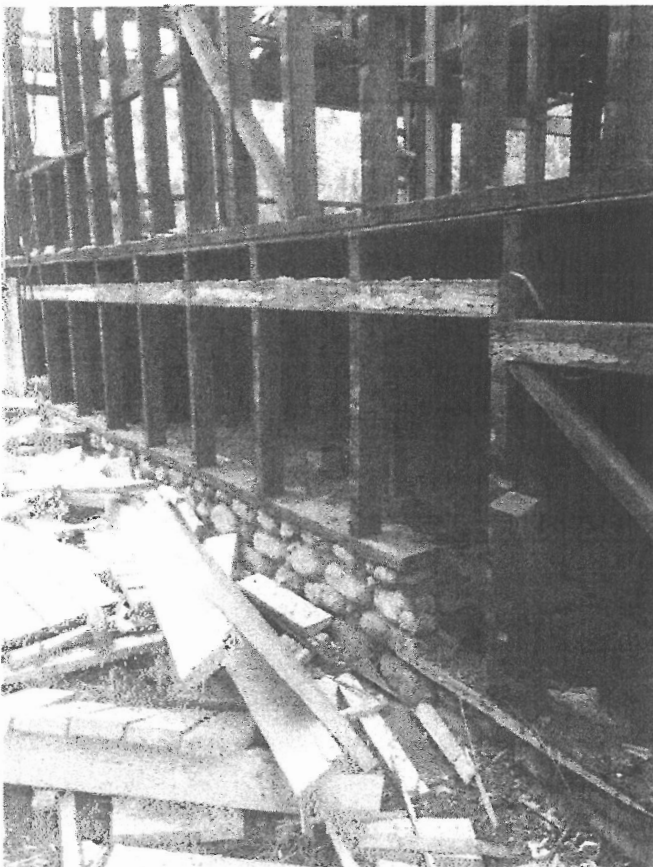
A visual inspection was performed to the said property on 10/25/2016 to evaluate the existing framing to determine the conformance of the framing to the current building code, to determine the capability of existing wood frame to adequately support anticipated loads and to assess any work needed to be done in order to utilize the structure for the intended use.

During the inspection we found the following deficiencies:

2.1 Sill plates are in poor condition and not anchored to the footing.

Observation:

It was noticed that sill plates are weathered and not anchored to the footing, basement top plates is a **single** plate that are heavily damaged by termite.

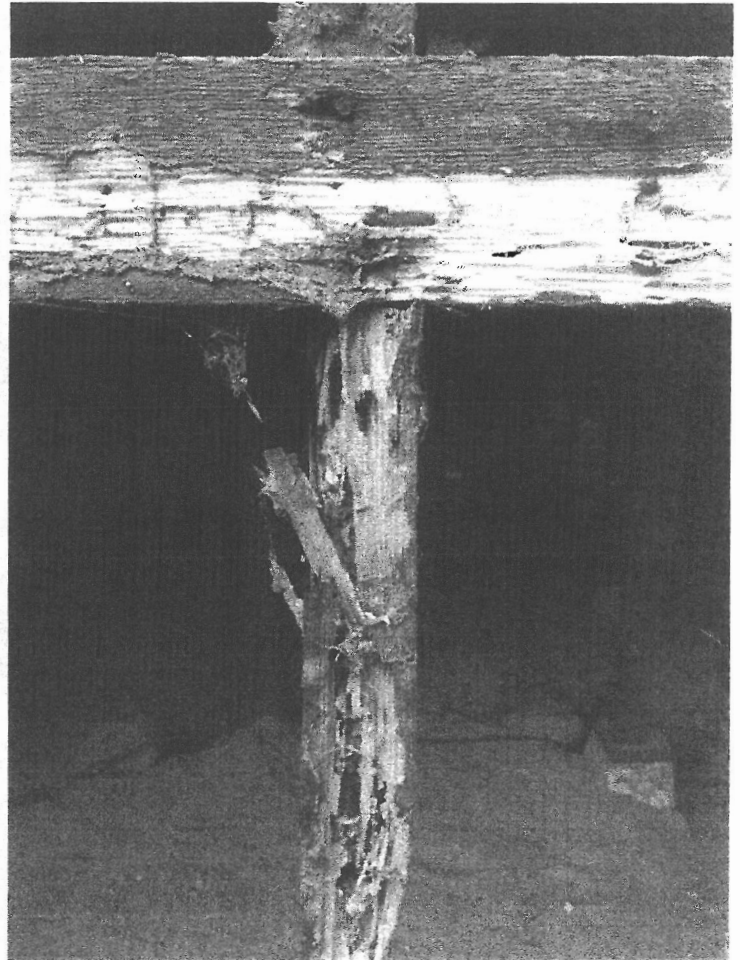
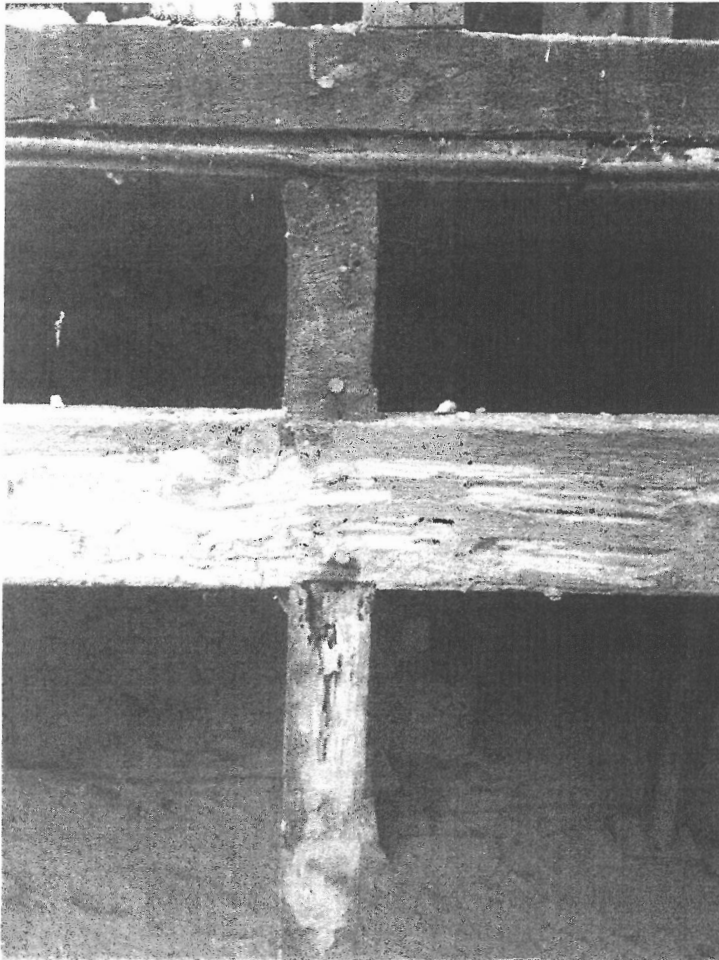


Recommendations:

Sill plates need to be replaced by a pressure treated wood plate and adequately anchored to footing; all top plates need to be replaced by a new double plate to adequately support the floor system.

2.2 Cripple wall at the crawl space are heavily damaged by termite**Observation:**

Numerous studs for cripple wall between the footing and the first floor framing are heavily damaged by termite.

**Recommendations:**

Replace all damaged studs with new 2x4 / 2x6 studs.

2.3 Some walls are tilted up to 7 degrees.**Observation:**

Some exterior wall are tilted by about 7 degrees.

Recommendations:

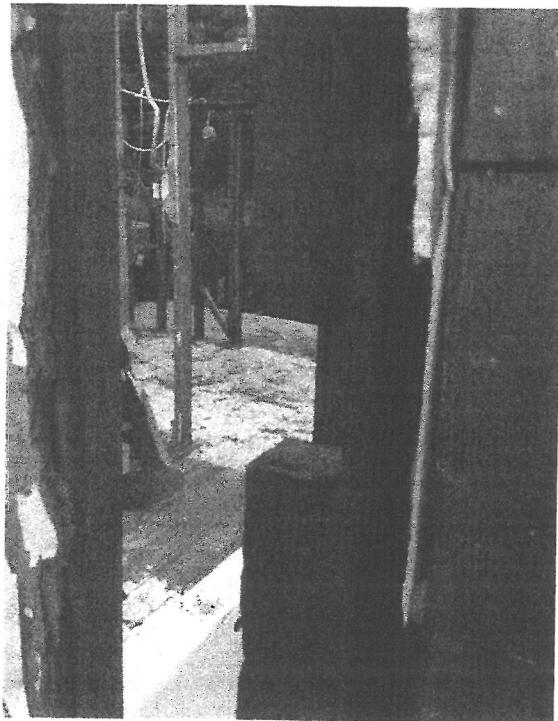
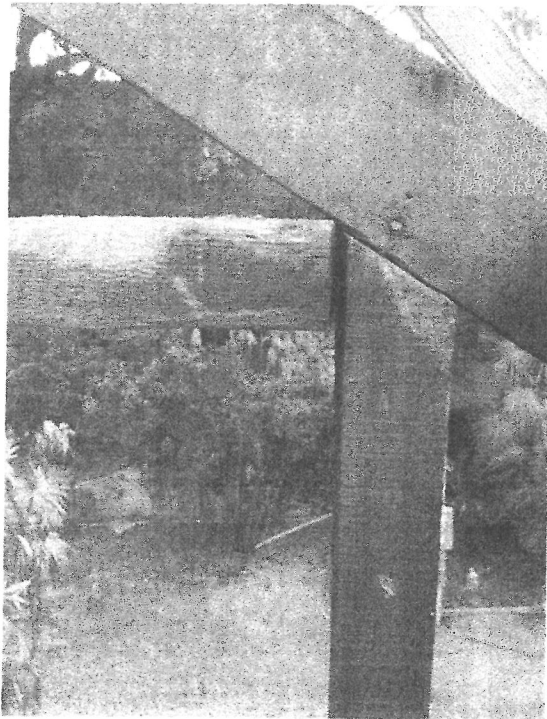
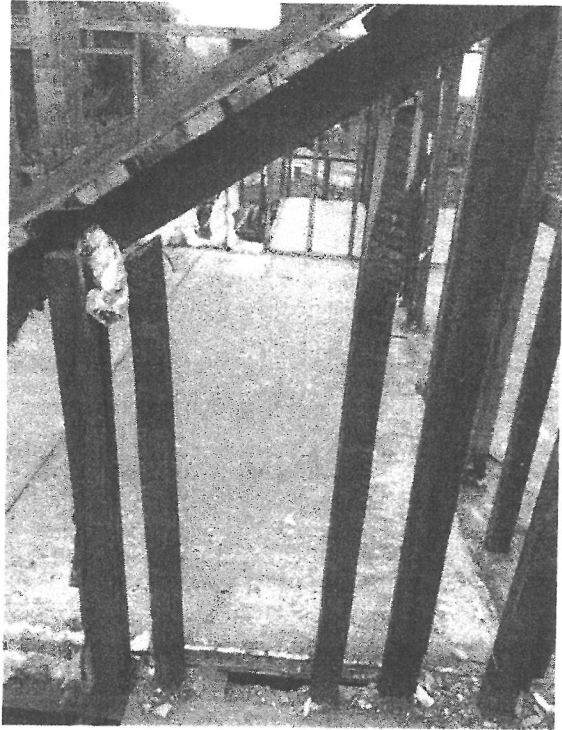
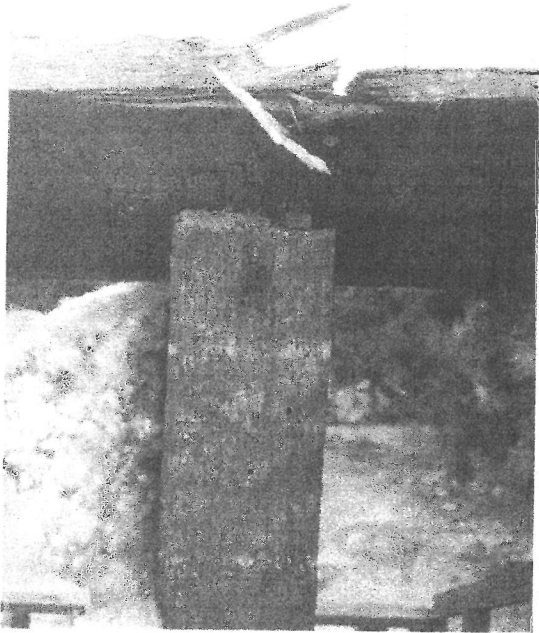
Adjust tilted walls, if applicable, or replace it with a new stud wall as needed.

2.5 Overall poor condition.

Observation:

Over all condition of the existing framing is very poor and in our opinion doesn't look structurally safe to support the anticipated loads based on the new codes.

We found numerous rotten / termite damaged wood studs and joists all over the existing house.





Recommendations:

From the structural safety point of view and to maintain the integrity of the building, it is our recommendation to replace all existing framing with new framing and build it to current code.

3.0 CONCLUSION:

Based on the observations and recommendations stated on this report, it is been found that replacing all of the framing by new framing with the same layout is needed to maintain the structure integrity and ability of the building to withstand the anticipated loads. Replacing portion of the exiting framing might not be a cost effective.

4.0 INVESTIGATION LIMITATIONS

The conclusions and recommendations presented in this report are based on the findings and observations in the field.

This report has not been prepared for use by parties or projects other than those named and described above. It may not contain sufficient information for other parties or other purposes. The conclusions and recommendations presented in this report are professional opinions and based on our experience. These opinions have been derived in accordance with current building codes and current field observations at the date of the field visit.

CITY OF SIERRA MADRE
DEPARTMENT OF PLANNING AND COMMUNITY PRESERVATION
MEMORANDUM

Date: November 21, 2016 (Revised 11-23-16) *(Owner/Contractor Rebuttal)*
To: Vincent Gonzalez, Director
From: James M. Guerra, Building Official
Subject: Construction Observation Report
126 E. Mira Monte Avenue

Per direction of the Planning Commission, a joint inspection of the subject property was performed on November 14, 2016. City staff present for the inspection included Director, Gonzalez, Building Official Guerra, Plan Check Engineer Hong and Building Inspector Caro.

The purpose of the inspection was to prepare a construction observation report regarding the condition of the remaining framing including the walls, floor system and foundation.

The conditions observed were as follows:

Foundation

The existing foundation Jacks foundation concrete piers under posts. A partial jack and girder system had been installed. Several of the girders are notched and/or are not properly supported or bear on the exterior foundation. Various cripple wall posts and/or studs are deteriorated and damaged. Detail 20/S-4 on the approved plans is incorrect as detailed for the existing cripple wall on the west exterior wall. North cripple wall studs and mudsill are damaged and deteriorated.

- 1. Mud sill is badly damaged and there is no positive connection to the foundation, in order to transfer shear.*
- 2. Floor system is sitting on sub blocks instead of the mud sill due to settlement. There is inadequacy of shear transfer to the sill.*

Floor System

First floor - See foundation comments. Portions of the floor and rim joists are deteriorated and/or damaged.

Second floor - Portions of the floor and rim joists are deteriorated and/or damaged.

- 3. Floor joists have penetrated into river rock fireplace*

Exterior Walls

First floor - All walls have a single top plate. Several exterior walls have diagonal blocking. All window and door headers lack king post support. The east exterior dining room stud walls are discontinuous and damaged and/or deteriorated.

4. Bottom plate is damaged throughout home. Particularly bad at front north wall.

5. Front North sub sill cripples under window opening are damaged.

6. Headers are inadequate in size and dimension to span openings.

Second floor - Same as first floor - single top plate and some diagonal blocking. Both east and west walls have minimal walls remaining.

Roof

The second story roof has been completely removed. The roof covering of the first story porch has been removed.

Garage

Roof has been completely removed. Portion of the south foundation is cracked and damaged. Slab floor is cracked and settling.

Recommendations

Foundation - Install new foundation and pier/post/girder system per approved plans except additional detail needs to be provided to show existing cripple wall and rock foundation. Repair/replace deteriorated cripple wall posts/studs. Repair may include adding or sistering new studs to existing studs. Completely replace north cripple wall and mudsill.

7. No issue with foundation directive.

8. Remove cripple wall and raise foundation with new reinforced concrete. Concrete will be covered with siding in the same manner it is now. Remedy will not be visible.

9. Mud Sill plate is deteriorated and is not attached to the foundation. New sill plate to be installed and anchored to foundation for shear transfer.

10. Remove existing floor blocking and dry pack on top of existing river rock foundation in order to establish elevation (level) and direct bearing of floor joists to new mud sill around perimeter.

Floor System

Repair/replace deteriorated floor joists as necessary in both first and second floor. Repair may include adding or "sistering" new floor joists to existing joist. Replace all rim joists.

11. There are currently no rim joists, and given current framing conditions, solid blocking is only alternative.

12. Floor system would need to be jacked and raised beginning at the north elevation, and leveled to account for severe settlement, and to install new sill, replacement/sistered joists and solid blocking.

13. Second floor joists are sitting on fireplace and need to be detached, cut and supported.

14. Second floor joists need to be removed and lifted to install new required double top plate.

15. Second floor flooring system needs to be removed and reframed.

Exterior Walls

First floor - Replace east dining room exterior wall completely including new double top plate and plywood shear wall. Repair/replace studs. Repair may include adding or sistering new studs to existing studs. Add strapping at existing single plate breaks.

16.All door and window openings must be framed with appropriate headers as per plan to accommodate existing window and door openings.

17.East exterior wall is deteriorated and disconnected from the front of the dining room, through the (removed) unreinforced masonry vent, which is at the center of the house. The remaining kitchen wall is mostly a window opening that has been badly notched to accommodate newer piping, and it also needs to be reframed. The remaining part of the wall is less than five feet.

18.West exterior wall is cambered roughly 7 degrees. Racking would be necessary to straighten the wall. It also needs to be lifted to install the new mud sill.

19.Front (north) wall is mostly window and door opening, all of which lack king post header support, and need to be framed to carry the load. Bottom plate is deteriorated from termite damage and needs to be replaced. Sub sill cripples are damaged and need to be replaced.

20.Double top plate and plywood sheer walls to be applied throughout entire structure as per approved plans.

Second floor - Completely replace all exterior walls including new double top plates and plywood shear walls.

Roof

New replacement roof system to match removed roof and must be installed to provide minimum ceiling height clearance second story rooms and not exceed maximum 25' height restriction.

21.Chimney needs to be extended at the shoulder to accommodate proper clearance.

Garage

New roof must be installed. New roof to match slope and type of roofing material as replacement roof system for main dwelling. East foundation must be repaired/replaced and slab must be replaced.

If approved by the Planning Commission, the listed repairs and replacements floors and walls as well as the revised foundation/cripple wall detail require that new plans and engineering calculations be submitted to the building division for review and approval.

22.In order to create a safe structure, which can most effectively survive anticipated seismic activity and most accurately recreate the structure's features and implement the parameters of CUP 15-23, we are requesting permission to completely reframe the home according to the calculations and drawings taken from the original structure. The proposed remedy in no way further alters any visible elements presented and approved by CUP 15-23. This is our request based on the challenges presented. We seek direction from the planning commission in order to mitigate elements of the historical resource if they feel it is possible, technically and economically feasible and serves the public understanding of the resource.

23.The applicant would like it to be known, that he has conferred with city staff regarding matters of zoning, planning, building, safety and permitting no fewer than, and likely more than 15 times, since May of 2015. We have sought parameters and direction from city officials during the initial discovery phase, plan check phase, and most recently when we voluntarily stopped demolition and approached the building official for direction on how to proceed regarding the condition of the framing. Our intent has always been to plan and implement with the direction of city officials, and not to circumvent them in any way.



20 May 2017

William Kefalas
126 E. Mira Monte Avenue
Sierra Madre, CA 91024

Re: Eligibility for Historic Designation under CEQA

Dear Mr. Kefalas:

The purpose of this letter is to provide an opinion by a qualified professional under the Secretary of the Interior's Professional Qualifications Standards for architecture, historic architecture, history and architectural history on the above-referenced property's eligibility as historic resource under the California Environmental Quality Act ("CEQA"), and why it is not historic as Mr. Fisher incorrectly concludes.

A. Expert Qualifications:

I am a licensed architect in the state of California - CA-30047, in the state of Nebraska - Nebraska architects license - NE 1254, and a holder of a National Council of Architectural Boards ("NCARB") certificate with reciprocity rights. I was first licensed as a professional architect in 1975 and have extensive experience in all aspects of the field. As chair of Pasadena's Design Commission, 2008 – 2013, I took a lead and guiding position on all historic properties that were being considered for remodeling and or restoration. Additionally, my early professional work includes the exterior renovation of the Nebraska State Capital, a historical monument designed by Goodhue; Nebraska State Historical Society Headquarters, a renovation project; other historic structures including the School of Architecture designed by Fisher, UNL Richards Hall, a complete interior adaptive reuse project. Additionally, I owned and renovated my own home in 1985 - a home designed by McAfee with design guidance by Adolf Loos, a Wiener Werkstatte design architect and contributor to the modernist movement, circa 1900. I was the campus architect for the University of Nebraska – Lincoln from 1976 – 1995; Principal of Bahr Vermeer Haecker Architects from 1996-2000; Owner and principal for Onyx Architects from 2000 – 2007; Owner and principal of RCCA Architects from 2007 – present.

B. Materials Reviewed:

To prepare this opinion, the following materials were reviewed and evaluated under the applicable standards:

- 1) Historical Resource Evaluation by Charles J. Fisher, Historian dated November 2016;



- 2) Inspection Report - FAR Engineering Services, Inc. dated October 28, 2016;
- 3) Sierra Madre Conditional Use Permit - PC Resolution 15-15;
- 4) Photographs of the site and pending project;
- 5) Department of Planning Memorandum dated November 21, 2016, revised November 23, 2016.

Last, a site visit was performed on 29 April 2017 at 2:00 PM.

C. Expert Opinions & Conclusions:

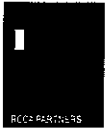
With regard to the November 2016 Historical Resource Evaluation prepared by Mr. Fisher, I note that he considered the property's history, architectural significance, style lineage and contextual compatibility to the surroundings for a member of a potential historic district. He then argues that the house in its original state likely could have been considered nominated for the National Register of Historic Places as an example of the Arts and Crafts style; and, it could have been considered for nomination as a contributing member to a historic district back when.

However, the report also recognizes that the current state of the property blunts any such historic designation now and puts the appreciation of a historic property in serious doubt. The report further expressly acknowledges that, *"The structure is not presently listed on any local, state or federal register nor is it listed as a contributor to any local, state or federal historic district."* By his own admission of the facts and the lack of original architectural features (the basis of the nomination), the house is not historic.

For reasons that appear unrelated to his analysis of the current state of the property and its lack of eligibility for historic designation, the report also recommends rebuilding the house as a new house so that it looks like the original house, reestablishes its historic value, and could be considered anew for any such historical designation.

In this regard, however, the Secretary of the Interior has established preservation standards with the explicit goal of *"...returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."* As pointed out by Mr. Fisher in his report, there is a statement in the standards that allows for new like features to be added that helps maintain the original character of the architectural design. Specifically:

"6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."



Based upon the multiple references to "features", the intent of the Secretary of the Interior's Standards for Rehabilitation number 6 is to allow for the recreation of a missing bracket, window trim or other architectural features to reestablish an architectural edifice and thereby retain its historic status.

However, it was never intended to reconstruct an entire house based on photos and drawings or regain historic status with all new materials. Even though there are remnants of the original house still present – the foundation stone walls, exterior wall and roof framing and floors – the key portions of the house that point to the Arts and Crafts style – are missing and unrecoverable. Therefore, the house is not historic and cannot be considered historic under the Secretary of Interior's Standards or any other known standard.

Moreover, under those same Standards, a historic district is a group of buildings, properties, or sites that have been designated by one of several entities on different levels as historically or architecturally significant. Buildings, structures, objects and sites within a historic district are normally divided into two categories, contributing and non-contributing. Currently, however, this property is not a member of a designated historic district. Hence, it is not historic by its affiliation to any such established district.

Last, although not discussed by Mr. Fisher, it is important to note and consider that the California Historic Building Code ("CHBC") provides special code considerations for designated historic properties; and, in Chapter 8-2, defines a qualified property as: *"Any building, site, object, place, location, district or collection of structures, and their associated sites, deemed of importance to the history, architecture or culture of an area by an appropriate local, state or federal governmental jurisdiction. This shall include historical buildings or properties on, or determined eligible for, nation, state or local historical registers or inventories, such as the National Register of Historic Places, California Register of Historical Resources, State Historical Landmarks, State Points of Historical Interest, and city or county registers, inventories or surveys of historical or architecturally significant sites, places or landmarks."*

Further, rehabilitation under the CHBC involves, *"The act or process of making possible a compatible use for qualified historical building or property through repair, alterations and additions while preserving those portions of features which convey its qualified historical, cultural or architectural values."* Rehabilitation is thus only available if the property was designated historic previously and is now capable of some sort of preservation of its historic attributes and characteristics.

Similarly, Section 15064.1 of the CEQA Guidelines defines a historic resource as: *"Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California maybe considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record."*

CEQA acknowledges, however, that *"the significance of an historical resource is materially impaired when a project: (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or, (B) Demolishes or materially*



alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources ..."

As such, while the property may (or may not) have been eligible for historic designation at the local, state or federal level a long time ago, in its current state it does not have the required physical features allowing it to be considered historic now, and thus is not historic under the CHBC or CEQA either.

In fact, even if the existing frame and foundation were preserved as Mr. Fisher suggests, the qualities and details that are recognized by the CHBC and CEQA are still missing and not recoverable. Making new features (doors, windows, brackets, window trim and the like) and constructing a new house that looks like the original house does not make it historic under either the CHBC or CEQA.

Like the classic statement that summarizes this point: "I have in my hands George Washington's original hatchet, even though the blade has been replaced twice and the handle three-times."

Last, additional errors by Fisher include:

- It is clear from the outset; the report was developed with the overarching presumption that the house was historic and that a newly constructed home that looks like the original house will retain its "historic" value. Fisher states, Section 1- Executive Summary, page 2: *"The house is presently in a state of partial deconstruction and will be evaluated in relation to how to reconstruct it in a manner that will retain an appropriate level of historic significance."* (emphases added)
- The previous comment should be considered in light of his earlier statement that recognizes that the house was not listed on any historic register. Fisher states, Section 1 Executive Summary, page 1: *"The structure is not presently listed on any local, state or federal register nor is it listed as a contributor to any local, state or federal historic district."* Proclaiming that the property is not currently listed and yet it has historic status is a fatal inconsistency.
- As stated earlier in this report, Fisher misused the Secretary of the Interior standards for preservation by citing standard #6 as the basis for the reconstruction. The intent of standard #6 (see full text of the standard above) was to preserve the original house by fashioning minor improvements to help retain the original structure; not to rebuild the entire house and then pronouncing it historic. It is puzzling how Fisher can proclaim the house historic when by his own admission, it is missing those architectural features needed to identify the house as a specific historic style.
- Fisher Report, Section 3- Historic Property Regulations, page 6: Concerning the basic requirement of the National Register Criteria stated: *"to be eligible for the National Register, a property must not only be shown to be significant under the National Register criteria, but must also have integrity."* Fisher goes on to say: *"In other words, a property must not be so altered from the condition during the period of significance, that it fails to show the reasons for that significance."* At the date of the Fisher report the property clearly is lacking integrity and unable to display historic significance.
- Fisher Report, Section 8 – Historical Significance, Page 22 states: *"The goal is to rebuild the house in a manner that it will look the same from the street, as well as maintain its eligibility as a contributor for a potential National Register district as well as being individually eligible for local designation."* This may have been a goal; however it is not achievable. Fisher's entire analysis



articulated in this section was based on records and pre-demolition photographs and ignored the property's current state. Therefore, the house cannot be considered historic based on the lack of original architectural features that represent the architectural style.

- Fisher Report, Section 9 - Conclusion, Fisher states: *"The subject resource clearly displays enough architectural design to be eligible as a contributor to a district, potentially at the National level..."* In my opinion there is no basis for this statement.
- Further, it is my opinion that the Fisher report has done more harm than good. The report has given all concerned the false hope that the state of the property can be restored by building a new copy. Once the house is completed regardless of final form it will not be considered historic by any of the national, state or local registries.

In my professional opinion, the house is not historic under the Secretary of Interior Standards, CEQA and/or the CHBC and thus is not historic, nor eligible for any type of historical designation under any national, state, or local regulation, law, or ordinance.

D. COLABORTING INFORMATION:

The Engineering Review dated 28 Oct 2016, prepared by FAR Engineering Services, Inc. supports this conclusion by highlighting the structural items needing attention and by concluding that: "Based on the observations and recommendations stated on this report, it is (sic) found that replacing all of the framing by new framing with the same layout is needed to maintain the structure integrity and ability of the building to withstand the anticipated loads."

The Resolution 15-15 of the Sierra Madre Planning Commission dated 17 December 2015 also supports this conclusion by resolving – in part - the following: *"1. Construct the project in substantial conformance with all applications and supporting materials presented to the Planning Commission on November 5, 2015."* Those supporting materials include the staff report that states specifically that all the features will be removed and replaced.

Further, Resolution 15-15 specifically states that it *"can be seen with certainty that there is no possibility that the project may have a significant effect on the environment and therefore is not subject to CEQA."*

Categorical exemptions operate very differently from statutory exemptions. Categorical exemptions are made up of classes of projects that generally are considered not to have potential impacts on the environment. Categorical exemptions are identified by the State Resources Agency and are defined in the CEQA Guidelines (14 CCR § 15300-15331). Unlike statutory exemptions, categorical exemptions are not allowed to be used for projects that may cause a substantial adverse change in the significance of an historical resource (14 CCR § 15300.2(f)). Therefore, lead agencies must first determine if the project has the potential to impact historical resources and if those impacts could be adverse prior to determining if a categorical exemption may be utilized for any given project. If not, then the exemption can be approved.

In this case, the exemption was approved thus establishing the City's conclusion that the work to be done did not create a significant environmental impact on a historic resource, i.e., the City determined the



house was not historic. In my professional opinion, the City was correct in making that conclusion for the reasons set-forth herein. The house is simply not historic under the Secretary of Interior Standards, CEQA and/or the CHBC and thus is not historic, nor eligible for any type of historical designation under any national, state, or local regulation, law, or ordinance 4 & 5. The Planning and Community Preservation Memorandum dated 21 and 23 of November 2016 also supports this conclusion by highlighting the present state of the property including: 1) Damaged and ineffective foundations that do not meet current code standards; 2) Framing details that no longer are allowed by current code; 3) Damaged framing due to rot and insect infestation; 4) Lack of seismic structural features; 5) Lack of fire resistive materials in the exterior walls, eaves and roof systems; and more. The memo went on to recommend reconstructing the house to meet current code in a manner that would only mimic the original house, thus further establishing that it is not historic.

E. SUMMARY:

In sum, lacking any prior designation by federal, state, or local authorities as a historic resource – either by inclusion in a historic district or by specific recognition - the project was correctly identified by the City of Sierra Madre as qualifying for a Categorical Exemption under CEQA because the house is not historic. As it is, the house needs to be constructed from the ground up, which will create an opportunity to build a new home that is architecturally appropriate for the area and representative of the community of Sierra Madre.

If, for whatever reason, someone were to think this house is historic, given its condition, the only realistic feasible mitigation measure is to provide a complete record of the property, assembled in archival form, which should include its past and recent history.

With respect,

A handwritten signature in black ink, appearing to read "Robert Carpenter".

Robert Carpenter, Architect
California Licenses C-30047
101 N. Grand Ave, #4
Pasadena, CA 91103
rcarpenterarchitect@charter.net

EXHIBIT C

Project Chronology
126 E. Mira Monte Avenue

PROJECT CHRONOLOGY FOR 126 EAST MIRA MONTE AVENUE

12.17.15 Conditional Use Permit 15-23 – Attachment C

The applicants, William and Anastasia Kefalas, received approval from the Planning Commission on December 17, 2015 for Conditional Use Permit 15-23 (CUP 15-23), allowing the addition of 1,886 square-feet to the existing 2,833-square-foot residence for a total of 4,719 square-feet of floor area on the property located at 126 E. Mira Monte Avenue.

4/25/16 Issuance of Building Permit

A building permit was issued in April 2016 for the deconstruction of the portion of the original structure necessary for the construction of a new addition. The applicant met with Planning staff and the structural engineer to discuss altering the roofline of the north facing attic dormer to achieve additional height in this portion of the building. Staff and the structural engineer determined this modification was a minor alteration and was approved to move forward with construction of the project. During the deconstruction process the applicant removed the roof structure and east-facing gable. Due to the removal of the roof and gable, staff determined that the alteration exceeded the scope of the minor alteration previously approved and a stop work order was issued for removal of the roof.

Staff then required the applicant to submit an application for a Discretionary Demolition Permit for consideration by the Planning Commission prior to proceeding with the construction of the project.

10.28.16 Inspection Report by F.A.R. Engineering – (Attached)

A visual inspection was performed to evaluate the existing framing to determine conformance with the current Building Code, the capability of the existing wood frame to adequately support anticipated loads and to assess any work needed to be done in order to utilize the structure for the intended use.

The conclusion of the report recommends replacement of all existing framing with new framing with the same layout to achieve structural stability of the building.

11.3.16 Discretionary Demolition Permit 16-01 – (Attached)

Due to the demolition of the roof, the scope of the project changed. The applicant exceeded the original scope of the conditional use permit and therefore lost the discretionary demolition permit exemption. The applicant was then required to apply for a Discretionary Demolition Permit to proceed, which triggered the additional analysis that was missing from the initial record (historic resource report).

12.1.16 Discretionary Demolition Permit 16-01 – (Attached)

The Planning Commission reviewed the staff report and the supporting documentation detailed below.

Building Construction Observation Report (by City Building Official)

At the December 1, 2016 meeting, the Commission reviewed the Construction Observation Report prepared by the City Building Official, James Guerra.

Historical Resource Evaluation (Prepared Charles Fisher)

At the direction of the Planning Commission, an “after-the-fact” historical resource evaluation report was prepared to provide the Commission with further background. The Applicant selected Charles J. Fisher, Historian to prepare the report dated November 28, 2016 (included as an attachment to Exhibit C). The conclusions of the report cited the Henry A. Darling Residence as a rare example of an architectural type specimen, Pre-Craftsman Arts and Crafts design. The report further states that although the house is in a deconstructed state, the house can again display enough quality of design to be considered for an individual listing, as a good architectural specimen.

The Commission continued the public hearing from December 1, 2016 to January 19, 2017.

1/19/17 Request for Continuance

The applicant submitted a written request to continue the item to the Planning Commission meeting on February 16, 2017 to allow additional time for the applicant to submit the certificate of appropriateness application.

2/16/17 Request for Continuance

The applicant submitted a written request 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.

3/16/17 Request for Continuance

The applicant submitted a written request to continue the item to the Planning Commission meeting on April 20, 2017 to allow additional time for the applicant to submit the certificate of appropriateness application.

4/20/17 Request for Withdrawal of DDP-1601

Since the last continuance, the applicant has submitted a written request to withdrawal application for DDP 16-01. Due to lack of quorum, the Planning Commission continued

the matter to the May 4, 2017 meeting.

5/4/17 Request for Continuance

Since the last continuance, the Planning Commission, reviewed the written request to withdraw the application for Discretionary Demolition Permit 16-01(DDP 16-01).

After further consideration, the applicant modified the request to withdraw the application and requested a 60-day extension to allow time to prepare a new historic resources report for the property.

The Planning Commission continued the matter to June 1, 2017.

5.22.17 Historic Assessment by Robert Carpenter – Exhibit B

The applicant contracted with Robert Carpenter, Architect to provide a report on the property's eligibility as a historic resource under the California Environmental Quality Act. Mr. Carpenter submitted the report to the City on May 22, 2017.

ATTACHMENT D

Staff Report
Conditional Use Permit 15-23
(December 17, 2015)



Planning Commission **STAFF REPORT**

Ken Goldstein, Chair
Gina Frierman-Hunt, Vice-Chair
Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
Bob Spears, Commissioner

Vincent Gonzalez, Director –
Planning & Community Preservation

DATE: December 17, 2015

TO: Planning Commission

FROM: Vincent Gonzalez, Director – Planning and Community Preservation

SUBJECT: Conditional Use Permit 15-23 (CUP 15-23) to allow the addition of 1,886 square-feet to the existing 2,833-square-foot residence for a total of 4,719 square-feet of floor area on the property located at 126 E. Mira Monte Avenue (*continued from December 3, 2015*).

Executive Summary

The applicants, William and Anastasia Kefalas, are requesting that the Planning Commission consider a Conditional Use Permit (CUP) to allow the addition of 1,886 square-feet to the existing 2,833-square-foot residence for a total of 4,719 square-feet of floor area on the property located at 126 E. Mira Monte Avenue. Pursuant to SMMC Section 17.20.025.C(iii), structures exceeding a total of 3,500 square feet of floor area on lots measuring over 11,001 square-feet require approval of a conditional use permit.

At the meeting on November 5, 2015, the Planning Commission considered the applicants' request and continued the meeting to allow the applicant to recalculate the existing and proposed floor areas, and prepare a conceptual landscaping plan and 3D perspective drawings.

Staff recommends that the Planning Commission approve Conditional Use Permit 15-23 (CUP 15-23), pursuant to Resolution 15-15, subject to conditions of approval.

BACKGROUND

At the meeting on November 5, 2015, the Commission reviewed the applicants' request and questioned the accuracy of the existing and proposed floor area calculations. The applicant was instructed to recalculate the gross floor areas pursuant to Code Section 17.20.015, wherein it states that the gross floor area should be measured from the perimeter of the structure. In addition, the Commission also requested that the applicants submit a conceptual landscape plan and 3D perspective drawings from the rear of the proposed structure as viewed from the southeast and southwest of the property. The Commission agreed to continue the meeting to December 3, 2015. On December 3, 2015, the applicant requested that the meeting be continued to December 17, 2015 to allow additional time to provide the requested information. The staff report for the November 5th meeting is included herein for reference as Exhibit B.

The applicant provided a list of the requested revisions made to the plans; the list is included herein for reference as Exhibit C, and the staff reports for the previous meetings are also attached herein as Exhibit B.

REVISED PROJECT

Revised plans, attached as Exhibit D, show the following revisions:

1) Recalculation of Existing and Proposed Square Footages:

As shown on the site plan, the applicant recalculated the proposed floor area pursuant to Code Section 17.20.015 and included the area of the proposed rear deck in this calculation. As such, the applicant reduced the proposed square footage of the addition in order to remain within the maximum allowable floor area. The proposed gross floor area of the residence and garage was reduced from 4,731 square feet to 4,719 square feet, thus within the maximum allowable of 4,738 square feet. The applicants also recalculated the existing floor area and revised it from 2,052 square feet to 2,833 square feet to account for the existing storage areas that were not previously included.

2) Added Window on North Wall:

The applicants added a window to the north facing wall of the west bedroom addition to address the Commission's concerns about bulk and massing on the west portion of the addition.

3) Added Articulation Along East Elevation:

As shown on the site plan, the applicants created a distinction between the existing residence and the addition by providing articulation along the east elevation as they anticipate requesting historic designation of the property in the

future.

4) Landscaping:

The applicant provided a conceptual landscaping plan included herein for reference as Exhibit E. All existing trees are also shown on the site plan attached as Exhibit D.

5) Perspective Drawings:

Per the Commission's request, the applicant is preparing 3D perspective drawings of the residence as viewed from the southeast and southwest of the property. These drawings will be provided for review at the meeting.

6) Interior ceiling heights:

As shown on the plans, the maximum ceiling heights of the first floor and second floor are 15-feet 3-inches and 9-feet 6-inches, respectively; the ceiling height of the attic on the first floor is 6-feet one-inch. It is important to note that pursuant to Code Section 17.20.015, attic spaces up to 7.5 feet in height do not count toward gross floor area.

In addition to the revisions made, the applicant provided a written clarification as to the interior heights of the crawl space. This clarification is included under Item No. 8 in Exhibit C.

FINDINGS

Conditional Use Permit:

The granting of a CUP is subject to the following findings:

1. **That the site for the proposed use is adequate in size, shape and topography;** in that the project site is rectangular in shape and the 21,320-square foot lot size significantly exceeds the 7,500-square foot minimum lot size for the zone where it is located. The project complies with all setbacks, allowable gross floor area, angle plane requirement, and will continue to be used as a single-family residential use as allowed by the underlying R-1 Zone.
2. **That the site has sufficient access to streets which are adequate, in width and pavement type to carry the quantity and quality of traffic generated by the proposed use;** in that East Mira Monte Avenue is 70 feet wide which is more than a standard width for residential areas. The proposed project involves an addition to the existing single-family residence, therefore

- the use will remain the same and will not result in more traffic than as currently generated.
3. **That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the addition does not diminish the privacy or enjoyment of neighboring properties because it is consistent with the pattern of residential development in the neighborhood. The residence will remain a two-story structure and will comply with all the development standards in the R-1 One-Family Residential Ordinance, such as allowable floor area, lot coverage, setbacks, and angle plane requirements. The residence has a generous front yard setback of 51 feet and rear setback of 85 feet, both well beyond the minimum setback requirements of 25 feet and 15 feet, respectively. The setback distances from the side property lines and from neighboring buildings are more than sufficient as the applicant is providing setbacks that exceed those required by code. Therefore, the proposed use will not interfere with the use, possession and enjoyment of surrounding and adjacent properties.
 4. **That there is a demonstrated need for the use requested;** in that the existing structure is in poor condition and the applicant wishes to remodel the home and add space for their growing family.
 5. **That the use will, as to location and operation, be consistent with the objectives of the General Plan;** in that the proposed use as a single family residence is consistent with the site's current use as well as the goals of its General Plan designation of Residential – Low Density as implemented by the R-1 Zoning Ordinance. The project does not propose to increase the height of the existing structure, and will include generous setbacks that exceed the minimum requirements therefore allowing for adequate buffering from neighboring properties, usable private yard area, air circulation and light, consistent with Policy L7.1. Further, the CUP request to exceed 3,500 square feet is consistent with Policy L7.2 which requires discretionary review of projects that exceed the maximum floor area allowed for ministerial review. Finally, the project is consistent with Policy L7.4 in that the project would be compatible with and complement surrounding existing homes.
 6. **That the public interest, convenience, and necessity require that the use be permitted at the location requested;** in that single-family residential properties serve the needs of the City when such projects are consistent with the General Plan and R-1 Zoning requirements.

Additional findings required as described in Section 17.60.041

The following findings are required for all single family houses:

1. **That the proposed project be designed in one consistent style and the height, bulk, scale and mass of new construction and reconstruction be compatible with the existing neighborhood and the surroundings;** in that the project is compliant with all R-1 standards. The design of the house is consistent with the height, bulk, scale, and mass of the surrounding properties, which includes a mixture of one-story and two-story residential structures. In addition, the proposed architectural character is consistent on all sides of the residence.
2. **That the proposed project reflects the scale of the neighborhood in which it is proposed and that it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting and does not cause adverse impacts;** in that the addition is located in the rear of the existing structure and cannot be seen from the public right-of-way. The residence will remain a two-story structure which is consistent with the mixture of one and two-story structures along East Mira Monte. The addition complies with all setbacks of the R-1 zone and consistently maintains the Craftsman style on all sides.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter, the Sierra Madre Public Library, and on the City's website.

ENVIRONMENTAL

The proposed project qualifies for a Categorical Exemption, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment and therefore is not subject to CEQA.

ALTERNATIVES

The Planning Commission can:

1. Approve the application for Conditional Use Permit 15-23, with or without conditions of approval;
2. Deny the application for Conditional Use Permit 15-23, and direct Staff to provide a Resolution at the next Planning Commission meeting.

3. Continue the subject project, and provide the applicant with direction.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit 15-23 (CUP 15-23) pursuant to Planning Commission Resolution 15-15, subject to conditions of approval.

Prepared by:



Monica Esparza
Assistant Planner
Planning and Community Preservation

Attachments:

1. Exhibit A: Planning Commission Resolution 15-15
2. Exhibit B: Staff Reports – November 5, and December 3, 2015
3. Exhibit C: List of Revisions provided by applicant
4. Exhibit D: Site Plan
5. Exhibit E: Conceptual Landscaping Plan
6. Exhibit F: Colored Front Elevation with Garage
7. Exhibit G: Arborist Report

EXHIBIT A

Planning Commission Resolution 15-15

PC RESOLUTION 15-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE APPROVING CONDITIONAL USE PERMIT 15-23 TO ALLOW THE ADDITION OF 1,886 SQUARE-FEET TO THE EXISTING 2,433 SQUARE-FOOT RESIDENCE FOR A TOTAL OF 4, 719 SQUARE-FEET OF FLOOR AREA ON THE PROPERTY LOCATED AT 126 EAST MIRA MONTE AVENUE

THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, an application for a Conditional Use Permit was filed by:

**William and Anastasia Kefalas
267 W. Montecito Ave.
Sierra Madre, CA. 91024**

WHEREAS, the request for a CONDITIONAL USE PERMIT can be described as:

A request to allow the addition of 1,886 square-feet to the existing 2,433-square-foot residence for a total of 4,719 square-feet of floor area on the property located at 126 E. Mira Monte Avenue. Pursuant to SMMC Section 17.20.025.C(iii), structures exceeding a total of 3,500 square feet of floor area on lots measuring over 11,001 square-feet require approval of a Conditional Use Permit.

WHEREAS, the Planning Commission has received the report and recommendations of staff;

WHEREAS, a public hearing was held before the Planning Commission on December 17, 2015, with all testimony received being made part of the public record;

WHEREAS, the proposed project qualifies for a Categorical Exemption, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment and therefore is not subject to CEQA.

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission now finds as follows:

- **That the site for the proposed use is adequate in size, shape and topography;** in that the project site is rectangular in shape and the 21,320-square foot lot size significantly exceeds the 7,500-square foot minimum lot size for the zone where it is located. The project complies with all setbacks, allowable gross floor area, angle plane requirement, and will continue to be used as a single-family residential use as allowed by the underlying R-1 Zone.

- **That the site has sufficient access to streets which are adequate, in width and pavement type to carry the quantity and quality of traffic generated by the proposed use;** in that East Mira Monte Avenue is 70 feet wide which is more than a standard width for residential areas. The proposed project involves an addition to the existing single-family residence, therefore the use will remain the same and will not result in more traffic than as currently generated.
- **That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the addition does not diminish the privacy or enjoyment of neighboring properties because it is consistent with the pattern of residential development in the neighborhood. The residence will remain a two-story structure and will comply with all the development standards in the R-1 One-Family Residential Ordinance, such as allowable floor area, lot coverage, setbacks, and angle plane requirements. The residence has a generous front yard setback of 51 feet and rear setback of 85 feet, both well beyond the minimum setback requirements of 25 feet and 15 feet, respectively. The setback distances from the side property lines and from neighboring buildings are more than sufficient as the applicant is providing setbacks that exceed those required by code. Therefore, the proposed use will not interfere with the use, possession and enjoyment of surrounding and adjacent properties.
- **That there is a demonstrated need for the use requested;** in that the existing structure is in poor condition and the applicant wishes to remodel the home and add space for their growing family.
- **That the use will, as to location and operation, be consistent with the objectives of the General Plan;** in that the proposed use as a single family residence is consistent with the site's current use as well as the goals of its General Plan designation of Residential – Low Density as implemented by the R-1 Zoning Ordinance. The project does not propose to increase the height of the existing structure, and will include generous setbacks that exceed the minimum requirements therefore allowing for adequate buffering from neighboring properties, usable private yard area, air circulation and light, consistent with Policy L7.1. Further, the CUP request to exceed 3,500 square feet is consistent with Policy L7.2 which requires discretionary review of projects that exceed the maximum floor area allowed for ministerial review. Finally, the project is consistent with Policy L7.4 in that the project would be compatible with and complement surrounding existing homes.
- **That the public interest, convenience, and necessity require that the use be permitted at the location requested;** in that single-family residential properties serve the needs of the City when such projects are consistent with the General Plan and R-1 Zoning requirements.

Planning Commission Resolution 15-15
November 5, 2015

The following findings are required for all single family houses:

- **That the proposed project be designed in one consistent style and the height, bulk, scale and mass of new construction and reconstruction be compatible with the existing neighborhood and the surroundings;** in that the project is compliant with all R-1 standards. The design of the house is consistent with the height, bulk, scale, and mass of the surrounding properties, which includes a mixture of one-story and two-story residential structures. In addition, the proposed architectural character is consistent on all sides of the residence.
- **That the proposed project reflects the scale of the neighborhood in which it is proposed and that it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting and does not cause adverse impacts;** in that the addition is located in the rear of the existing structure and cannot be seen from the public right-of-way. The residence will remain a two-story structure which is consistent with the mixture of one and two-story structures along East Mira Monte. The addition complies with all setbacks of the R-1 zone and consistently maintains the Craftsman style on all sides.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission APPROVES Conditional Use Permit 15-23, subject to the conditions of approval in the attached Exhibit A.

The approval is final, unless appealed to the City Council in writing within ten (10) days following the adoption of this Resolution, pursuant to the provisions of Section 17.60.120 of the Sierra Madre Municipal Code.

The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The Planning Commission Secretary shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolution of the City.

APPROVED, the 17th day of December, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Resolution 15-15
November 5, 2015

Ken Goldstein, Chairperson
Sierra Madre Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning & Community Preservation Department

EXHIBIT A

CONDITIONS OF APPROVAL
CUP 15-23

General Conditions:

The applicant and property owner shall:

1. Comply with all applicable provisions of the Sierra Madre Municipal Code, including but not limited to those Chapters pertaining to Zoning, Building and Construction, Vehicles and Traffic, and Health and Safety, and including all such provisions which may be contained in Uniform Codes which have been incorporated by reference within the Sierra Madre Municipal Code.
2. Comply with all applicable provisions of Federal, State and Los Angeles County law and regulations, including but not limited to the California Environmental Quality Act.
3. Execute and deliver to the City's Department of Development Services an Affidavit of Acceptance of Conditions on a form to be provided by such Department within ten business days of the date of this approval. This approval shall not be effective for any purpose until the Applicant complies with this condition.
4. To the fullest extent permitted by law, fully protect the City, its employees, agents and officials from any loss, injury, damage, claim, lawsuit, expense, attorneys' fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this approval, or the activities conducted pursuant to this approval. Accordingly, to the fullest extent permitted by law, the applicant and property owner shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys' fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this approval, or the activities conducted pursuant to this approval. Applicant and property owner shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

Planning Commission Resolution 15-15
November 5, 2015

Planning Conditions

The applicant and property owner shall:

1. Construct the project in substantial conformance with all applications and supporting materials presented to the Planning Commission on November 5, 2015. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
2. Submit construction plans, for 1st Plan Check within one (1) year of the date of this approval; failure to do so will constitute an abandonment of the entitlement, and shall render this approval null and void.
3. Record a covenant prior to the issuance of the certificate of occupancy, as provided by the City of Sierra Madre, prohibiting the use or conversion of the crawl space/basement into habitable space.

Public Works Conditions

The applicant and property owner shall:

1. Comply with low impact development (LID) standards, including the preparation of a grading and drainage plan.
2. Submit an erosion control plan prepared by a civil engineer prior to Building Permit issuance.
3. Show on the plans submitted for Plan Check all protected tree on the project site, labeled as to dbh and species. The trees shall be plotted accurately to scale as measured in the field, and the drip line of each tree within the subject property shall be measured in the field at eight compass points of the compass and drawn to scale.
4. Erect a protective fence around the trees under the supervision of the record arborist, Mr. Linz. All construction, demolition, and grading work on the site shall meet all of the requirements of SMMC Chapter 12.20.
5. Connect the house to the existing public sewer system in East Mira Monte Avenue. Backflow prevention will be required on the sewer lateral. The proposed sewer connection shall be shown on all future copies of the site plan.
6. Underground all electrical utilities.

(end of conditions)

EXHIBIT B

Staff Reports
(November 5, 2015 & December 3, 2015)



Planning Commission **STAFF REPORT**

*Ken Goldstein, Chair
Gina Frierman-Hunt, Vice-Chair
Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
Bob Spears, Commissioner*

*Vincent Gonzalez, Director –
Planning & Community Preservation*

DATE: November 5, 2015

TO: Planning Commission

FROM: Monica Esparza, Assistant Planner

THROUGH: Vincent Gonzalez, Director – Planning and Community Preservation

SUBJECT: Conditional Use Permit 15-23 (CUP 15-23) to allow the addition of 2,279 square-feet to the existing 2,052-square-foot residence for a total of 4,731 square-feet of floor area on the property located at 126 E. Mira Monte Avenue.

Executive Summary

The applicants, William and Anastasia Kefalas, are requesting that the Planning Commission consider a Conditional Use Permit (CUP) to allow the addition of 2,279 square-feet to the existing 2,052-square-foot residence for a total of 4,731 square-feet of floor area on the property located at 126 E. Mira Monte Avenue. Pursuant to SMMC Section 17.20.025.C(iii), structures exceeding a total of 3,500 square feet of floor area on lots measuring over 11,001 square-feet require approval of a Conditional Use Permit.

Staff recommends that the Planning Commission approve Conditional Use Permit 15-23 (CUP 15-23), pursuant to Resolution 15-15, subject to conditions of approval.

BACKGROUND

The subject property is a 21,320-square-foot lot located in the R-1 (One Family Residential – Minimum Lot Size 7,500 sq. ft.) Zone with a General Plan Land Use Designation of RL (Residential Low Density). The adjacent properties to the north,

south, east, and west are also zoned R-1. The existing 2,452-square-foot single-family residence and detached 2-car garage were built in 1907. The residence contains two stories with 4 (four) bedrooms and 2 (two) bathrooms and a basement below the first story which is occupied by structural elements for the residence. The structure also includes two enclosed patios at the rear that were built without permits. According to the City's building permit files, the exterior stairs were repaired in 2009, a perimeter fence was installed in 1989 and 2000, and a reroof was completed in 1987.

PROPOSED PROJECT

The project involves the addition of 2,279 square-feet to the rear of the existing 2,052 square-foot residence. No changes are being proposed to the existing 400-square-foot garage. The total proposed floor area, including the addition, is 4,731 square-feet. Pursuant to SMMC Section 17.20.025.C(iii), single-family residences that exceed 3,500 square feet of floor area located on lots over 11,001 square feet require approval of a CUP.

The existing structure is an example of Craftsman style architecture. According to the applicant, improvements to the exterior materials of the existing structure will be made to rehabilitate the appearance of the residence, and the areas of new construction will include materials that are appropriate to the Craftsman style so as to blend in with the existing structure. The windows will be replaced, as will the casings and frames. The balcony, eaves, porch, and columns will be repaired where feasible or replaced and painted.

The property slopes downwards in a north-south direction such that the first story in the front of the house becomes the second story in the rear. For purposes of clarification, the area below the first story will be referred to as the lower level since this area does not meet the definitions of a basement or partial basement per Code Section 17.20.015. The proposed project includes a 1,525 square-foot addition to the rear of the first floor and a 754 square-foot addition on the lower level. Square-footage is not being added to the existing second story as part of the proposed project. The existing structure has one bedroom on the first story and three bedrooms on the second story.

The proposed project will also involve an interior remodel that includes locating two bedrooms on the first story, one bedroom on the 754-square-foot lower level addition, and a master suite occupying the entire second story. The residence will include a total of four bedrooms, three bathrooms, a foyer, living room, kitchen, dining room, and family room. The project will also involve additional attic space over the first and second stories for a total of 1,562 square feet. However, it is important to note that, pursuant to the definition of gross floor area in the R-1 Zoning Ordinance, attic areas may be exempted from the calculation of floor area if it meets the criteria outlined in Code Section 17.20.015 ("Definitions"); based on the information provided by the applicant, staff has verified that the existing and proposed attic space complies with this section, and as such, their floor area can be excluded from the total floor area calculation.

Demolition

The project will require demolition of 39 linear feet (approximately 23 percent) of the 172-foot long exterior walls along the rear of the residence to accommodate the addition, and it will not impact the original front façade of the structure. The total square footage of the area proposed for demolition is 670 square feet.

The proposed demolition does not require a discretionary demolition permit or a historic resources survey. Pursuant to Code Section 17.60.056.F, a project requiring demolition of less than 25% or less of the existing walls is exempt from requiring a discretionary demolition permit if the following conditions exist: a) the demolition is required for an addition/alteration to the structure that is permitted by code; b) the addition is permitted at the same time as the required demolition; c) neither the demolished portion of the structure nor the addition impacts the original front façade of the structure; and d) the site plan and all required permits for the remodel have been approved by the applicable city reviewing authority.

The site plan is included herein for reference as Exhibit B and a materials board has been submitted and will be made available for viewing at the public hearing.

Public Hearing Notice – Minor Conditional Use Permit

The public hearing notice for this project stated that the applicant is requesting approval of a minor conditional use permit to exempt a partial basement from the gross floor area calculation. The existing area located north of the proposed lower level is a basement occupied by the foundation/structural elements of the residence. The interior height of this 2,157-square-foot area varies between 3.5 feet to 6.5 feet. After the public hearing notice was given, staff has concluded that, while this area is a basement¹, it does not fit the definition of a “full basement”, which is exempt from the floor area calculation, or “partial basement”, which may be exempt through the approval of a minor conditional use permit pursuant to Code Section 17.20.015. Consequently, a minor conditional use permit is not the appropriate mechanism to exempt this area from the calculation of floor area.

Based on a discussion between the applicant and staff, it was determined that due to the structural elements required to be added in this area to reinforce the foundation of the residence (e.g., new walls, footings, retaining walls), it would be unlikely that the applicant could effectively use this space for anything other than structural foundation use. Under advisement from the City Attorney, staff has included a condition of approval in Resolution 15-15 requiring that a covenant be recorded by the applicant agreeing that this area will never be used or converted into habitable space. As a result, staff is recommending that this area not be included in the calculation of gross floor area for the

¹ Code Section 17.08 defines “basement” as “any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein

subject property. For informational purposes, if this area were to be included, the total proposed floor area would be 6,888 square-feet, therefore in excess of the maximum allowable floor area for the subject property.

A draft of the covenant is attached herein for reference as Exhibit G.

Landscaping and Protected Trees

The applicant is proposing to maintain the existing landscaping on the project site. There are a total of 3 (three) Coast Live Oak (*Quercus agrifolia*) trees on the property, none of which are proposed for removal. A condition of approval has been included in the Resolution requiring that protective measures be taken to avoid impacts to the oak trees during construction.

NEIGHBORHOOD ANALYSIS

Staff identified two parcels on the same side of the street that are the same size as the project site for purposes of comparing the square footages of the existing residences with that of the proposed project. According to information provided in the LA County Tax Assessor's² website for 46 E. Mira Monte, this 2,217-square-foot residence has three bedrooms and three bathrooms. Assuming that 46 E. Mira Monte is providing the Code-required parking, the total estimated floor area for the property is 2,617 square-feet. Based on the CUP approved for 68 E. Mira Monte in 2013, this residence has a total of 4,566-square-feet of floor area, including five bedrooms, three bathrooms, and a 3-car garage. Both of these residences are also two-story structures.

² The LA County Tax Assessor does not include the garage floor area in the total square footage of the property.

PROJECT SUMMARY

Category	Existing	Proposed	Code Requirement / Allowed	Meets Code
Lot size	21,320 sq. ft. (205' deep X 104' wide)	No Change	7,500 sq. (minimum)	Yes
Lot Coverage	8%	15%	Not to exceed 40% of lot area.	Yes
Building Height	22 feet (as measured from 1/3 of the height of the pitched roof)	No Change	Yes (25 ft. max)	Yes
Gross Floor Area	2,452 sq. ft.	4,731 sq. ft.	4,738 sq. ft. (3,500 sf + 12% of area over 11,000 sf)	Yes
Building Setbacks:				
<u>Front</u>	51 feet	No Change	25 feet	Yes
<u>Sides:</u>				
East	33 feet	No Change	(Total cumulative: 30% of lot width=31 feet, with minimum 10 feet on each side)	Yes
West	31 feet	17 feet, 6 inches		Yes
<u>Rear</u>	117 feet	85 feet		Yes
Parking	2-car garage	No Change	2 spaces per dwelling unit in a garage or carport	Yes

ANALYSIS/ FINDINGS

Conditional Use Permit:

The granting of a CUP is subject to the following findings:

1. **That the site for the proposed use is adequate in size, shape and topography;** in that the project site is rectangular in shape and the 21,320-square foot lot size significantly exceeds the 7,500-square foot minimum lot size for the zone where it is located. The project complies with all setbacks, allowable gross floor area, angle plane requirement, and will continue to be used as a single-family residential use as allowed by the underlying R-1 Zone.
2. **That the site has sufficient access to streets which are adequate, in width and pavement type to carry the quantity and quality of traffic generated by the proposed use;** in that East Mira Monte Avenue is 70 feet wide which is more than a standard width for residential areas. The proposed project involves an addition to the existing single-family residence, therefore the use will remain the same and will not result in more traffic than as currently generated.
3. **That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the addition does not diminish the privacy or enjoyment of neighboring properties because it is consistent with the pattern of residential development in the neighborhood. The residence will remain a two-story structure and will comply with all the development standards in the R-1 One-Family Residential Ordinance, such as allowable floor area, lot coverage, setbacks, and angle plane requirements. The residence has a generous front yard setback of 51 feet and rear setback of 85 feet, both well beyond the minimum setback requirements of 25 feet and 15 feet, respectively. The setback distances from the side property lines and from neighboring buildings are more than sufficient as the applicant is providing setbacks that exceed those required by code. Therefore, the proposed use will not interfere with the use, possession and enjoyment of surrounding and adjacent properties.
4. **That there is a demonstrated need for the use requested;** in that the existing structure is in poor condition and the applicant wishes to remodel the home and add space for their growing family.

5. **That the use will, as to location and operation, be consistent with the objectives of the General Plan;** in that the proposed use as a single family residence is consistent with the site's current use as well as the goals of its General Plan designation of Residential – Low Density as implemented by the R-1 Zoning Ordinance. The project does not propose to increase the height of the existing structure, and will include generous setbacks that exceed the minimum requirements therefore allowing for adequate buffering from neighboring properties, usable private yard area, air circulation and light, consistent with Policy L7.1. Further, the CUP request to exceed 3,500 square feet is consistent with Policy L7.2 which requires discretionary review of projects that exceed the maximum floor area allowed for ministerial review. Finally, the project is consistent with Policy L7.4 in that the project would be compatible with and complement surrounding existing homes.
6. **That the public interest, convenience, and necessity require that the use be permitted at the location requested;** in that single-family residential properties serve the needs of the City when such projects are consistent with the General Plan and R-1 Zoning requirements.

Additional findings required as described in Section 17.60.041

The following findings are required for all single family houses:

1. **That the proposed project be designed in one consistent style and the height, bulk, scale and mass of new construction and reconstruction be compatible with the existing neighborhood and the surroundings;** in that the project is compliant with all R-1 standards. The design of the house is consistent with the height, bulk, scale, and mass of the surrounding properties, which includes a mixture of one-story and two-story residential structures. In addition, the proposed architectural character is consistent on all sides of the residence.
2. **That the proposed project reflects the scale of the neighborhood in which it is proposed and that it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting and does not cause adverse impacts;** in that the addition is located in the rear of the existing structure and cannot be seen from the public right-of-way. The residence will remain a two-story structure which is consistent with the mixture of one and two-story structures along East Mira Monte. The addition complies with all setbacks of the R-1 zone and consistently maintains the Craftsman style on all sides.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter, the Sierra Madre Public Library, and on the City's website.

ENVIRONMENTAL

The proposed project qualifies for a Categorical Exemption, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment and therefore is not subject to CEQA.

ALTERNATIVES

The Planning Commission can:

1. Approve the application for Conditional Use Permit 15-23, with or without conditions of approval;
2. Deny the application for Conditional Use Permit 15-23, and direct Staff to provide a Resolution at the next Planning Commission meeting.
3. Continue the subject project, and provide the applicant with direction.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit 15-23 (CUP 15-23) pursuant to Planning Commission Resolution 15-15, subject to conditions of approval.

Prepared By:

Monica Esparza
Assistant Planner

Attachments:

1. Exhibit A: Planning Commission Resolution 15-15
2. Exhibit B: Site Plan
3. Exhibit C: Colored Front Elevations

4. Exhibit D: Project Application
5. Exhibit E: Vicinity Map
6. Exhibit F: Site Photos
7. Exhibit G: Draft Deed Restriction and Covenant



Planning Commission **STAFF REPORT**

*Ken Goldstein, Chair
Gina Frierman-Hunt, Vice-Chair
Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
Bob Spears, Commissioner*

*Vincent Gonzalez, Director of
Planning and Community
Preservation*

DATE: December 3, 2015

TO: Planning Commission

FROM: Monica Esparza, Assistant Planner

SUBJECT: Conditional Use Permit (CUP) 15-23: A request to allow the addition of 2,279 square-feet to the existing 2,052-square-foot residence for a total of 4,731 square-feet of floor area on the property located at 126 E. Mira Monte Avenue.
(Continued from November 5, 2015)

BACKGROUND

Conditional Use Permit 15-23 was submitted by the applicants, Bill and Anastasia Kefalas, to allow the addition of 2,279 square-feet to the existing 2,052-square-foot residence for a total of 4,731 square-feet of floor area on the property located at 126 E. Mira Monte Avenue.

The Planning Commission considered the project at its November 5th, 2015 meeting, and voted to continue the project to the December 3rd meeting to allow the applicant to address concerns raised by the Commission.

The applicant has submitted an email request (attached herein) to continue the item to the Planning Commission meeting on December 17, 2015 to allow additional time to revise the plans to address the Commission's concerns.

RECOMMENDATION

Staff recommends that the Planning Commission continue the item to the December 17th, 2015 Planning Commission meeting.

Prepared and Respectfully Submitted By:

A handwritten signature in blue ink, appearing to read 'ME' followed by a stylized flourish.

Monica Esparza
Assistant Planner

Attachments (1):

1. Email from Applicant requesting a continuance of the item, dated 11/17/15

EXHIBIT C

List of Revisions (provided by applicant)

126 E. Mira Monte
CUP 15-23

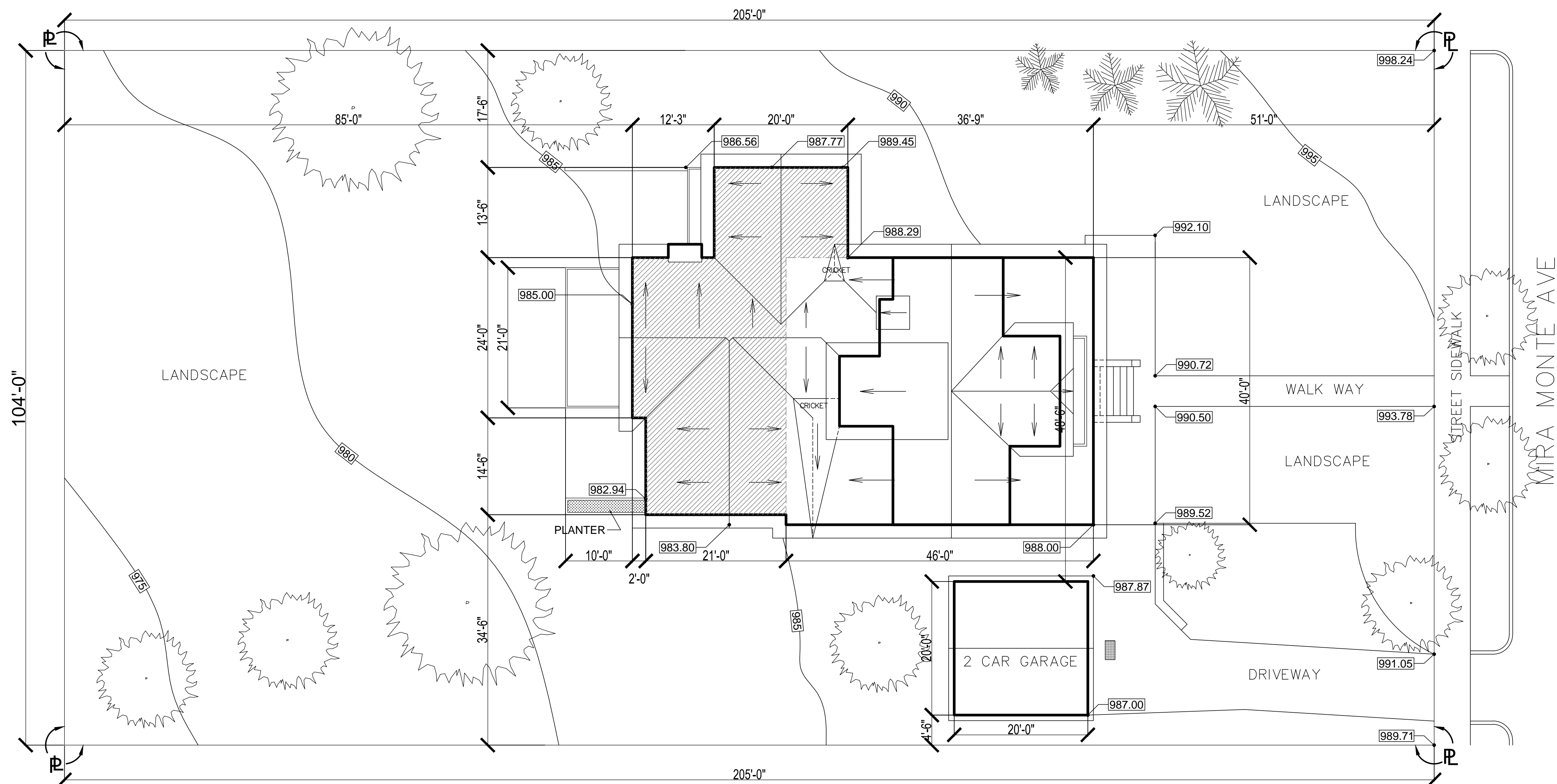
Corrections made per planning commission request.

1. Gross Floor Area Calculations: (Existing=2833: Proposed addition=1886.25: Total Area=4719.25 Maximum allowed = 4738.4)
 - a. Recalculated 2nd floor existing structure. Measurements were taken from the outside of exterior walls. (913 sq ft)
 - b. Recalculated first floor existing structure. (1520 sq ft)
 - i. Included “non-permitted covered storage” as well as covered balcony. (commissioner did not have this area highlighted on revision sheet, but as per code 17.20.015, they are to be calculated)
 - c. Reduced size of first floor addition (1136.50 sq ft)
 - i. South West bedroom/bath was reduced from both the south side and the west side
 - ii. Attached balcony now sits on top of lower level bedroom (included in gross floor area calculation on lower level)
 - d. Recalculated second floor proposed remodel to exclude staircase. (790.75 sq ft)
 - e. Reduced lower level square footage, jogged in east wall (614 sq ft +258 sq ft = 872 Sq ft)
 - i. Reduced size of and included rear deck in Gross floor calculation on lower level (258 sq ft)
2. Added window to north facing wall on west bedroom addition.
3. Jogged East facing wall to differentiate existing historic structure from proposed addition.
4. Maximum attic height on first floor is 6’1” (see page A-11)
5. Maximum cathedral ceiling height on second floor 9’6” (see page A-10)
6. No attic spaces over 7’5”. Maximum attic at highest point on first floor is 5’6” (see West elevation on page A-9)
7. Maximum Cathedral ceiling on first floor is 15’3” (see section on page A-10)
8. Not a change but a clarification. There are no points in the existing crawl space over 6’6”. During the meeting a couple commissioners mentioned a concern with the crawl space that is over 7’. This is not the case. The lowest point, which is measured from existing grade, (not finished) is 78” or 6’6”. In the new proposed crawl space, the highest point shown is 6’ or 72” measured from existing grade.
9. Included conceptual landscape plan (DBH and species of existing trees included on this sheet)
10. All trees are indicated on page A-1 site plan
11. Perspective drawings from both SW facing NE, and SE facing NW provided.

EXHIBIT D

Site Plan

KEFALAS RESIDENCE
126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024



 **SITE AND ROOF PLAN**
SCALE: 1" = 10'-0"

KEY PLAN
 ADDITIONAL AREA

SHEET INDEX:

- A-1 PROJECT NOTES & SITE AND ROOF PLAN
- A-2 EXISTING CRAWL SPACE PLAN & EXISTING FIRST FLOOR PLAN
- A-3 EXISTING SECOND FLOOR PLAN
- A-4 DEMOLITION CRAWL SPACE PLAN & DEMOLITION FIRST FLOOR PLAN
- A-5 DEMOLITION SECOND FLOOR PLAN
- A-6 PROPOSED CRAWL SPACE PLAN AND LOWER LEVEL FLOOR PLAN
- A-7 PROPOSED FIRST FLOOR PLAN
- A-8 PROPOSED SECOND FLOOR PLAN, EXISTING ATTIC FOR SECOND FLOOR AND EXISTING & PROPOSED ATTIC FOR FIRST FLOOR PLAN
- A-9 PROPOSED EAST AND WEST ELEVATION
- A-10 PROPOSED SOUTH ELEVATION AND SECTION A-A
- A-11 EXISTING & PROPOSED NORTH ELEVATION (FRONT) AND SECTION B-B

PROJECT NOTES:

SUBJECT:
PROPOSED ROOM ADDITION 1,886 SQ.FT FOR EXISTING 4 BEDROOMS AND 2 BATHROOMS (TWO STORY HOUSE), THE ADDITION CONSISTS OF TWO FULL BATHROOMS, POWDER ROOM, FAMILY ROOM, LAUNDRY, FLOOR AREA FOR THE EXISTING LIVING AND DINNING ROOM. INCLUDE REDESIGNING THE EXISTING 4 BEDROOMS, EXISTING TWO BATHROOM AND EXISTING KITCHEN.

PROJECT ADDRESS:
126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

ASSR. ID NO.:
5762 013 019

OWNER:
WILLIAM & ANASTASIA KEFALAS

OWNER ADDRESS:
267 WEST MONTECITO AVE,
SIERRA MADRE, CA 91024

TELEPHONE:
626 - 786 - 4635

ZONING:
R-1

LOT SIZE:
104.0 X 205.0 = 21,320.00 SQ.FT.

EXISTING FLOOR AREA:
HOUSE = 2,433.00 SQ.FT.
GARAGE = 400.00 SQ.FT.
TOTAL = 2,833.00 SQ.FT.

PROPOSED TOTAL FLOOR AREA FOR THE HOUSE:
1. LOWER LEVEL 614.00 SQ.FT.
2. FLOOR AREA UNDER THE FIRST FLOOR PATIO 258.00 SQ.FT.
3. FIRST FLOOR (EXISTING + ADDITION) 2,656.50 SQ.FT.
4. SECOND FLOOR 790.75 SQ.FT.
5. EXISTING GARAGE 400.00 SQ.FT.
TOTAL 4,719.25 SQ.FT.

TOTAL PROPOSED 4,719.25< 4,738.40 MAXIMUM ALLOWED AREA

PROPOSED DEMOLITION AREA:
= 320 SQ.FT.

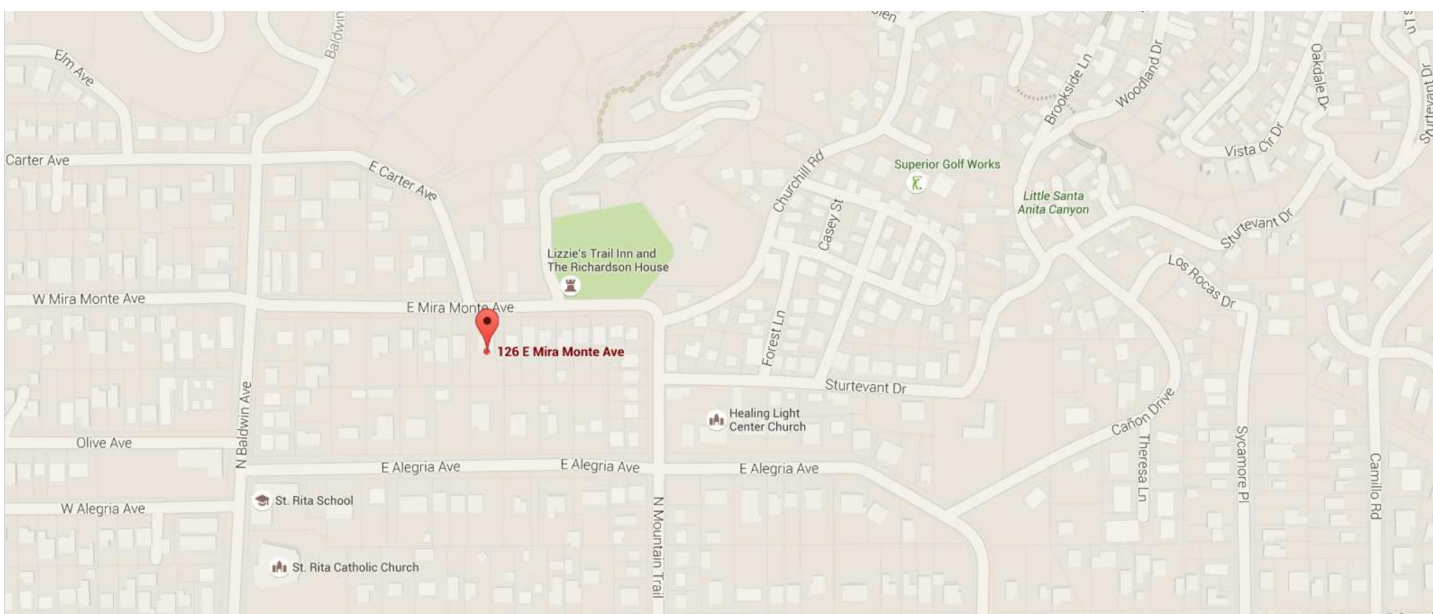
MAXIMUM ALLOWS LOT COVERAGE :
(PERMITTED LOT COVERAGE) = 40% LOT SIZE
= 40% x 21,320 = 8,528 SQ.FT.

REQUIRED CUMULATIVE SIDE YARD SET BACK = 31'-0"
REQUIRED REAR YARD SET BACK = 15'-0"

NOTES:

- A. THE PROPOSED EXTERIOR DEMOLITION WALL SHALL BE LESS THAN 25% FROM THE TOTAL EXTERIOR WALL
- TOTAL EXISTING EXTERIOR WALL = 46' x 2 + 4' x 2 = 172 L.FT.
- PROPOSED EXTERIOR DEMOLITION WALL = 39' L.FT. = 22.67 % > 25%
- B. ALL DEMOLITION STRUCTURE SHALL BE PERMITTED BY CITY CODE.
- C. ALL REQUIRED PERMITS FOR REMODEL OR NEW STRUCTURE HAVE BEEN PROVIDED BY THE APPLICABLE CITY REVIEWING AUTHORITY.

VICINITY MAP:



A SEPARATE PERMIT IS REQUIRED TO BE OBTAINED FOR THE AUTOMATIC FIRE SPRINKLERS SYSTEM PER N.E.P.A. 13D (DRAWING SHALL BE SUBMITTED WITHIN 30 DAYS OF THE ISSUANCE OF BUILDING PERMIT)

REVISION	BY
10/28/2015	1

SAG & A-R DESIGN AND ENGINEERING SERVICES
281 N. ALTADENA DR., PASADENA, CA 91107
626-449-6461

126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

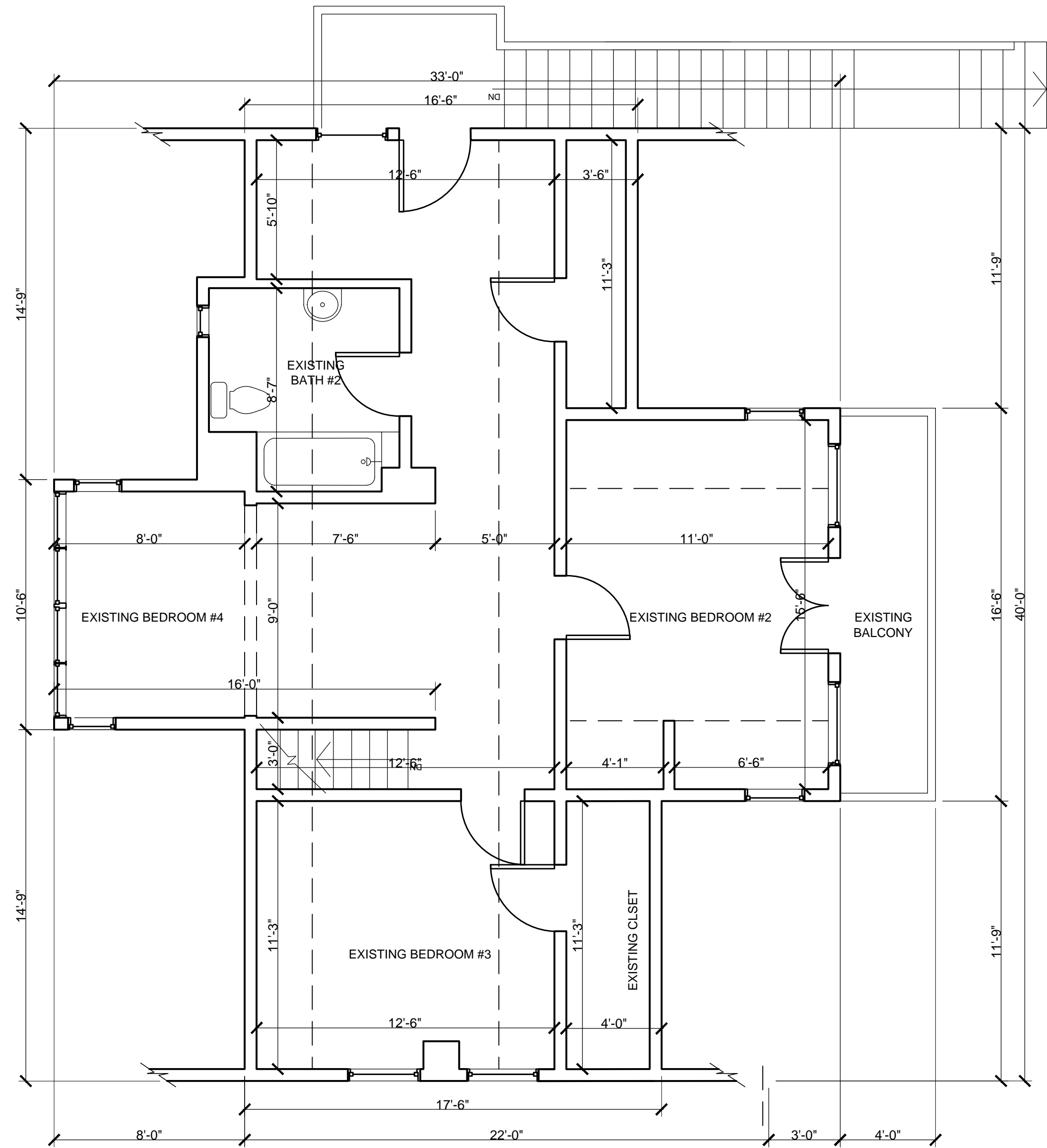
Date: 11/30/2015

Scale: AS NOTED

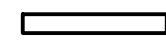
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Of **A-1** Sheet



 **EXISTING SECOND FLOOR PLAN**
SCALE: 1/4" = 1'-0"

WALL KEY
 EXISTING WALL

- EXISTING SECOND FLOOR = 913.00 SQ.FT.

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Date: 11/30/2015

Scale: AS NOTED

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A-3
Of Sheet

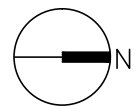
SAG & A-R DESIGN AND ENGINEERING SERVICES
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626-449-6461

Date: 11/30/2015
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 Sheet:
 A - 4
 of Sheet



NOTES:

- A. THE PROPOSED EXTERIOR DEMOLITION WALL SHALL BE LESS THAN 25% FROM THE TOTAL EXTERIOR WALL.
 - TOTAL EXISTING EXTERIOR WALL = $46' \times 2 + 40' \times 2 = 172$ L.F.T.
 - PROPOSED EXTERIOR DEMOLITION WALL = $39'$ L.F.T. = $22.67\% < 25\%$
- B. ALL DEMOLITION STRUCTURE SHALL BE PERMITTED BY CITY CODE.
- C. ALL REQUIRED PERMITS FOR REMODEL OR NEW STRUCTURE HAVE BEEN PROVIDED BY THE APPLICABLE CITY REVIEWING AUTHORITY.



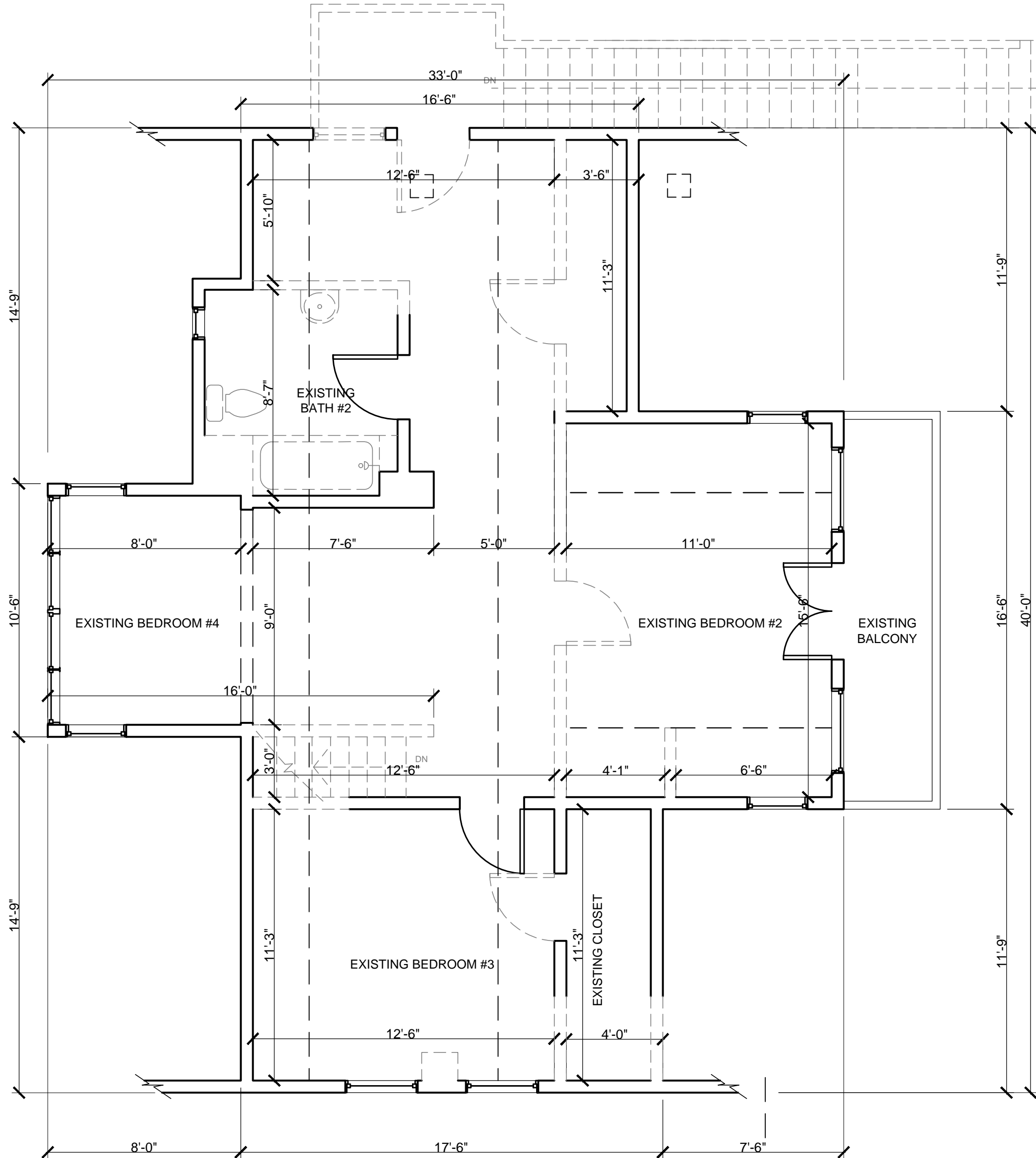
DEMOLITION SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

WALL KEY

EXISTING WALL

REMOVE WALL



REVISION	BY
10/28/2015	1

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126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

Date: 11/30/2015

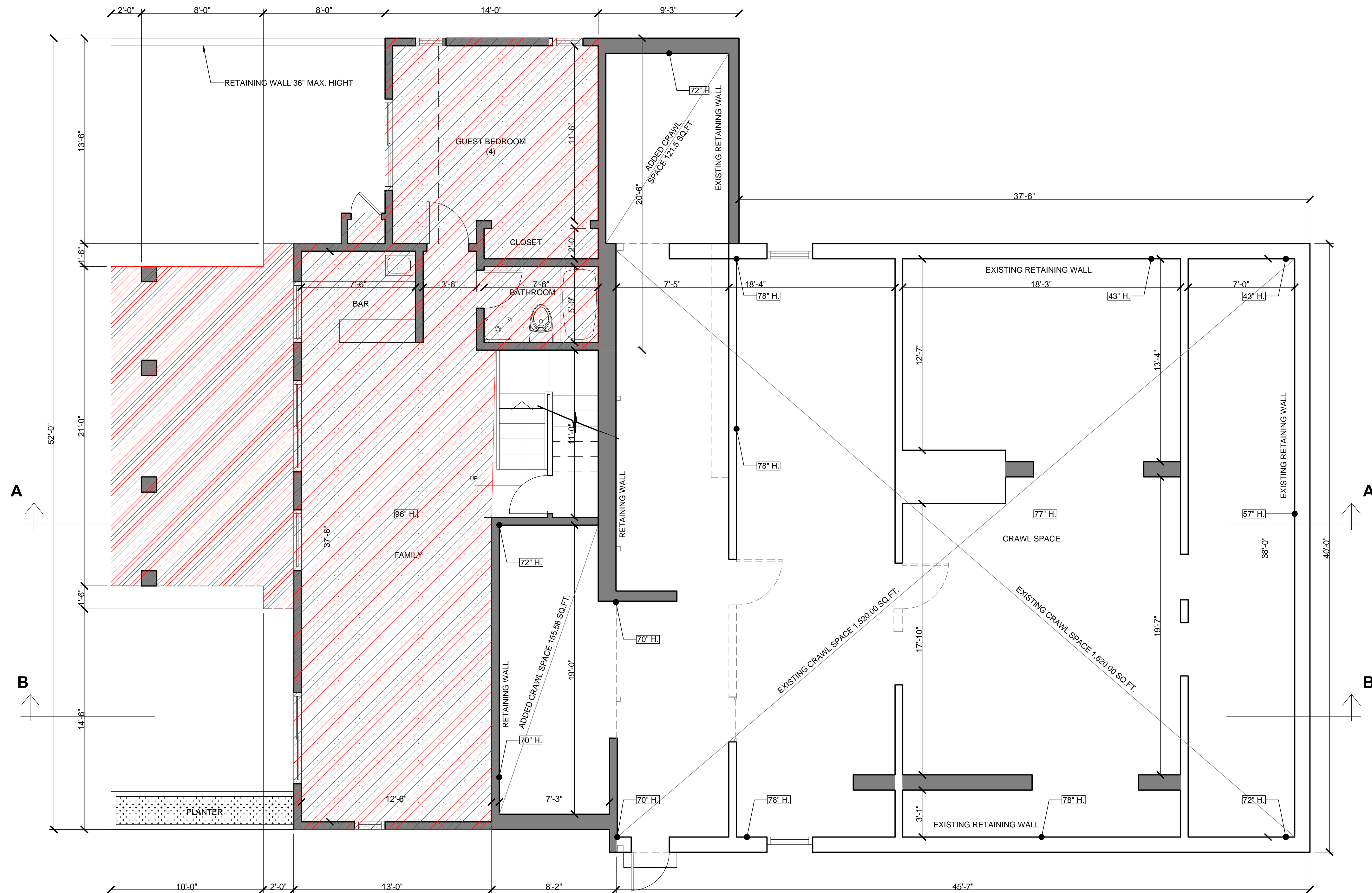
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A-5
Of Sheet



PROPOSED CRAWL SPACE AND LOWER LEVEL PLAN

SCALE: 1/4" = 1'-0"

TOTAL PROPOSED GROSS FLOOR AREA AT LOWER LEVEL AREA (FAMILY ROOM, GUEST BEDROOM, BATHROOM & BAR)	= 614.00 SQ.FT.
TOTAL PROPOSED GROSS FLOOR AREA UNDER THE PATIO	= 258.00 SQ.FT.
TOTAL GROSS FLOOR AREA	= 872.00 SQ.FT.

PROPOSED CRAWL SPACE PLAN (LESS THAN 7'-6" CEILING HEIGHT - NOT A LIVING AREA):

- EXISTING CRAWL SPACE AREA = 38' x 40' = 1,520 SQ.FT. (NON-SHADED AREA)
- PROPOSED ADDITION CRAWL SPACE AREA = 155.83 + 121.50 = 277.33 SQ.FT.
- TOTAL CRAWL AREA (NOT COUNTED IN GROSS FLOOR AREA) = 277.33SQ.FT.

WALL KEY

- EXISTING WALL
- NEW WALL
- REMOVE WALL
- ADDITION LOWER LEVEL AREA (GROSS AREA)
- ADDITION PATIO AREA (UNDER DECK AREA)

NOTES:

- A. THE PROPOSED EXTERIOR DEMOLITION WALL SHALL BE LESS THAN 25% FROM THE TOTAL EXTERIOR WALL
- TOTAL EXISTING EXTERIOR WALL = 46' x 2 + 40' x 2 = 172 L.FT.
- PROPOSED EXTERIOR DEMOLITION WALL = 30' L.FT. = 22.67% < 25%
- B. ALL DEMOLITION STRUCTURE SHALL BE PERMITTED BY CITY CODE.
- C. ALL REQUIRED PERMITS FOR REMODEL OR NEW STRUCTURE HAVE BEEN PROVIDED BY THE APPLICABLE CITY REVIEWING AUTHORITY.

REVISION	BY
10/28/2015	1

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126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

Date: 11/30/2015

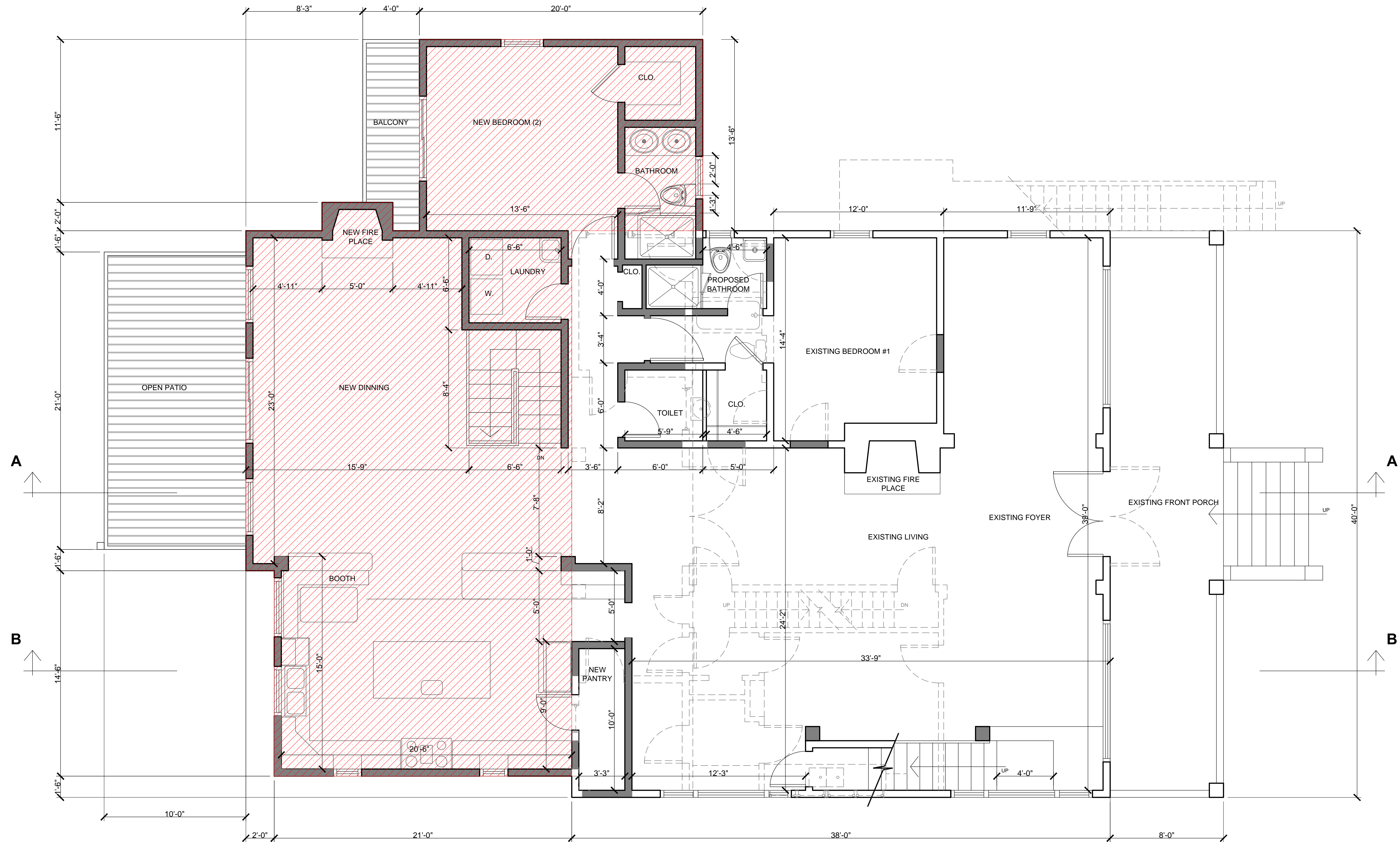
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Job:

Sheet:

Of A-6 Sheet



 **PROPOSED FIRST FLOOR PLAN**
SCALE: 1/4" = 1'-0"

WALL KEY	
	EXISTING WALL
	NEW WALL
	REMOVE WALL
	ADDITION FIRST FLOOR AREA

EXISTING FIRST FLOOR PLAN AREA = 38' x 40' = 1,520.00 SQ. FT.
PROPOSED ADDITION FIRST FLOOR AREA = 1,136.50 SQ. FT.
PROPOSED TOTAL FIRST FLOOR PLAN = 2,656.50 SQ. FT.

- NOTES:**
- A. THE PROPOSED EXTERIOR DEMOLITION WALL SHALL BE LESS THAN 25% FROM THE TOTAL EXTERIOR WALL.
- TOTAL EXISTING EXTERIOR WALL = 46' x 2 + 4' x 2 = 172 L.F.T.
 - PROPOSED EXTERIOR DEMOLITION WALL = 39' L.F.T. = 22.67 % > 25%
- B. ALL DEMOLITION STRUCTURE SHALL BE PERMITTED BY CITY CODE.
- C. ALL REQUIRED PERMITS FOR REMODEL OR NEW STRUCTURE HAVE BEEN PROVIDED BY THE APPLICABLE CITY REVIEWING AUTHORITY.

REVISION	BY
10/28/2015	1

SAG & A-R DESIGN AND ENGINEERING SERVICES
281 N. ALTADENA DR., PASADENA, CA 91107
626-449-6461

**126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024**

Date: 11/30/2015

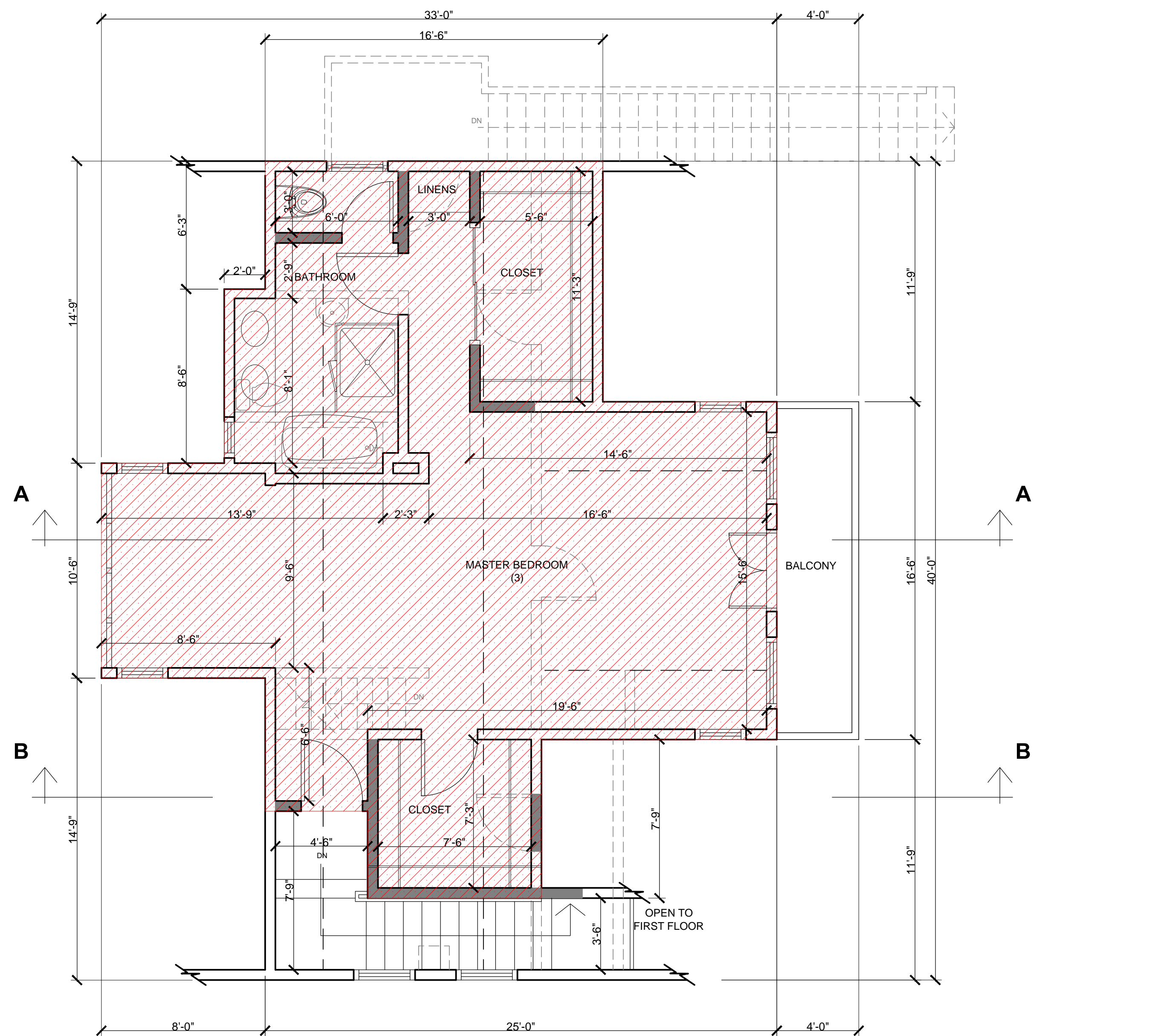
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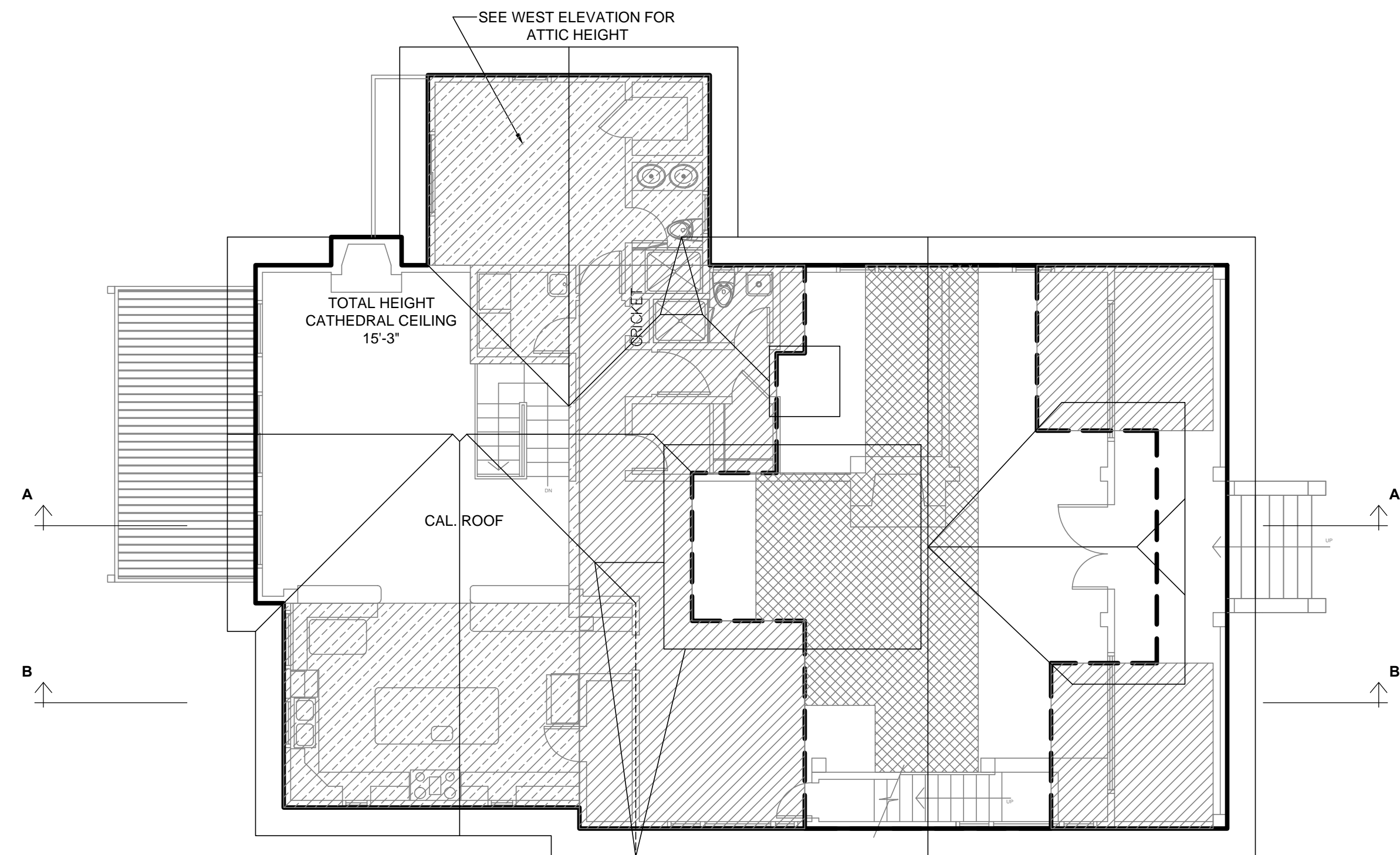
Of **A-7** Sheet



PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

PROPOSED SECOND FLOOR AREA = 790.75 SQ.FT.,

- WALL KEY**
- EXISTING WALL
 - NEW WALL
 - REMOVE WALL
 - PROPOSED SECOND FLOOR AREA (GROSS AREA)



EXISTING & PROPOSED ATTIC FOR THE HOUSE
SCALE: 1/8" = 1'-0"

- KEY PLAN**
- FIRST FLOOR ATTIC (EXISTING)
 - SECOND FLOOR ATTIC (EXISTING)
 - SECOND FLOOR ATTIC (PROPOSED)
 - FIRST FLOOR LIMIT
 - SECOND FLOOR LIMIT

EXISTING FIRST FLOOR ATTIC = 2 (135.16) + 538.87 = 809.19 SQ.FT.
PROPOSED FIRST FLOOR ATTIC = 1,136.50 SQ.FT.

EXISTING SECOND FLOOR ATTIC AREA = 392.56 SQ.FT.
TOTAL ATTIC AREA FOR WHOLE HOUSE = 2,338.25 SQ.FT. (NO ATTIC SPACES HIGH OVER 7'-6")

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126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

Date: 11/30/2015

Scale: AS NOTED

Drawn:

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Of Sheet

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10/28/2015	1

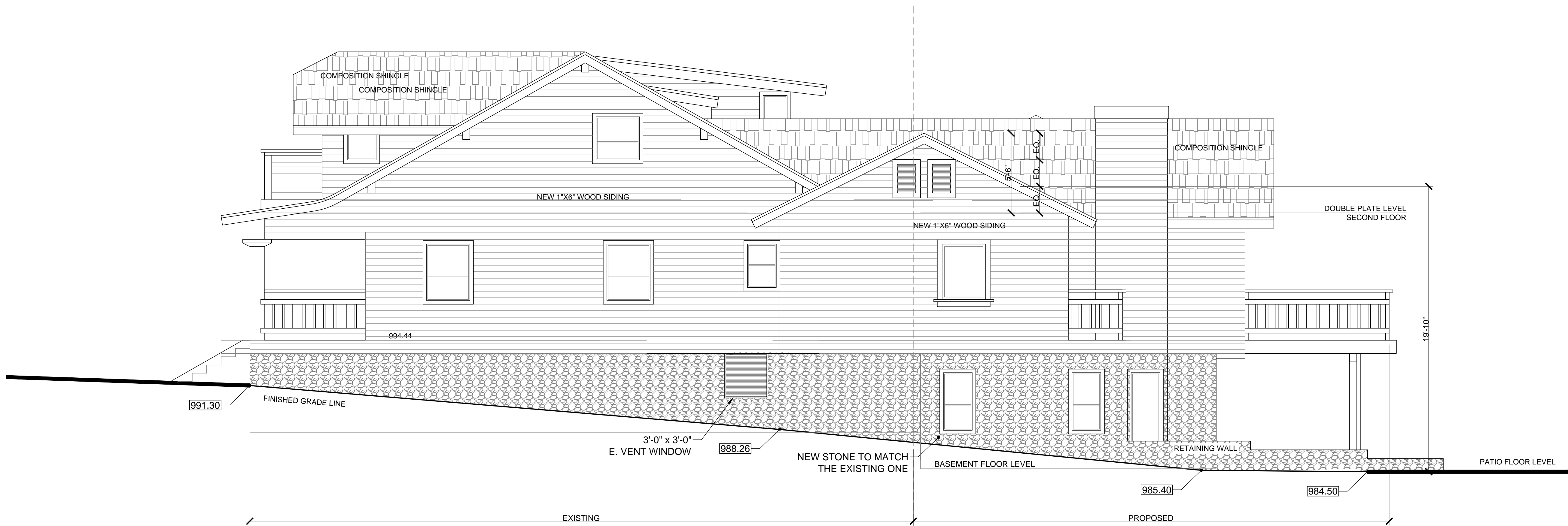
SAG & A-R DESIGN AND ENGINEERING SERVICES
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626-449-6461

126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

Date: 11/30/2015
Scale: AS NOTED
Drawn:
Job:
Sheet:
Of **A-9** Sheet



PROPOSED EAST ELEVATION SCALE 1/4" : 1'-0"
EXISTING EAST ELEVATION AREA = 571 SQ.FT.
PROPOSED ADDITION EAST ELEVATION AREA = 970 SQ.FT.



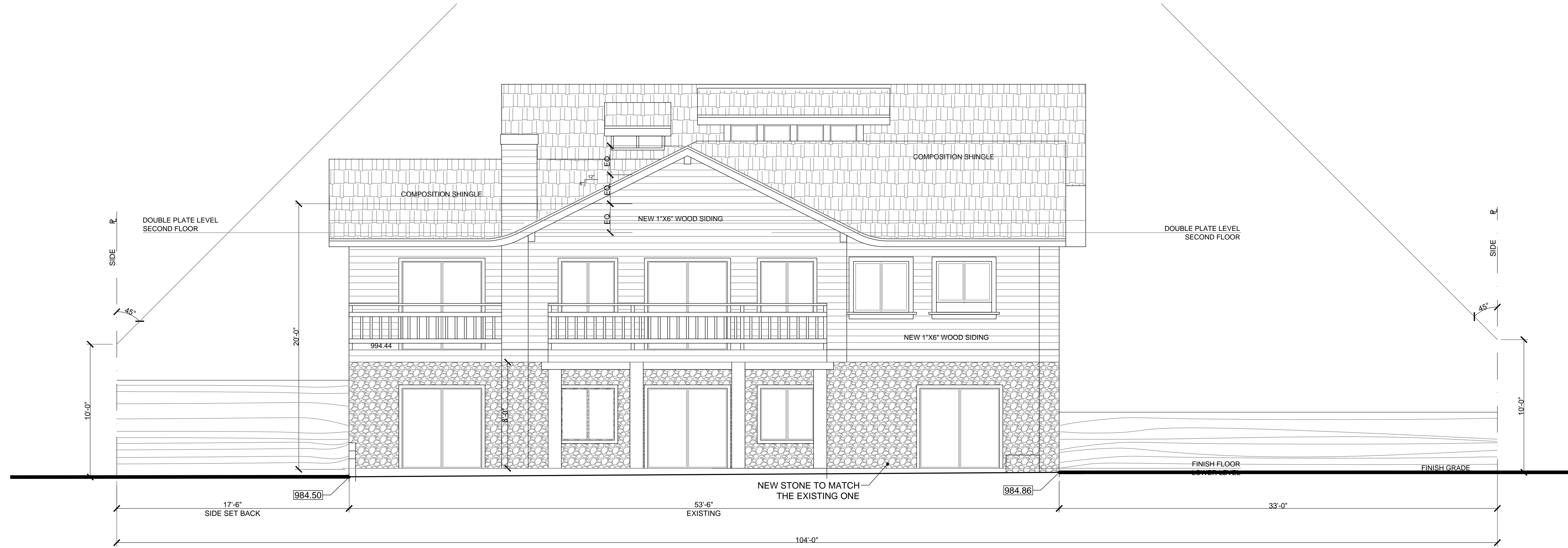
PROPOSED WEST ELEVATION SCALE 1/4" : 1'-0"
EXISTING WEST ELEVATION AREA = 706 SQ.FT.
PROPOSED ADDITION WEST ELEVATION AREA = 678 SQ.FT.

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10/28/2015	1

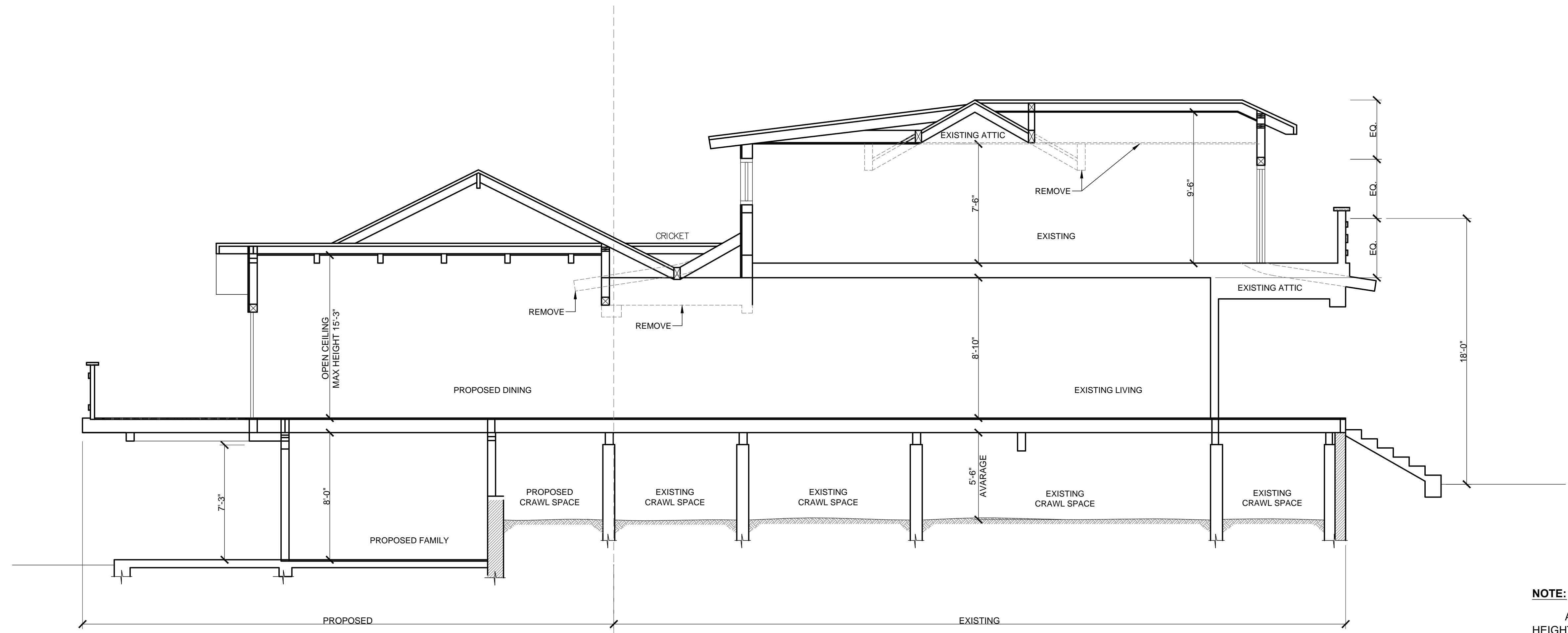
SAG & A-R DESIGN AND ENGINEERING SERVICES
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626-449-6461

126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

Date: 11/30/2015
Scale: AS NOTED
Drawn:
Job:
Sheet: A-10 Of Sheet



PROPOSED SOUTH ELEVATION (REAR)
PROPOSED ADDITION SOUTH ELEVATION AREA = 1,044 SQ.FT.
SCALE 1/4" : 1'-0"

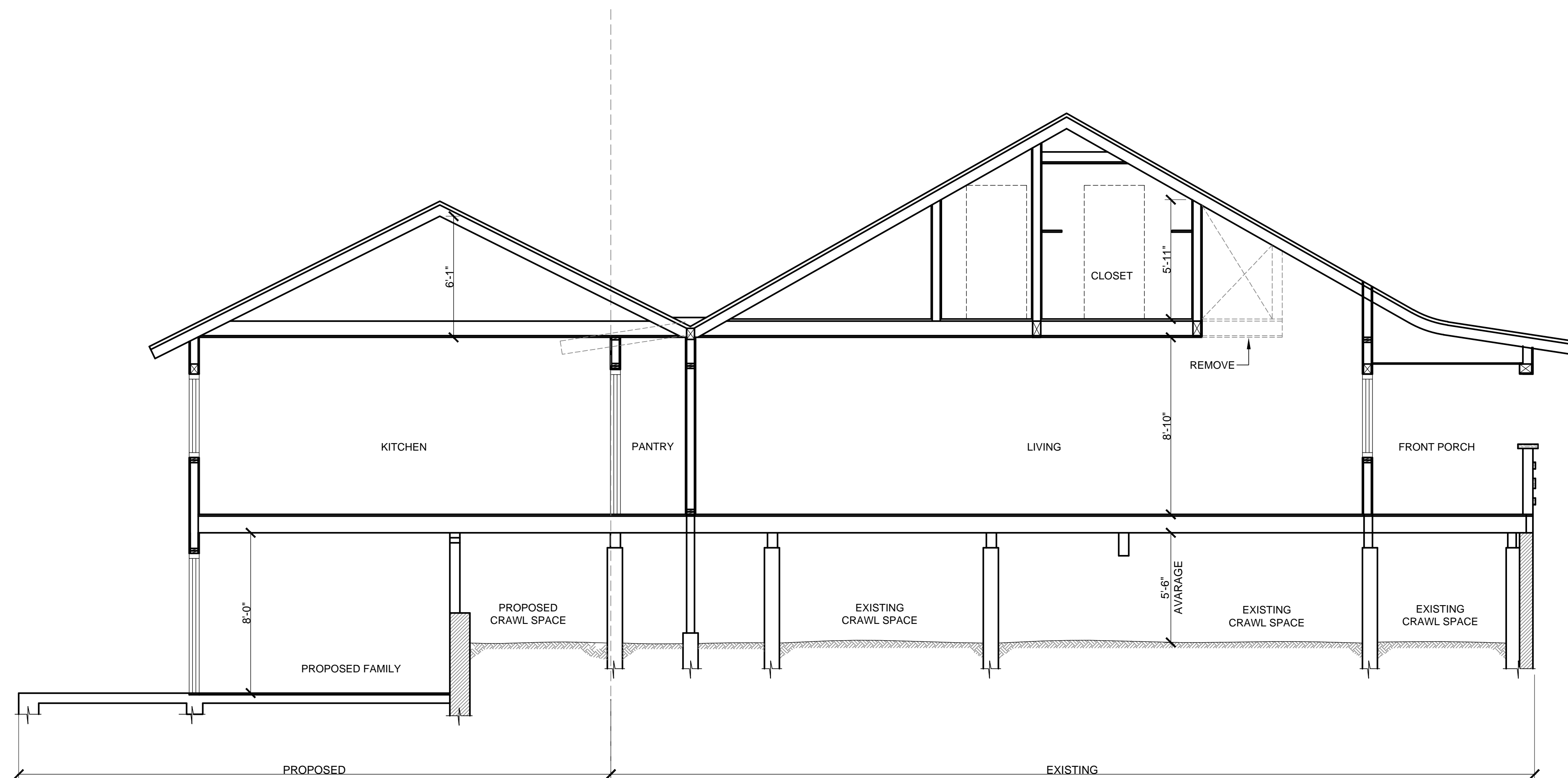


PROPOSED SECTION A-A
ALL THE EXISTING AND PROPOSED BASEMENT HEIGHT LESS THAN 7'-6"
SCALE 1/4" : 1'-0"

NOTE:
ALL THE EXISTING AND PROPOSED BASEMENT
HEIGHT FOR NON LIVING AREA IS LESS THAN 7'-6"



EXISTING & PROPOSED NORTH ELEVATION (FRONT) SCALE $\frac{1}{4}" : 1'-0"$
EXISTING NORTH ELEVATION AREA = 613 SQ.FT.
PROPOSED ADDITION NORTH ELEVATION AREA = 147 SQ.FT.



PROPOSED SECTION B-B SCALE $\frac{1}{4}" : 1'-0"$

REVISION	BY
10/28/2015	1

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281 N. ALTADENA DR., PASADENA, CA 91107
626-449-6461

126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

EXHIBIT E

Conceptual Landscape Plan

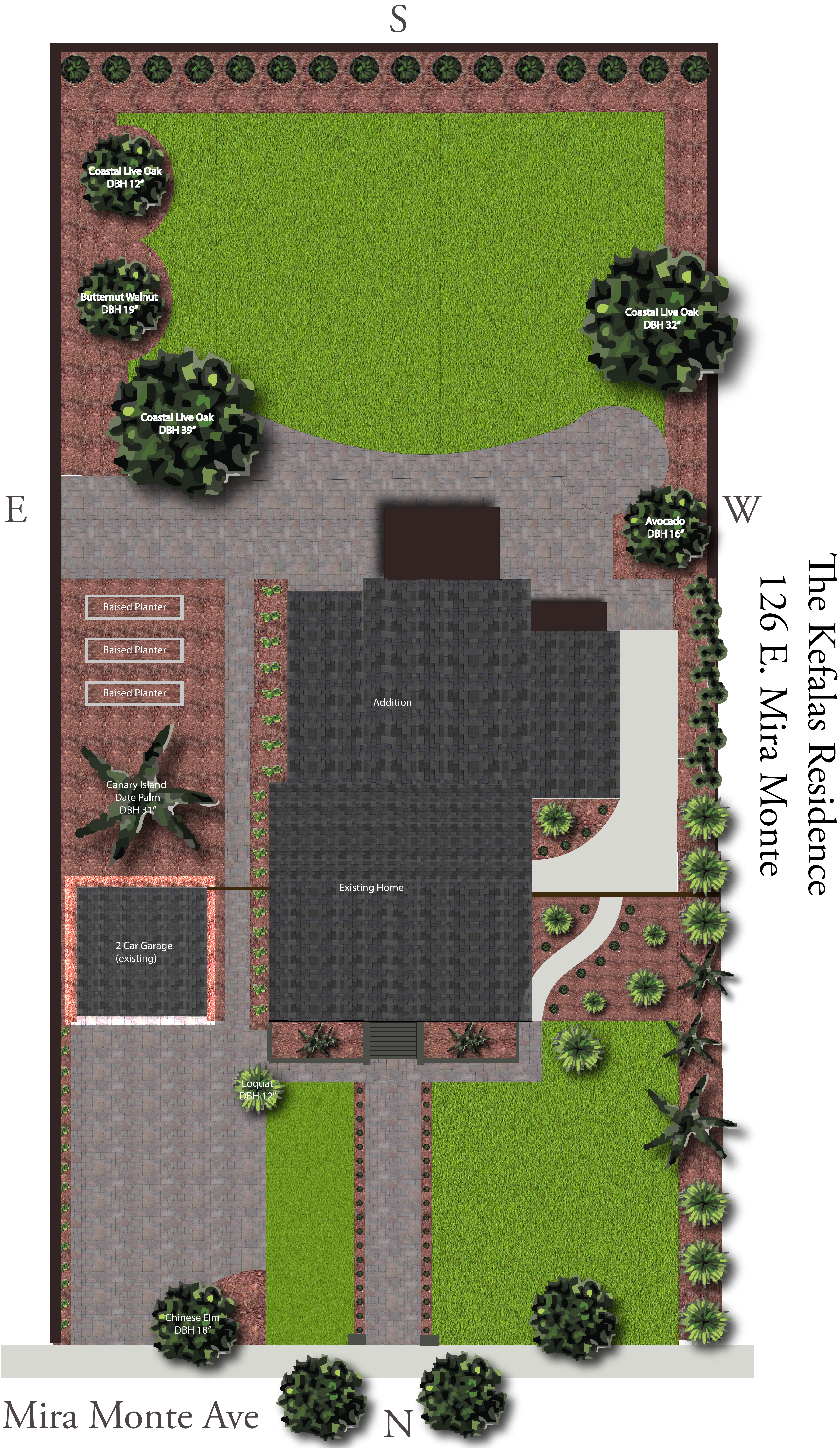


EXHIBIT F

Colored Front Elevation with Garage

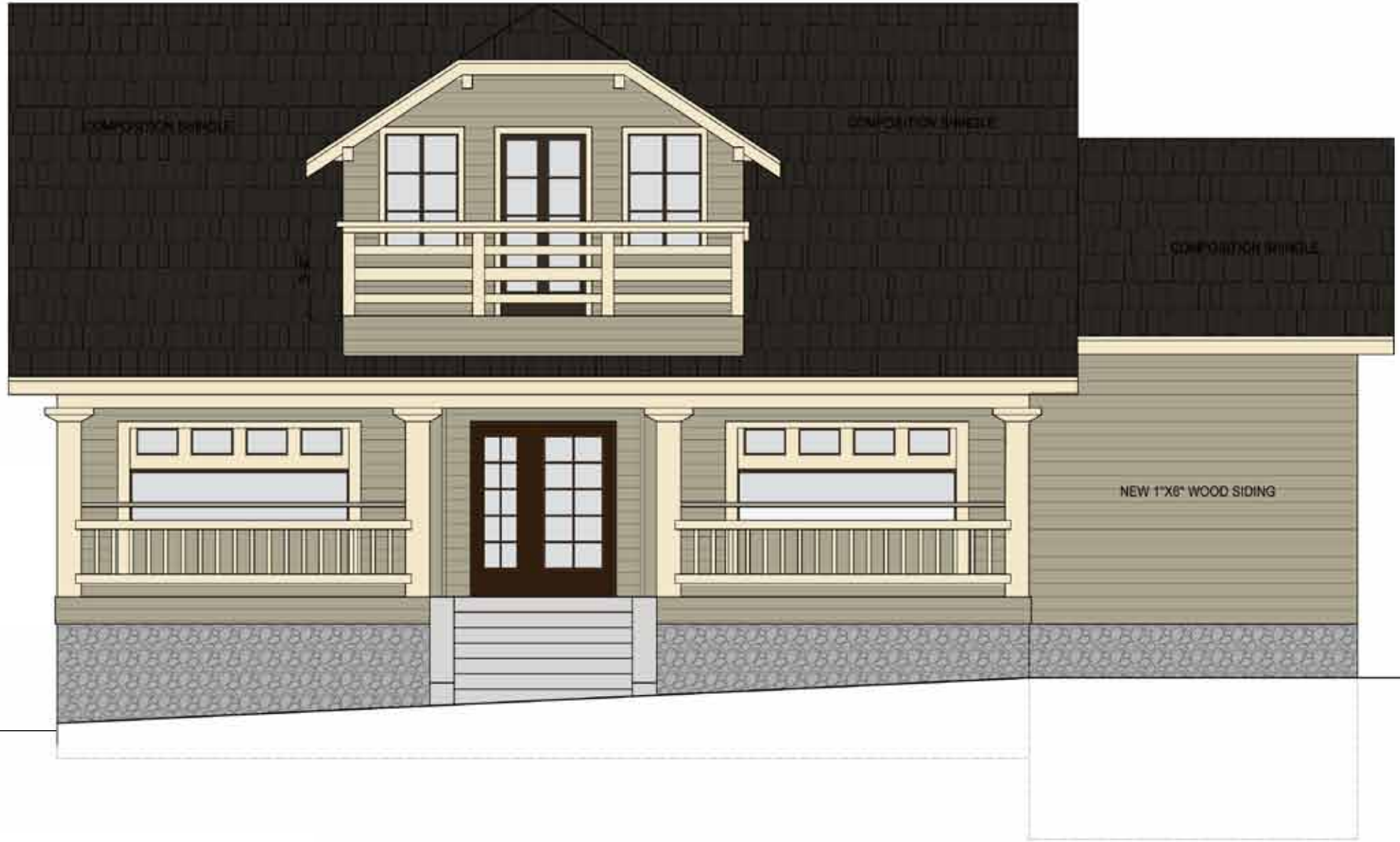
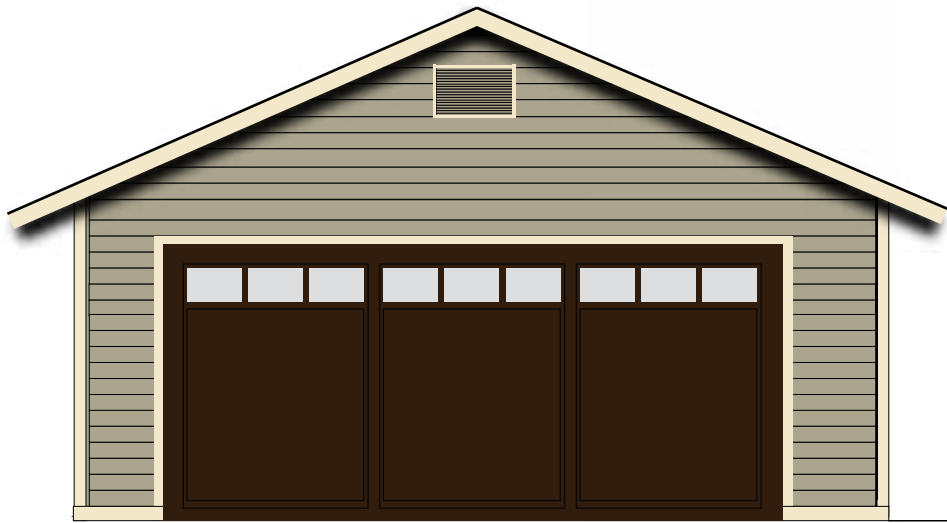


EXHIBIT G

Arborist Report

**RECEIVED****SEP 22 2015****CITY OF SIERRA MADRE
PLANNING & BUILDING**info@brandonslandscapes.com
Brandonslandscapes.com229 North Shamrock Ave.
Monrovia, CA 91016Phone: (626) 256- 6200
Fax: (626) 256- 6200**Arborist Report**126 E. Mira Monte Avenue in Sierra Madre, California
September 18, 2015

The following arborist assessment was conducted by Brandon Linz of Brandon's Landscapes, Inc. under ISA# WE-8719A September 16, 2015 at: 126 E. Mira Monte Avenue in Sierra Madre, California.

Specifications:

ID #	1
Common Name	Coastal Live Oak
Botanical	Quercus Agrifolia
DBH: 39 inches	Height: 60 feet Spread: 50 feet

Location: Backyard

Specifications:

ID #	2
Common Name	Butternut Walnut
Botanical	Juglans cinerea
DBH: 19 inches	Height: 40 feet Spread: 30 feet


Location: Backyard**RECEIVED****SEP 22 2015****CITY OF SIERRA MADRE
PLANNING & BUILDING**

Specifications:

ID #	3		
Common Name	Coastal Live Oak		
Botanical	Quercus Agrifolia		
DBH: 12 inches	Height: 50 feet	Spread: 20 feet	

Location: Backyard**RECEIVED****SEP 22 2015****CITY OF SIERRA MADRE
PLANNING & BUILDING**

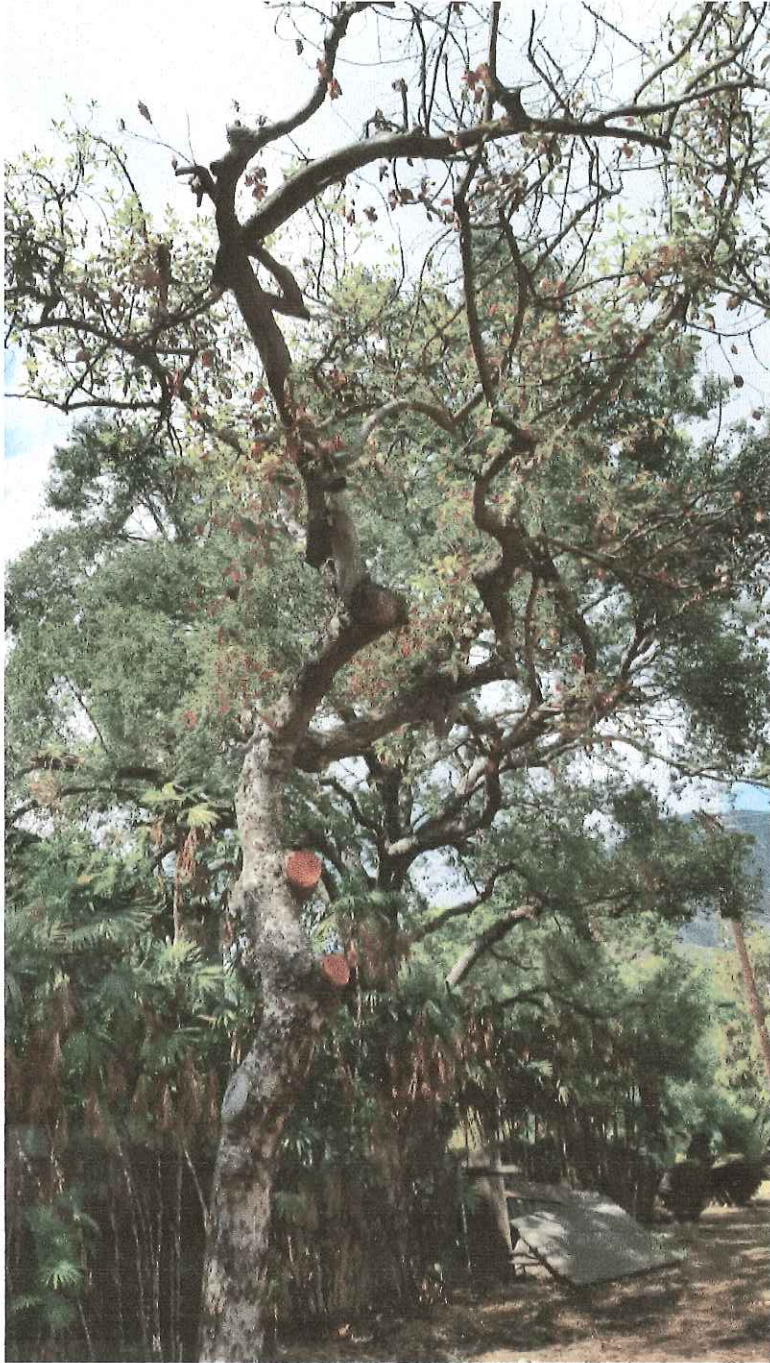
Specifications:

ID #	4
Common Name	Coastal Live Oak
Botanical	Quercus Agrifolia
DBH: 32 inches	Height: 60feet Spread: 60feet
Location: Backyard	
	

RECEIVED**SEP 22 2015****CITY OF SIERRA MADRE
PLANNING & BUILDING**

Specifications:

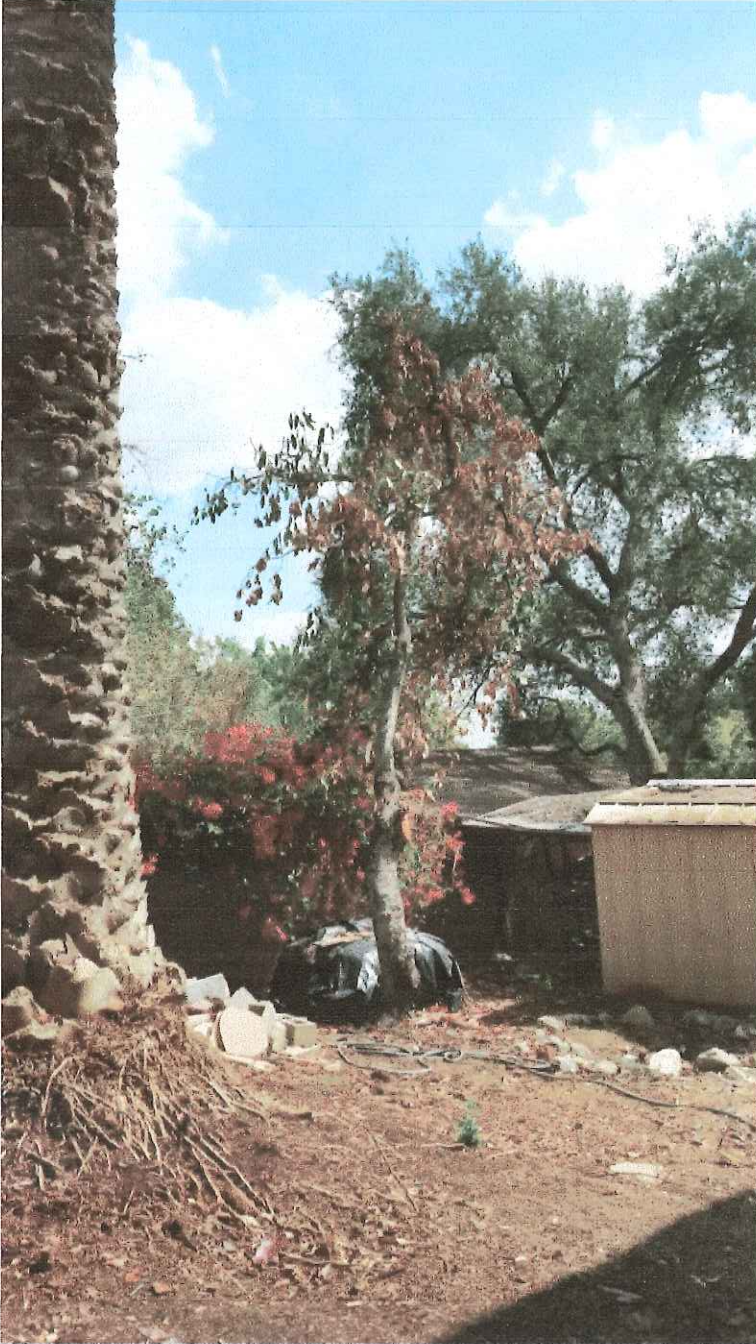
ID #	5
Common Name	Avocado Tree
Botanical	Persea americana
DBH: 16 inches	Height: 30 feet Spread: 20 feet

Location: Backyard**RECEIVED**

SEP 22 2015

CITY OF SIERRA MADRE
PLANNING & BUILDING

Specifications:

ID #	6
Common Name	Avocado Tree
Botanical	Persea americana
DBH: 11 inches	Height: 25 feet Spread: 20 feet
Location: Backyard	
	

RECEIVED

SEP 22 2015

CITY OF SIERRA MADRE
PLANNING & BUILDING

Specifications:

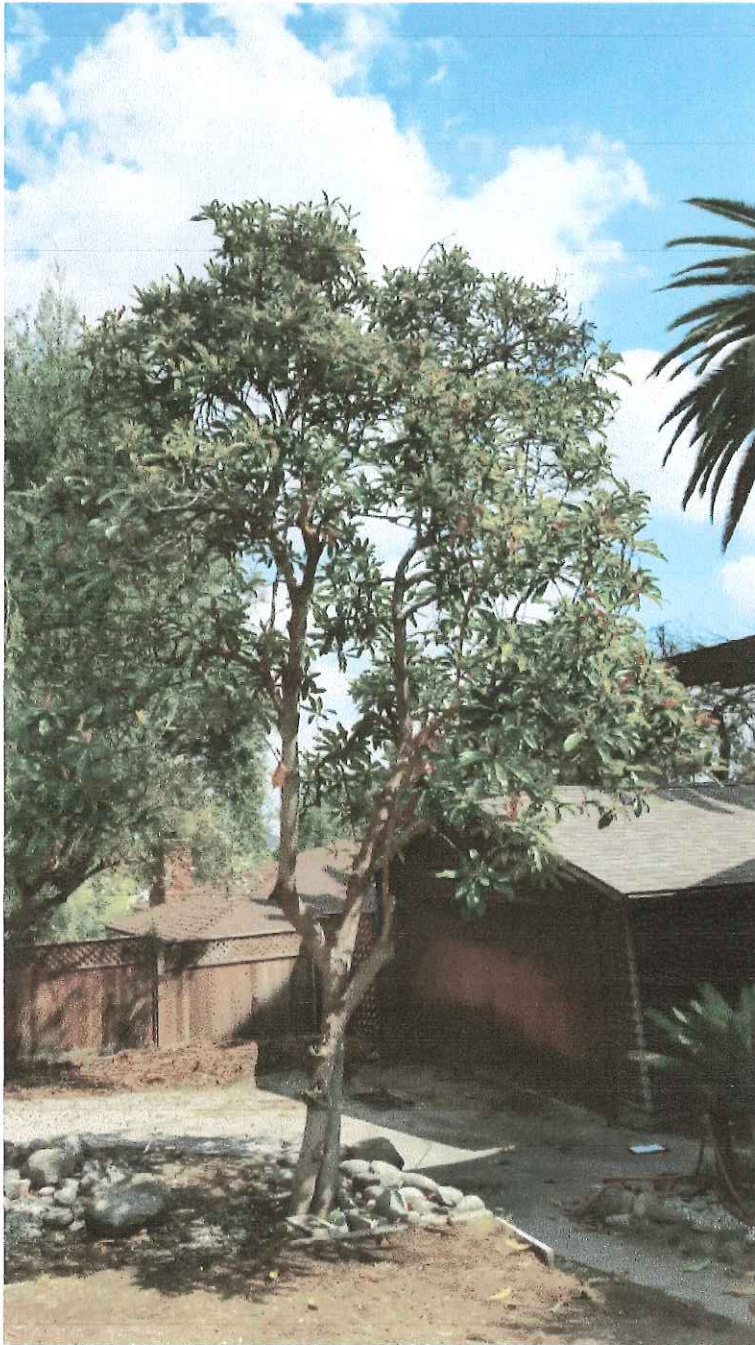
ID #	7
Common Name	Canary Island Date Palm
Botanical	Phoenix canariensis
DBH: 31 inches	Height: 60 feet Spread: 20 feet

Location

RECEIVED
SEP 22 2015
CITY OF SIERRA MADRE
PLANNING & BUILDING

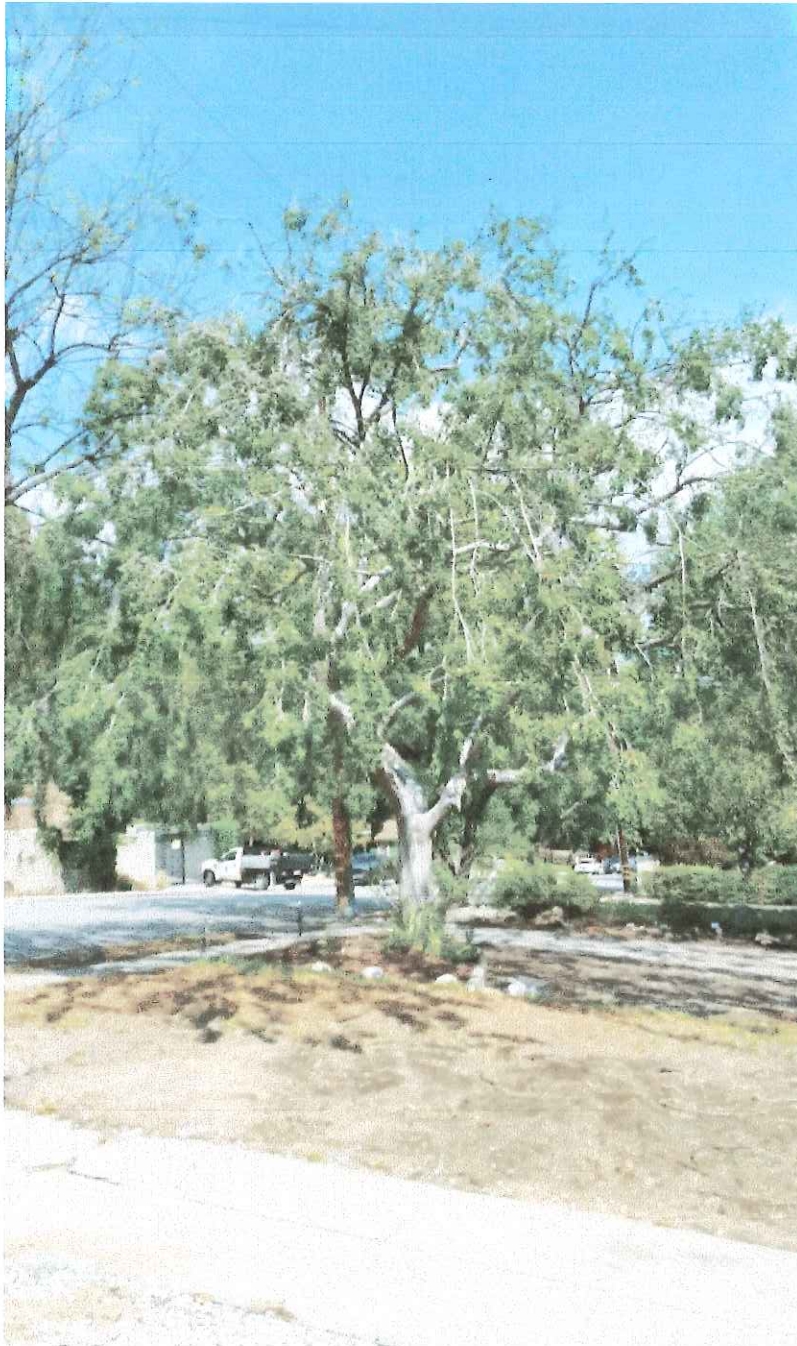
Specifications:

ID #	8
Common Name	Loquat tree
Botanical	Eriobotrya japonica
DBH: 12 inches	Height: 30 feet Spread: 15feet

Location**RECEIVED****SEP 22 2015****CITY OF SIERRA MADRE
PLANNING & BUILDING**

Specifications:

ID #	9		
Common Name	Chinese Elm Tree		
Botanical	Ulmus parvifolia		
DBH: 18 inches			Height: 45 feet Spread: 50 feet

Location**RECEIVED**

SEP 22 2015

CITY OF SIERRA MADRE
PLANNING & BUILDING

Arborist Assessment

I was asked to evaluate the trees on the property as they relate to the proposed construction. All trees are identified on attached tree map.

- Tree #1 –The proposed structure will not harm or compromise the tree. We recommend a safety barrier be installed prior to construction, by a certified arborist. Issues noted, this tree displays excessive included bark in various branch. I recommend an arborist install cabling to limit risk of branches breaking.
- Tree #2 - The proposed structure will not harm or compromise the tree. We recommend a safety barrier be installed prior to construction, by a certified arborist. No serious issues were noted.
- Tree #3 - The proposed structure will not harm or compromise the tree. We recommend a safety barrier be installed prior to construction, by a certified arborist. No serious issues were noted
- Tree #4 - The proposed structure will not harm or compromise the tree. We recommend a safety barrier be installed prior to construction, by a certified arborist. Issues noted, this tree displays excessive included bark in the various branch unions. I recommend an arborist install cabling to limit risk of branches breaking.
- Tree #5 - The proposed structure will not harm or compromise the tree. This tree has had severe die back of the canopy due to improper care and the current drought conditions. I recommend removal as this tree will never add any esthetic value to the landscaping.
- Tree #6 - The proposed structure will not harm or compromise the tree. We recommend a safety barrier be installed prior to construction, by a certified arborist. This tree has had severe die back of the canopy due to improper care and the current drought conditions. I recommend removal as this tree will never add any esthetic value to the landscaping.
- Tree #7 - The proposed structure will not harm or compromise the tree. We recommend a safety barrier be installed prior to construction, by a certified arborist
- Tree #8 - The proposed structure will not harm or compromise the tree. We recommend a safety barrier be installed prior to construction, by a certified arborist.
- Tree #9 - The proposed structure will not harm or compromise the tree. We recommend a safety barrier be installed prior to construction, by a certified arborist. This tree was pruned improperly many years ago which has allowed some decay in the tree. I recommend regular monitoring of this tree.

RECEIVED

SEP 22 2015

**CITY OF SIERRA MADRE
PLANNING & BUILDING**

Certified Arborist,

Brandon Linz
Arborist# WE-8719A

[illegible][illegible]

TOPOGRAPHIC SURVEY		
DRAWN SD	DATE 12/03/13	ADDRESS 126 E. MIRA MONTE AVE. SIERRA MADRE, CA. 91204
APPROVED	DATE	
SCALE 1" = 10'	SHEET 1 OF 1	PROJECT NO. 13089

ATTACHMENT E

F.A.R. Engineering Inspection Report
(October 28, 2016)

FAR Engineering Services, Inc.

20833 Kingscrest Dr., Saugus, CA 91350

Tel: 818.793.2980 – Fax: 509.756-9443

e-mail: a.farag@arengineeringservices.com

William Kefalas

October 28, 2016

Subject: Inspection Report
For Existing house Located At 126 E. Mira Monte Ave.
Sierra Madre, CA 91024

Dear Mr. Kefalas,

Per your request and authorization, this office conducted an inspection for a single family house located at 126 E. Mira Monte Ave., Sierra Madre, California. The inspection took place on Oct 25th, 2016. The scope of our investigation along with our findings, conclusions and recommendations developed from the visual inspection are discussed in the accompanying report.

We appreciate the opportunity to be of service on this project. If you have any questions or if we may be of additional assistance please contact our office.

Very truly yours,
FAR Engineering Services, Inc.



Amgad Farag, PE
Principal Engineer R.C.E # 74076

1.0 SCOPE OF SERVICES

This report presents the results of a structural **visual** inspection for the existing framing of the single family house located at 126 E. Mira Monte Ave., Sierra Madre, CA 91024. No vertical or lateral load analysis of any kind is prepared as a part of this inspection; however our recommendations for the visual deficiencies / damages are stated hereinafter:

2.0 VISUAL INSPECTION:

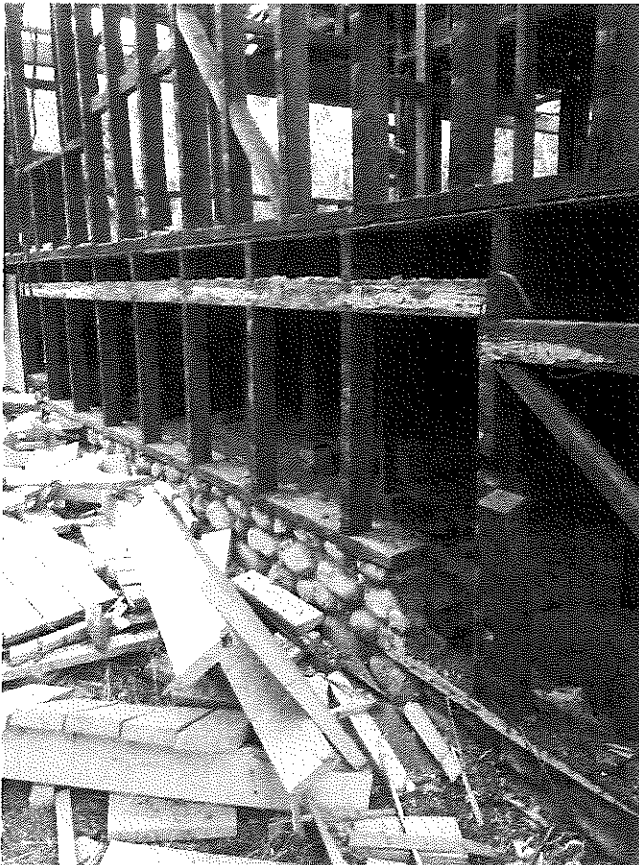
A visual inspection was performed to the said property on 10/25/2016 to evaluate the existing framing to determine the conformance of the framing to the current building code, to determine the capability of existing wood frame to adequately support anticipated loads and to assess any work needed to be done in order to utilize the structure for the intended use.

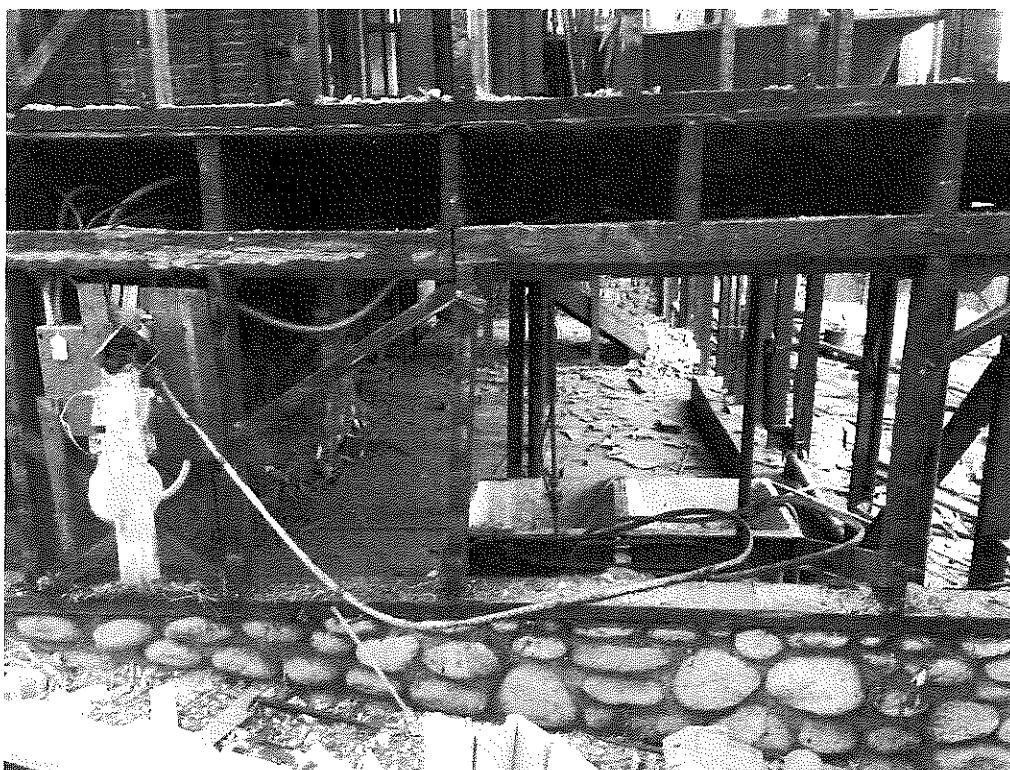
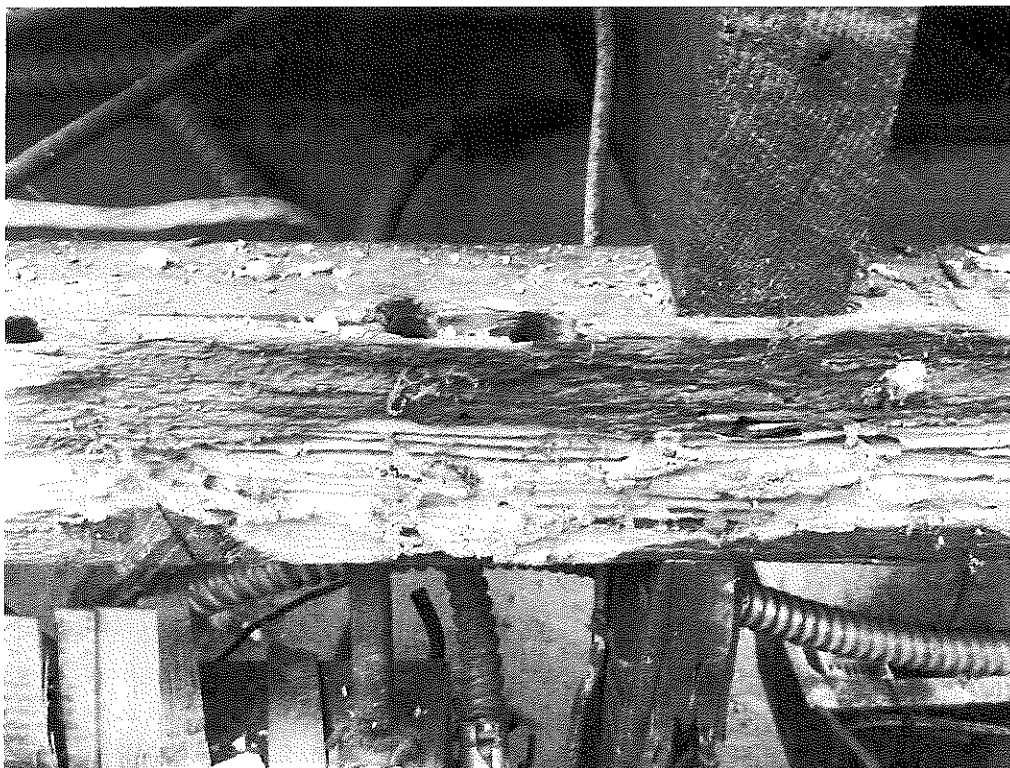
During the inspection we found the following deficiencies:

2.1 Sill plates are in poor condition and not anchored to the footing.

Observation:

It was noticed that sill plates are weathered and not anchored to the footing, basement top plates is a **single** plate that are heavily damaged by termite.





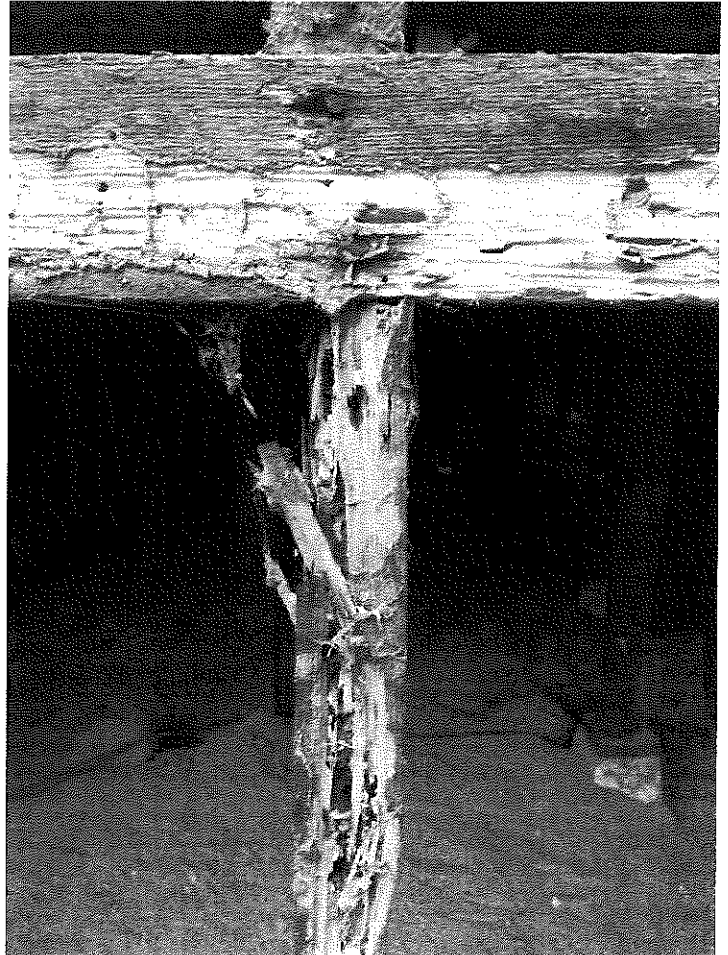
Sill plate condition

Recommendations:

Sill plates need to be replaced by a pressure treated wood plate and adequately anchored to footing; all top plates need to be replaced by a new double plate to adequately support the floor system.

2.2 Cripple wall at the crawl space are heavily damaged by termite**Observation:**

Numerous studs for cripple wall between the footing and the first floor framing are heavily damaged by termite.

**Recommendations:**

Replace all damaged studs with new 2x4 / 2x6 studs.

2.3 Some walls are tilted up to 7 degrees.**Observation:**

Some exterior wall are tilted by about 7 degrees.

Recommendations:

Adjust tilted walls, if applicable, or replace it with a new stud wall as needed.

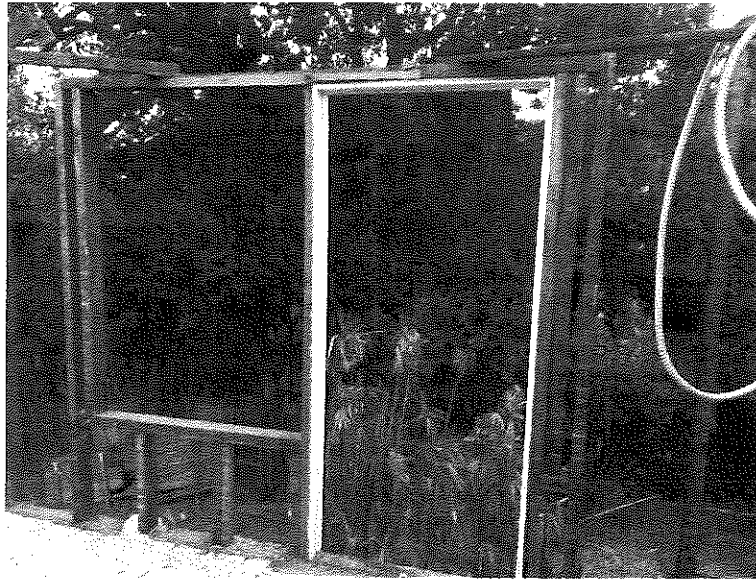
2.4 Existing stud walls are connected by a single top plate.

Observation:

All stud walls are connected by a single top plate which is damaged in many locations.

Recommendations:

Replace weathered / damaged top plate by a new two top plates per current code.



Recommendations:

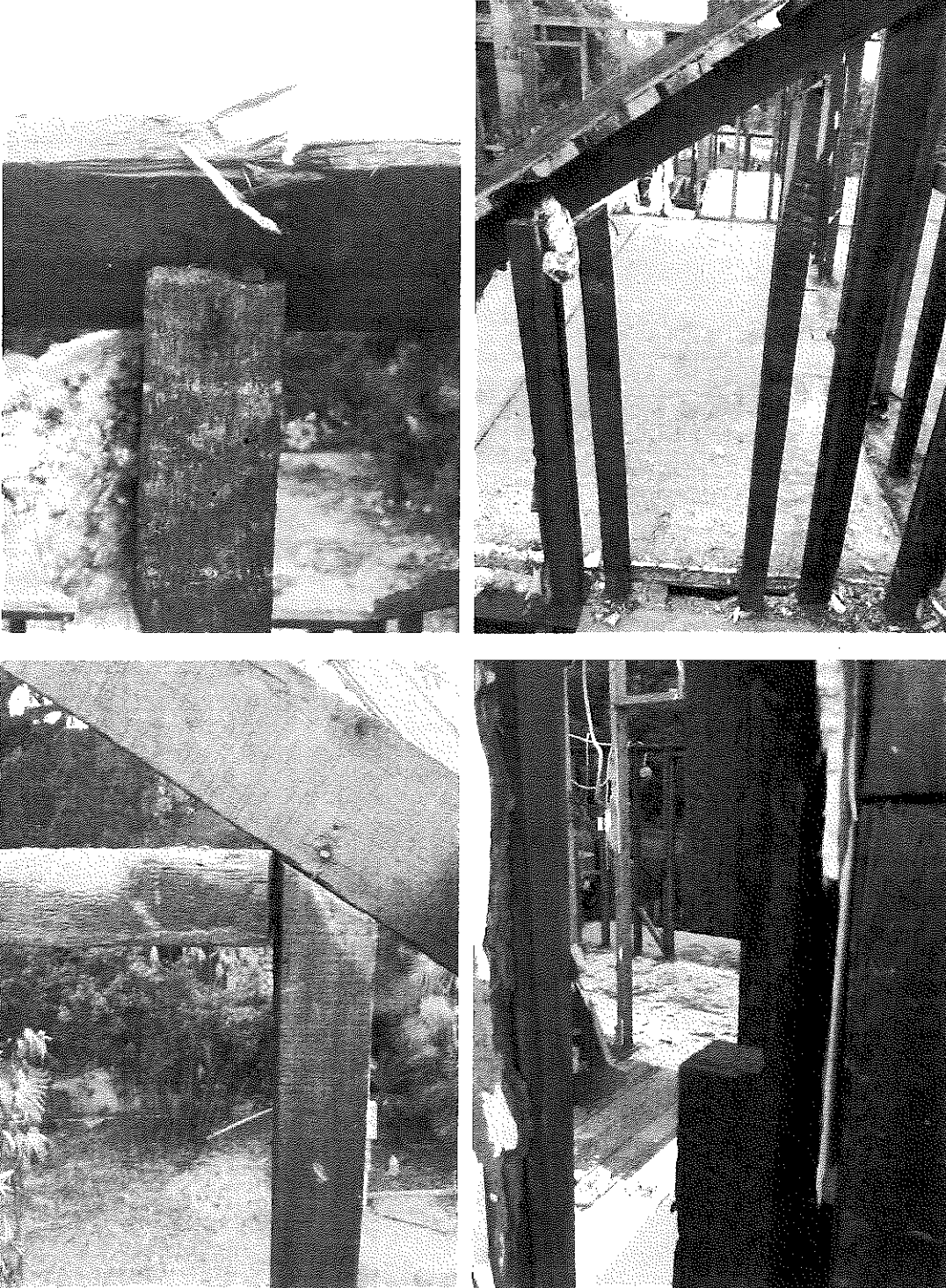
Replace weathered / damaged top plate by a new two top plates per current code.

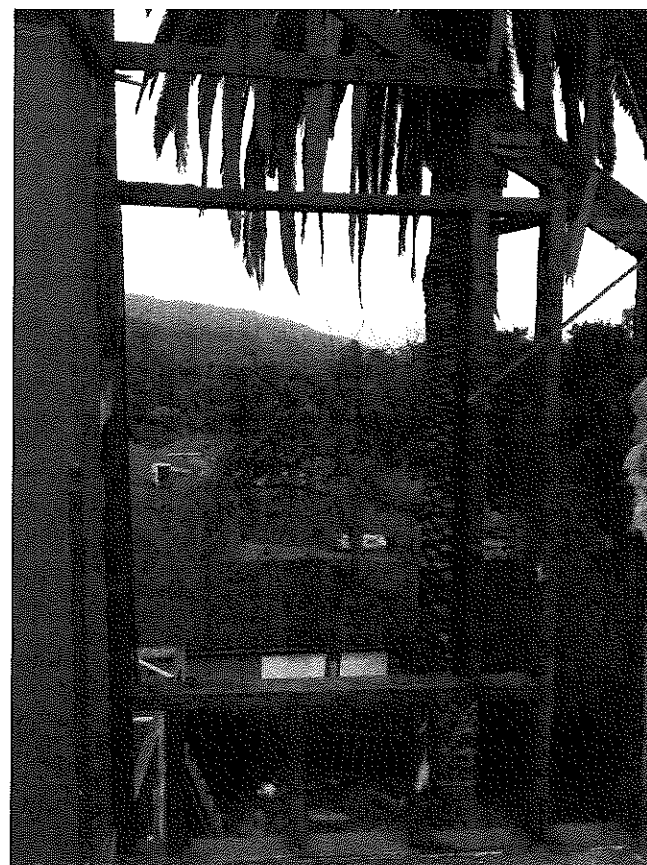
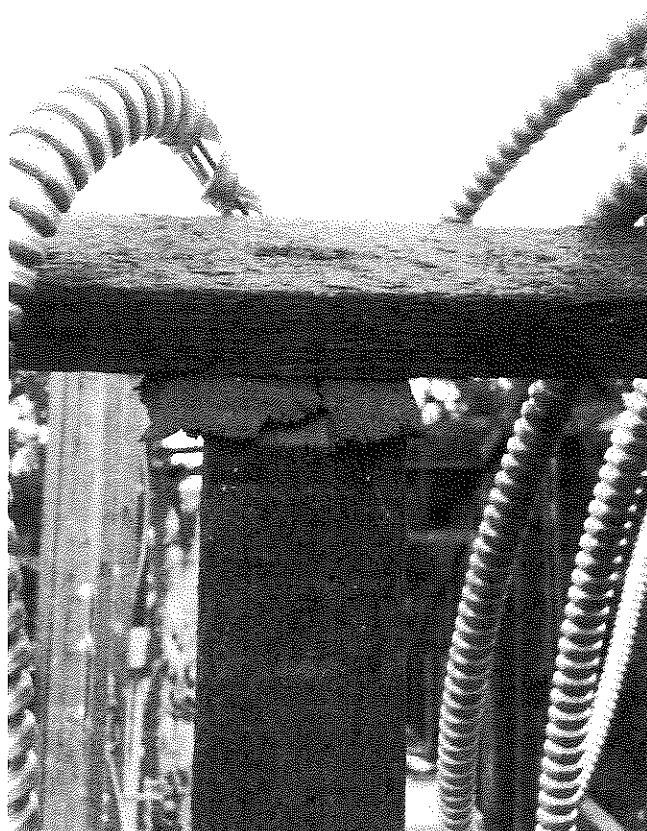
2.5 Overall poor condition.

Observation:

Over all condition of the existing framing is very poor and in our opinion doesn't look structurally safe to support the anticipated loads based on the new codes.

We found numerous rotten / termite damaged wood studs and joists all over the existing house.







Recommendations:

From the structural safety point of view and to maintain the integrity of the building, it is our recommendation to replace all existing framing with new framing and build it to current code.

3.0 CONCLUSION:

Based on the observations and recommendations stated on this report, it is been found that replacing all of the framing by new framing with the same layout is needed to maintain the structure integrity and ability of the building to withstand the anticipated loads. Replacing portion of the exiting framing might not be a cost effective.

4.0 INVESTIGATION LIMITATIONS

The conclusions and recommendations presented in this report are based on the findings and observations in the field.

This report has not been prepared for use by parties or projects other than those named and described above. It may not contain sufficient information for other parties or other purposes. The conclusions and recommendations presented in this report are professional opinions and based on our experience. These opinions have been derived in accordance with current building codes and current field observations at the date of the field visit.

ATTACHMENT F

Staff Report
Discretionary Demolition Permit 16-01
(November 3, 2016)



Planning Commission **STAFF REPORT**

Gina Frierman-Hunt, Chair
Bob Spears, Vice-Chair
Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
William Pevsner, Commissioner

Vincent Gonzalez, Director
Planning & Community Preservation

DATE: November 3, 2016

TO: Planning Commission

FROM: Vincent Gonzalez, Director – Planning and Community Preservation

SUBJECT: DISCRETIONARY DEMOLITION PERMIT 16-01 (DDP 16-01)
ADDRESS: 126 East Mira Monte Avenue
APPLICANT: William and Anastasia Kefalas

Executive Summary

The applicants, William and Anastasia Kefalas, received approval from the Planning Commission on December 17, 2015 for Conditional Use Permit 15-23, allowing the addition of 1,886 square-feet to the existing 2,833-square-foot residence for a total of 4,719 square-feet of floor area on the property located at 126 E. Mira Monte Avenue.

A building permit was issued in April 2016 for the deconstruction of the portion of the original structure necessary for the construction of a new addition. During the deconstruction process the applicant removed a substantial portion of the wall framing including the roof structure without consulting with staff.

The applicants are requesting that the Planning Commission consider a discretionary demolition permit to allow the reconstruction of the roof and exterior walls of the structure. Pursuant to SMMC 17.60.056, any required demolition for an addition or alternation to a residential structure over 75 years old that impacts more than 25% of the building or the original front façade of the structure, shall be subject to the granting of a discretionary demolition permit. The reviewing body for a demolition permit and an accompanying replacement project which requires a conditional use permit is the Planning Commission.

Staff recommends that the Planning Commission approve Discretionary Demolition Permit 16-01 (DDP 16-01), subject to conditions of approval.

BACKGROUND

The applicant received approval from the Planning Commission on December 17, 2015 for Conditional Use Permit 15-23, allowing the addition of 1,886 square-feet to the existing 2,833-square-foot residence on the property located at 126 East Mira Monte Avenue. As part of the Conditional Use Permit, the applicant was allowed to remove and replace the exterior siding with hardy-board and other non-original materials, such that the structure would have the same appearance as the original 1910 Craftsman-style house.

A building permit was issued in April 2016 for the rehabilitation of the original structure and the construction of a new addition. During the deconstruction process the applicant removed the exterior siding and interior lath and plaster walls exposing the existing framing to assess the condition of the structure. Substantial damage to the sill and top plates and inadequate structural framing of the existing building was evident. Based on these findings, the applicant removed a substantial portion of the wall framing including partial removal of the roof structure, resulting in the loss of greater than twenty-five percent of the original building materials. This effort was conducted without staff approval and a stop work order was issued by the City Building Inspector.

The applicants are requesting that the Planning Commission now consider a discretionary demolition permit to legalize the deconstruction that exceeded 25% and to allow the reconstruction of the roof and exterior walls of the structure, consistent with the previously approved site plan. Pursuant to SMMC Section 17.60.056, any required demolition for an addition or alteration to a residential structure over 75 years old shall be subject to the granting of a discretionary demolition permit to be reviewed by the Planning Commission at a noticed public hearing if an accompanying replacement project requires a conditional use permit. Although Section 17.60.056F creates an exception to this requirement for demolition of less than 25% and which does not impact the original front façade of the building, the removal of the exterior walls and the roofing and supporting structure has exceeded the application of this exception and so a discretionary demolition permit is required to proceed with the rehabilitation of the residence. Conditional Use Permit 15-23 was previously approved by the Planning Commission.

ANALYSIS

The purpose of a discretionary demolition permit is to insure that potential historic resources are properly evaluated before they are altered or removed. This is applicable to single-family dwellings and duplexes 75-years and older prior to the date of the application. In order to determine if a property meets the requirements as a historical resource in accordance with Section 15064.5 of the California Environmental Quality Act (CEQA), a historical resource evaluation report is prepared

by a qualified architectural historian. The conclusions of the report will determine if the property qualifies as a historical resource at the State, Federal, or local levels.

In evaluating a potential historic property, several criteria are employed including an analysis of architectural and historical significance, as well as specific evaluations as to whether the subject property meets the various requirements for it to be considered historic. These requirements may include the age and rarity of the design, significance of an architect, builder or owner/resident of the property along with how the structure relates to its historic context, how much of its own architectural integrity has survived as well as whether non-historic alterations can be easily reversed.

Both the applicant and staff conducted preliminary background research on the property and found that minimal information was available in City archives and to support a determination that the property had any local significance on its own or as a contributing structure to a potential historic district. It should also be noted that the applicant was previously approved to remove the original exterior siding of the house and replace it with hardy-board, which is not a “like-kind” material, resulting in a rehabilitated house that would “look like” the original. A historical resource evaluation report was not prepared for the property at 126 East Mira Monte Avenue due to the extensive deconstruction of the structure which has removed any character defining features which might have otherwise been evaluated (see photographic evidence in Exhibit B). Absent this record, a historic resources report will not be prepared for this property, nor will it be eligible for designation as a historical landmark or have the ability to apply for a Mills Act contract in the future.

If the applicant is allowed to proceed with construction of the project, what the City will gain is a replica of the house that was previously approved by the Planning Commission under CUP 15-23. The structural changes to the framing and supporting walls will not be evident from the exterior of the building. The front façade and architectural details will continue to resemble that of the previous structure.

In order to offer a mitigation measure for the loss of the original materials, staff is requiring that a brief report be prepared by an architectural historian providing historical and architectural background of the property. Archival photographs of the original house should be included in the report as well as photographs of the renovated house in a format acceptable to staff. The document will be submitted to the City of Sierra Madre public library and stored in the collection of architectural archives.

FINDINGS

The Discretionary Demolition Permit is subject to the following findings:

- 1. The structure proposed for demolition a) has no local, state or national historic significance as determined by the historic resources survey**

pursuant to Code Section 17.60.056.D.1; or b) is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document; staff concludes that the existing structure has been so altered that it does not have enough integrity to be designated as a historic property or an altered contributor to any potential historic district; as a mitigation measure, that a brief report will be prepared by an architectural historian providing historical and architectural significance of the property. Archival photographs of the original house should be include in the report as well as photographs of the renovated house in a format acceptable to staff. The document will be submitted to the City of Sierra Madre public library and stored in the collection of architectural archives.

2. **That the proposed demolition activities will not reasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the roof will be reconstructed to match the demolished roof. The roof will retain the same height and pitch. The existing and proposed square footage of the lot will remain the same and the walls that are damaged are being replaced with materials that resemble the original structure.
3. **That there is a demonstrated need for the demolition activity requested;** in that the property owner obtained a building permit to deconstruct and rebuild the structure. When the contractor began taking the interior lath and plaster and exterior siding and roof sheeting from the building, extensive structural damage was found, thus requiring a demolition of the roof in order to preserve the safety of the structure.
4. **That the result of the demolition activity if consistent with the objectives of the general plan;** in that the demolition of more than 25% of the roof and exterior walls is required to construct the proposed project. The project complies with all requirements of the R-1 Zoning Ordinance which codifies and implements the objectives of the General Plan with respect to Residential Low Density development.
5. **That the public interest, convenience, and necessity require that the demolitions activity be undertaken at the location requested;** in that the existing roof, top plate, sill plate, and exterior walls have extensive structural damage and therefore needs to be rebuilt in order to mitigate any potential danger.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter, the Sierra Madre Public Library, and on the City's website.

ENVIRONMENTAL

The proposed project qualifies for a Categorical Exemption, pursuant to Section 15301(e) Class 1 additions to Existing Facilities provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before that addition, or 2,500 square feet, which is ever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and (B) The area in which the project is located is not environmentally sensitive.

ALTERNATIVES

The Planning Commission can:

1. Approve the application for Discretionary Demolition Permit 16-01, with conditions of approval;
2. Deny the application for Discretionary Demolition Permit 16-01, impose a \$1,000 fine, and prohibit construction of the property for two years from the date of this determination;
3. Continue the subject project, and provide the applicant with direction.

RECOMMENDATION

Staff recommends that the Planning Commission approve Discretionary Demolition Permit 16-01 (DDP 16-01), subject to conditions of approval.

Attachments:

- Exhibit A: Planning Commission Resolution 16-09
- Exhibit B: Project Photographs
- Exhibit C: Discretionary Demolition Permit Requirements

EXHIBIT A

Planning Commission
Resolution 16-09

PC RESOLUTION 16-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE APPROVING DISCRETIONARY DEMOLITION PERMIT 16-01 TO ALLOW THE DEMOLITION AND RECONSTRUCTION OF THE ROOF AND EXTERIOR WALLS OF THE PRIMARY DWELLING UNIT AND GARAGE AT THE PROPERTY LOCATED AT 126 EAST MIRA MONTE AVENUE

THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, an application for a Discretionary Demolition Permit was filed by:

**William and Anastasia Kefalas
267 W. Montecito Ave.
Sierra Madre, CA. 91024**

WHEREAS, the request for a DISCRETIONARY DEMOLITION PERMIT can be described as:

A request to allow the demolition and reconstruction of the roof and exterior walls of the primary dwelling unit and garage. Pursuant to SMMC 17.60.056, any required demolition for an addition or alternation to the structure that impacts the original front façade of the structure, shall be subject to the granting of a discretionary demolition permit. The reviewing body for a demolition permit and an accompanying replacement project which requires a conditional use permit is the Planning Commission.

WHEREAS, the Planning Commission has received the report and recommendations of staff;

WHEREAS, a public hearing was held before the Planning Commission on November 3, 2016, with all testimony received being made part of the public record;

WHEREAS, the proposed project qualifies for a Categorical Exemption, pursuant to Section 15301(e) Class 1 additions to Existing Facilities provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before that addition, or 2,500 square feet, which is ever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and (B) The area in which the project is locates in not environmentally sensitive.

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission now finds as follows:

- 1. The structure proposed for demolition a) has no local, state or national historic significance as determined by the historic resources survey**

pursuant to Code Section 17.60.056.D.1; or b) is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document; staff concludes that the existing structure has been so altered that it does not have enough integrity to be designated as a historic property or an altered contributor to any potential historic district; as a mitigation measure, that a brief report will be prepared by an architectural historian providing historical and architectural significant of the property. Archival photographs of the original house should be include in the report as well as photographs of the renovated house in a format acceptable to staff. The document will be submitted to the City of Sierra Madre public library and stored in the collection of architectural archives.

2. **That the proposed demolition activities will not reasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the roof will be reconstructed to match the demolished roof. The roof will retain the same height and pitch. The existing and proposed square footage of the lot will remain the same and the walls that are damaged are being replaced with materials that resemble the original structure.
3. **That there is a demonstrated need for the demolition activity requested;** in that the property owner obtained a building permit to deconstruct and rebuild the structure. When the contractor began taking the interior lath and plaster and exterior siding and roof sheeting from the building, extensive structural damage was found, thus requiring a demolition of the roof in order to preserve the safety of the structure.
4. **That the result of the demolition activity if consistent with the objectives of the general plan;** in that the demolition of more than 25% of the roof and exterior walls is required to construct the proposed project. The project complies with all requirements of the R-1 Zoning Ordinance which codifies and implements the objectives of the General Plan with respect to Residential Low Density development.
5. **That the public interest, convenience, and necessity require that the demolitions activity be undertaken at the location requested;** in that the existing roof, top plate, sill plate, and exterior walls have extensive structural damage and therefore needs to be rebuilt in order to mitigate any potential danger.

Planning Commission Resolution 16-09
November 3, 2016

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission APPROVES Discretionary Demolition Permit 16-01, subject to the conditions of approval in the attached Exhibit A.

The approval is final, unless appealed to the City Council in writing within ten (10) days following the adoption of this Resolution, pursuant to the provisions of Section 17.60.120 of the Sierra Madre Municipal Code.

The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The Planning Commission Secretary shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolution of the City.

APPROVED, the _____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gina Frierman-Hunt, Chairperson
Sierra Madre Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning & Community Preservation Department

**CONDITIONS OF APPROVAL
DISCRETIONARY DEMOLITION PERMIT 16-01**

General Conditions:

The applicant and property owner shall:

1. Comply with all applicable provisions of the Sierra Madre Municipal Code, including but not limited to those Chapters pertaining to Zoning, Building and Construction, Vehicles and Traffic, and Health and Safety, and including all such provisions which may be contained in Uniform Codes which have been incorporated by reference within the Sierra Madre Municipal Code.
2. Comply with all applicable provisions of Federal, State and Los Angeles County law and regulations, including but not limited to the California Environmental Quality Act.
3. Execute and deliver to the City's Department of Development Services an Affidavit of Acceptance of Conditions on a form to be provided by such Department within ten business days of the date of this approval. This approval shall not be effective for any purpose until the Applicant complies with this condition.
4. To the fullest extent permitted by law, fully protect the City, its employees, agents and officials from any loss, injury, damage, claim, lawsuit, expense, attorneys' fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this approval, or the activities conducted pursuant to this approval. Accordingly, to the fullest extent permitted by law, the applicant and property owner shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys' fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this approval, or the activities conducted pursuant to this approval. Applicant and property owner shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

Planning Commission Resolution 16-09
November 3, 2016

Planning Conditions

The applicant and property owner shall:

1. Construct the project in substantial conformance with approved Conditional Use Permit 15-23 and supporting materials presented to the Planning Commission on December 17, 2015. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
2. Construct the project in substantial conformance with all applications and supporting materials presented to the Planning Commission on November 3, 2016 regarding Discretionary Demolition Permit 16-01. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
3. Prepare a brief historical evaluation report prepared by an architectural historian providing historical and architectural background of the property. Archival photographs of the original house should be include in the report as well as photographs of the renovated house in a format acceptable to staff. The document will be submitted to the City of Sierra Madre public library and stored in the collection of architectural archives.
4. Submit revised construction plans, for 1st Plan Check within one (1) year of the date of this approval; failure to do so will constitute an abandonment of the entitlement, and shall render this approval null and void.

(end of conditions)

EXHIBIT B

Demolition Plans

SAG & A-R DESIGN AND ENGINEERING SERVICES
281 N ALTADENA DR., PASADENA, CA 91107
626-449-6461

ate: 10/22/2016
cale: AS NOTED
rawn: M.M.
ob:
heet:
A - 4
f Sheet



- NOTES:**
- A. DEMOLITION THE EXISTING EXTERIOR AND INTERIOR WALLS INCLUDE THE ROOF FRAMING
 - B. REMAIN THE EXISTING FIREPLACE AT THE FIRST FLOOR AND CRAWL LEVEL WITH RIVER ROCK FACING.
 - C. ALL DEMOLITION STRUCTURE SHALL BE PERMITTED BY CITY CODE.
 - D. ALL REQUIRED PERMITS FOR REMODEL OR NEW STRUCTURE HAVE BEEN PROVIDED BY THE APPLICABLE CITY REVIEWING AUTHORITY.

REVISION	BY
10/28/2015	1

SAG & A-R DESIGN AND ENGINEERING SERVICES
281 N. ALTADENA DR., PASADENA, CA 91107
626-449-6461

126 E. MIRA MONTE AVE,
SIERRA MADRE, CA 91024

Date: 10/22/2016

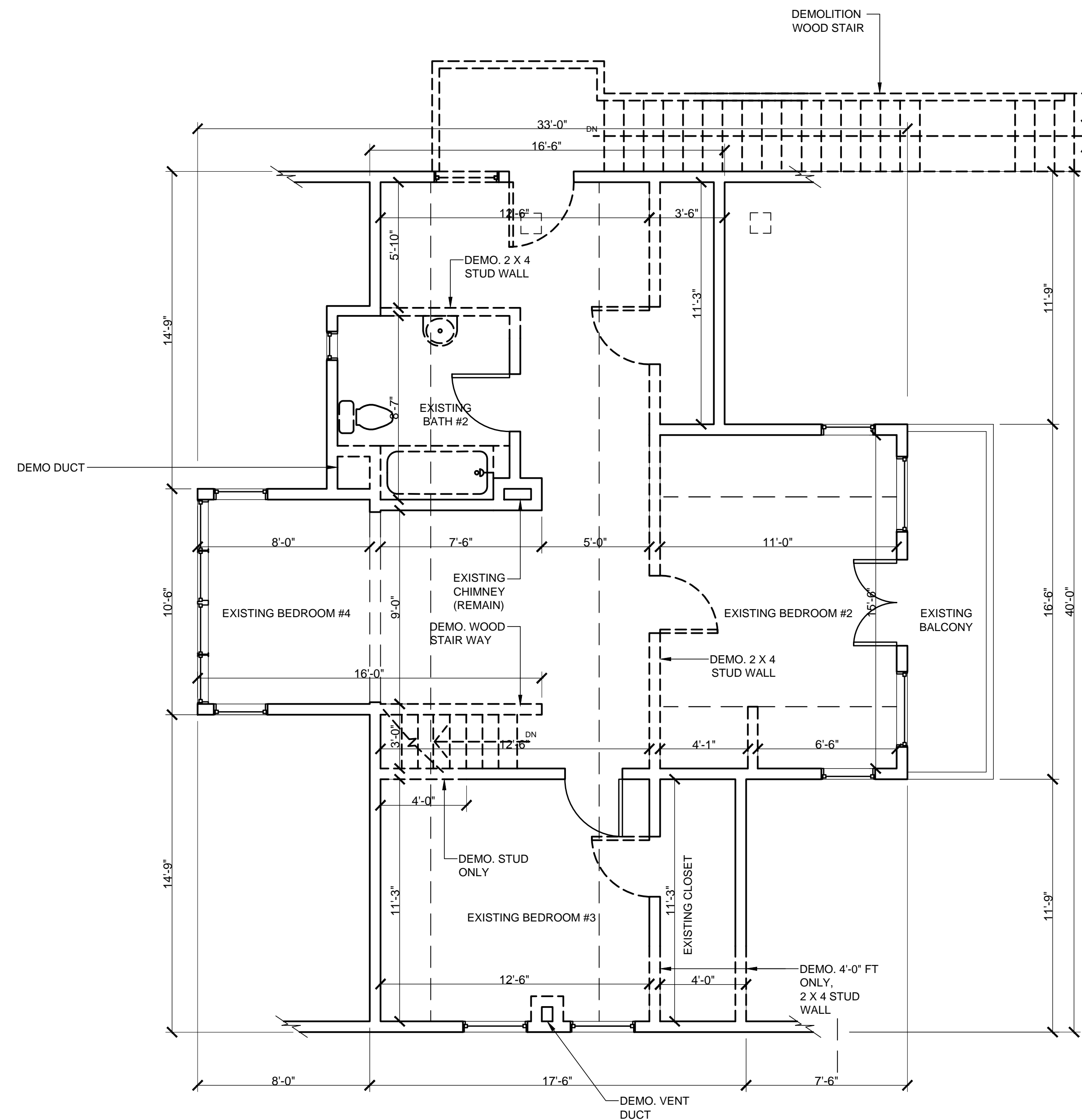
Scale: AS NOTED

Drawn: M.M.

Job:

Sheet:

Of A-5 Sheet



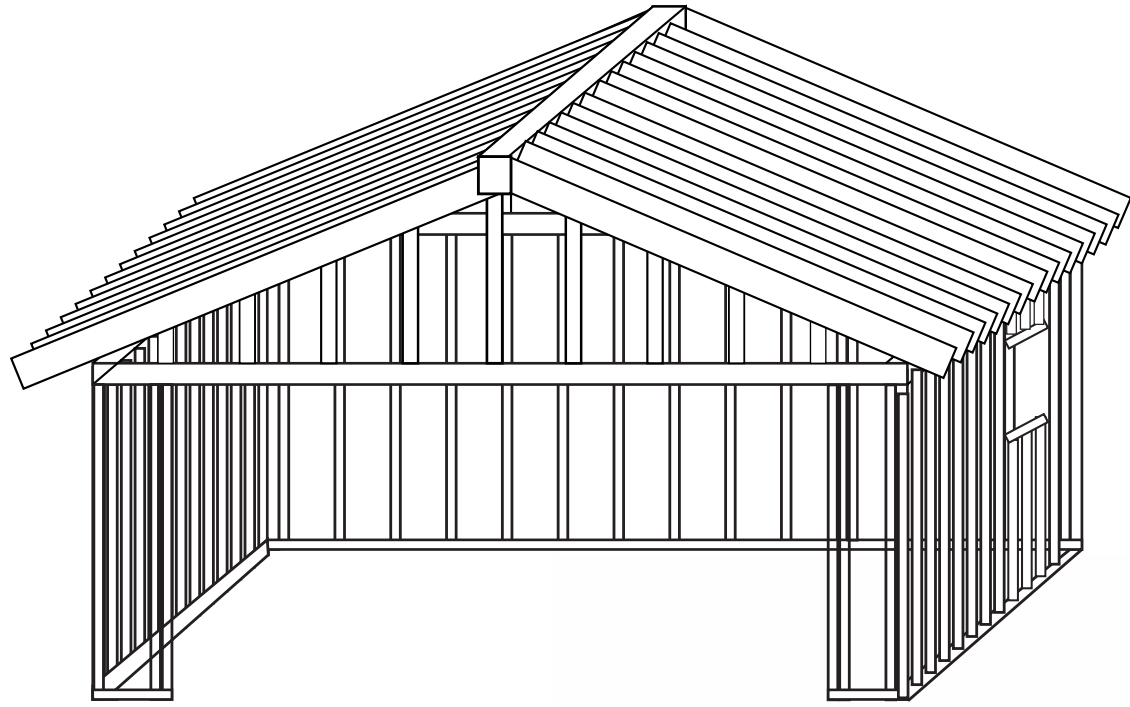

DEMOLITION SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

NOTES:
A. DEMOLITION THE EXISTING EXTERIOR AND INTERIOR WALLS INCLUDE THE ROOF FRAMING.

WALL KEY

 EXISTING WALL

[==] REMOVE WALL



Scope of Work:

Reframe roof to meet current code and safety standards

Rafters: 2x8 positioned 16" on center

2x10 Ridge

Ceiling Joists 2x8 32" on center

Construction details as described on house plan from CUP 15-23

Wall framing to remain.

West Window to be replaced with the same material called for on CUP 15-23

East window to be removed

Garage door to be replaced

Rear Entry door to be replaced

Siding to be replaced to match material called for on CUP 15-23

Roof to be composition shingle

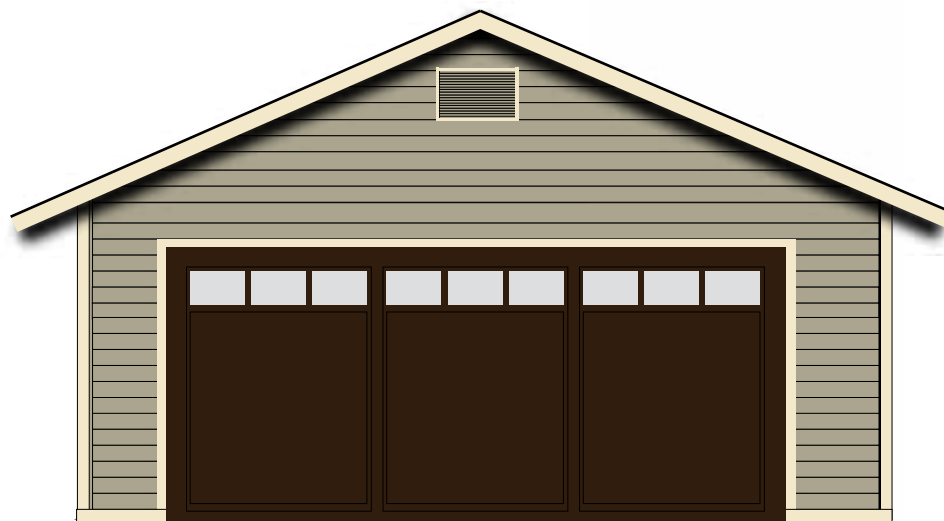


EXHIBIT C

Site Photographs



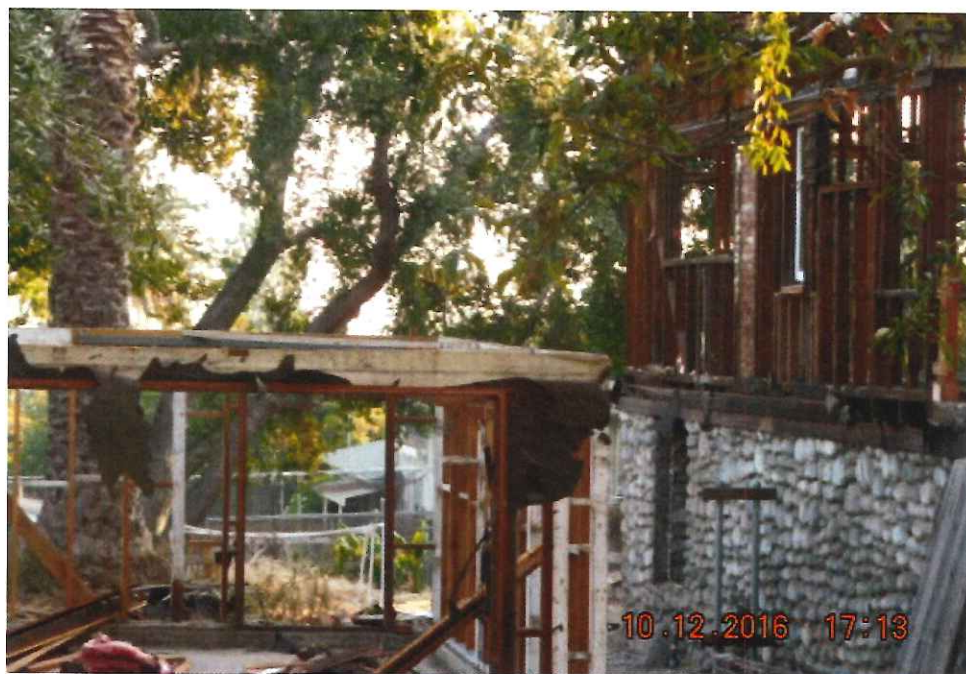
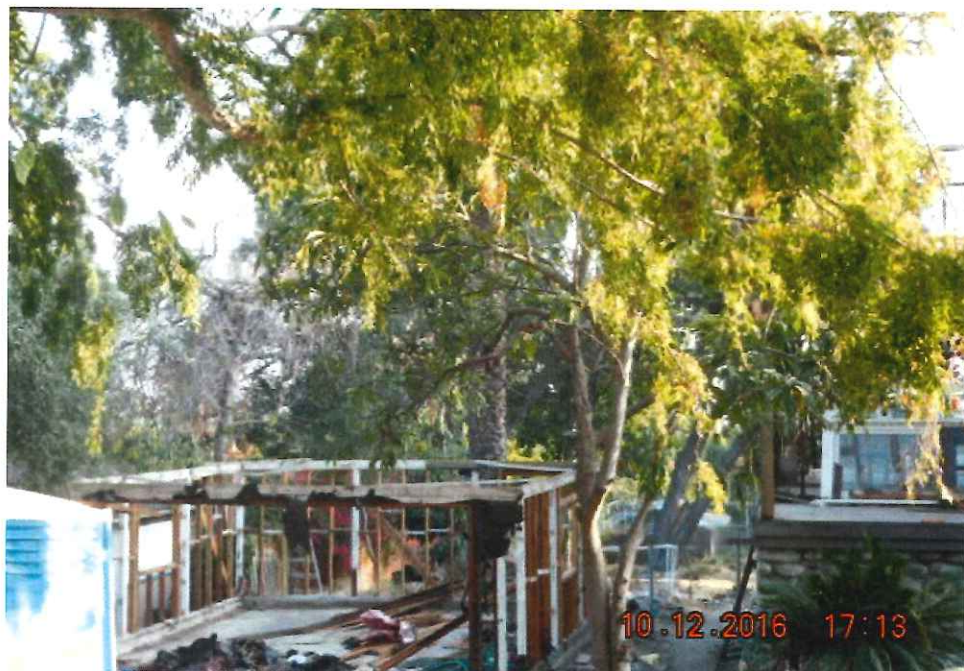


EXHIBIT D

Discretionary Demolition Permit Requirements

17.60.056 - Discretionary Demolition Permit.

- A. Purpose. The purpose of a discretionary demolition permit procedure is to insure that potential historic resources are properly evaluated before they are altered or removed.
- B. Definition. For purposes of this section, "demolition" is defined as the destruction and removal, in part or in whole, of the foundation, exterior walls or roof structure, including supporting members of a single-family dwelling or a duplex.
- C. No single-family dwelling or duplex which was constructed seventy-five years or more prior to the date of the application for review shall be demolished without a discretionary demolition permit.
- D. Procedure: Any application for a discretionary demolition permit shall be accompanied by (i) a written historic assessment or survey completed by a qualified historic preservation consultant selected from the list maintained by the city which concludes that the property proposed to be demolished is not classified under the California Historic Resource Codes 1 to 5 - eligible for local listing or designation, or a contributor to an existing or potential district and (ii) an application for replacement development project consistent with the standards and requirements of the applicable zoning district, and (iii) an affidavit of posting of a sign at least three feet by four feet in size, located in a conspicuous place on the property abutting a public street or alley, identifying the property as the subject of an application for a demolition permit. Both the discretionary demolition permit and the application for the replacement development project shall be reviewed concurrently and no discretionary demolition permit shall be approved unless and until the replacement development project is approved.
 - 1. The reviewing body for a demolition permit and accompanying replacement development project which would not require a conditional use permit under [Section 17.60.030](#) is the planning director.
 - 2. The reviewing body for a demolition permit and an accompanying replacement development project which would require a conditional use permit or minor conditional use permit is the planning commission.
- E. No discretionary demolition permit shall be approved unless the reviewing body determines one of the following:

1. The residential structure proposed to be demolished is neither designated on the local list of historic resources nor eligible for designation as an individual resource or contributor to a district or potential district, and the replacement development project is approved; or
 2. The city engineer or building official or his or her designee has provided a written determination that demolition is necessary to immediately abate an imminent hazard to public safety.
- F. Exceptions. The following applications do not require a discretionary demolition permit:
1. Demolition of up to twenty-five percent or less of the exterior walls of the structure, when all of the following conditions exist:
 - a. The demolition is required for an addition/alteration to the structure that is permitted by code;
 - b. The addition is permitted at the same time as the required demolition;
 - c. Neither the demolished portion of the structure nor the addition impacts the original front façade of the structure; and
 - d. The site plan and all required permits for the remodel have been approved by the applicable city reviewing authority.
 2. Demolition of any interior walls of any structure for the purpose of remodel, repair or maintenance, subject to any required permits;
 3. Removal and replacement, subject to any required permits, of exterior windows, doors, roof covering, foundation, exterior siding, architectural details and other structural or decorative elements deemed by the director of planning and community preservation to be minor alterations, where the materials used for maintenance and replacement do not alter the appearance, size or character of the existing structure;
 4. Any proposed demolition of a structure constructed less than seventy-five years from the date of the applications, which is subject to the provisions of [Section 15.04.115](#);
 5. Any proposed demolition of a historic landmark which is subject to the provisions of [Section 17.82.090](#);
 6. The director may rely on definitions and permitting processes in the municipal code to consider circumstances which do not meet the exact

criteria defined in exceptions 1—5 above, to determine that a specific case meets the intent of one or more of the exceptions.

- G. An applicant who does not qualify for a discretionary demolition permit under subsection E or H of this section may seek a certificate of economic hardship pursuant to [Section 17.82.100](#).
- H. Burden of Proof on Applicant. Before any demolition permit is granted, the application shall show, to the reasonable satisfaction of the body considering such matter, the existence of the following facts:
 - 1. That the structure proposed for demolition:
 - a. Has no local, state or national historic significance as determined by the historic resources survey pursuant to subsection D.1. above; or
 - b. Is deemed to be eligible for local listing or designation under the California Historic Resource Codes 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing the original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document;
 - 2. That the proposed demolition activities will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;
 - 3. That there is a demonstrated need for the demolition activity requested;
 - 4. That the result of the demolition activity is consistent with the objectives of the general plan; and
 - 5. That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested.
- I. Appeal.
 - 1. Any person may appeal a decision of the planning director to the planning commission pursuant to [Section 17.60.115](#).
 - 2. Any person may appeal a decision of the planning commission to the city council pursuant to Sections [17.60.120](#) and [17.60.130](#).

(Ord. No. 1363, § 2, 3-24-15)

ATTACHMENT G

Staff Report
Discretionary Demolition Permit 16-01
(December 1, 2016)



Planning Commission **STAFF REPORT**

Gina Frierman-Hunt, Chair
Bob Spears, Vice-Chair
Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
William Pevsner, Commissioner

Vincent Gonzalez, Director
Planning & Community Preservation

DATE: December 1, 2016

TO: Planning Commission

FROM: Vincent Gonzalez, Director – Planning and Community Preservation

SUBJECT: DISCRETIONARY DEMOLITION PERMIT 16-01 (DDP 16-01)
ADDRESS: 126 East Mira Monte Avenue
APPLICANT: William and Anastasia Kefalas

BACKGROUND

At the November 3, 2016 Planning Commission meeting, the Commission continued Discretionary Demolition Permit 16-01 (DDP 16-01) – 126 East Mira Monte Avenue to the December 1, 2016 meeting to allow time for the applicant to provide additional information for the Commission's consideration. The Commission also requested that the applicant obtain a historical resource evaluation of the original residence, as if it were still standing, using the services of a qualified architectural historian from the approved list of consultants maintained by the City. Charles Fisher, Architectural Historian was commissioned by the applicant to prepare the report which is included as Attachment B. During public comment there was a reference to a report that was previously prepared for this property by Vanessa Withers, with the Historic Preservation Partner's Group. The Commission requested that the applicant and/or staff attempt to obtain a copy of this report, and qualifications of Vanessa Withers, which has been provided as Attachment C.

The Commission also requested that a building construction observation report be prepared in coordination with the City's contract Building Official, City Structural Engineer, and Planning & Community Preservation Department staff. The Report is provided as Attachment D. The Commission also directed staff to appoint a compliance officer to monitor any further removal of the original building framing and to monitor reconstruction efforts as the project moves forward.

ANALYSIS

Historic Resources Evaluation Report

Charles Fisher, Architectural Historian prepared the Historical Resources Evaluation Report (Exhibit B). According to the report, the original building displayed architectural significance based on the Arts and Crafts detailing of the exterior and interior of the building. Although the architect is unknown, the structure had potential for local designation as a potential local historical landmark and possibly a contributor to a local landmark district. Minimal information is available regarding the historical significance of the property. Documentation has revealed that Henry H. Darling was the developer of the Monte Lado Tract, which includes the property aforementioned.

According to the Historical Resources Evaluation, the following elements are “character defining features” of the “Darling House” that embody the characteristics of the Pre-Craftsman architectural design:

- The north facing Dutch-gabled dormer
- The eaves which are open with beams spaced to support the eaves
- The arroyo-stone chimney
- The broad front porch with a stone base, flanked by a wide concrete central stairway
- The multi-light double hung and casement wood windows
- The cedar clapboard siding
- The stone foundation

The Report recognizes that this is a reconstruction effort rather than a restoration effort. The recommendation is to reconstruct the building by replacing materials in-kind and retaining as much of the original framing as possible. The use of cedar siding on the original structure should be introduced. Hardiboard siding may be used on the new addition to show differentiation between the original building and new addition. There is also evidence that the original roof was made of wood shake shingles. It is recommended that the use of Hardi-shake shingle roofing be used to reflect the original material.

The report will be submitted to the City of Sierra Madre public library and stored in the archives.

Construction Observation Report

At the direction of the Planning Commission, the Building Official, Structural Engineer, Building Inspector, and Director of Planning and Community Preservation conducted an onsite investigation of the property. The purpose of the investigation was to determine the structural integrity of the existing foundation, framing of the primary structure and detached garage, and to present this information in a construction observation report. The determination of the report indicates that the existing proposal

approved under CUP 15-23 is still valid and full demolition is not warranted. The investigation revealed extensive damage to the sill plates that rest on the stone foundation, inadequate structural framing of the existing exterior walls, in particular the first floor east building elevation and the entire second story exterior walls, gables and roof.

The recommendation of the report supports the installation of new sill plates around the perimeter of the entire foundation, which includes removal of approximately the top 10-inches of the stone foundation wall to install a new cast bond-beam. The existing stone rubble walls will be used as a stone veneer to mask the concrete bond-beam; The installation of a new approximately 12-foot segment of the exterior wall along the east building elevation of the first floor dining room should be replaced in its entirety, saving the east facing walls adjacent to the existing kitchen and pantry; The removal and replacement of the entire second floor roof, gables and walls to achieve compliance with current code is recommended in order to provide the structural stability necessary to withstand wind shear conditions. This may increase the height of the structure from six to twelve inches and may necessitate an increase in height to the chimney a minimum of two feet above the ridge of the roof. The existing height of the building is 22 feet. Any alteration to the roof structure should be within the maximum 25-foot height requirement.

FINDINGS

The Discretionary Demolition Permit is subject to the following findings:

1. The structure proposed for demolition:

- a) *Has no local, state or national historic significance as determined by the historic resources survey pursuant to Code Section 17.60.056.D.1; or*
- b) *Is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document.*

According to the historical resources evaluation report prepared by Charles Fisher, Architectural Historian, the building has enough integrity to be designated as a contributor to a potential historic district. The reconstruction of the building will retain where possible, as much of the original framing of the house, and replacement materials, such as the use of cedar wood clapboard siding may be used to replicate the original materials;

2. **That the proposed demolition activities will not reasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the property is a single-family residence in a residential zone, surrounded by other single-family homes, the property will not encroach on minimum setbacks or any other property rights.
3. **That there is a demonstrated need for the demolition activity requested;** an extensive on-site structural evaluation was conducted by city staff and documented in a Construction Evaluation Report. The results of the report identified extensive structural damage requiring the demolition of the entire second floor (roof, gables, and walls). Additional work includes the replacement of the foundation sill plate, removal of a 12-foot segment of the exterior wall along the east elevation, and remediation of the structural framing through the remainder of the building. Reconstruction efforts will match the existing building. The existing and proposed square footage of the structure will remain the same as approved by Conditional Use Permit 15-23; and the exterior siding that is being replaced with new materials will resemble that of the original structure.
4. **That the result of the demolition activity if consistent with the objectives of the general plan;** in that the demolition of more than 25% of the roof and exterior walls is required to construct the proposed project. The project complies with all requirements of the R-1 Zoning Ordinance which codifies and implements the objectives of the General Plan with respect to Residential Low Density development.
5. **That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested;** in that the existing foundation sill plate, top plate, exterior walls along a portion of the first floor of the east elevation, and second floor exterior walls and roof have extensive structural damage and therefore, reconstruction of portion of the original building is required in order to mitigate potential safety hazards.

CONCLUSION

The applicant complied with the Planning Commission's direction to prepare a Historical Resources Evaluation Report and a Construction Observation Report. The findings of the Reports, respectively conclude that the building has the potential to be a contributor to a historic district, however, there are extensive structural deficiencies in the construction of the original building. These deficiencies necessitate foundation and structural upgrades in order to construct a safe building in compliance with current California Building Code standards.

If the applicant is allowed to proceed with construction of the project, what the City will gain is a replica of the exterior detailing of the original 1907 Pre-Craftsman era structure

that was previously approved by the Planning Commission under CUP 15-23. The new structural framing of the roof and supporting walls will not be evident from the exterior of the building. The front façade and architectural details will continue to resemble that of the previous structure. Approval of Discretionary Demolition Permit 16-01 will permit the project to move forward as originally approved under the CUP, resulting in the upgrade of an existing house that compliments the surrounding residential neighborhood.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter, the Sierra Madre Public Library, and on the City's website.

ENVIRONMENTAL

The proposed project qualifies for a Categorical Exemption, pursuant to Section 15301(e) Class 1 additions to Existing Facilities provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before that addition, or 2,500 square feet, which is ever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and (B) The area in which the project is located is not environmentally sensitive.

ALTERNATIVES

The Planning Commission can:

1. Approve the application for Discretionary Demolition Permit 16-01, with conditions of approval and the recommendations of the Construction Observation Report;
2. Deny the application for Discretionary Demolition Permit 16-01, impose a \$1,000 fine, and prohibit construction of the property for two years from the date of this determination;
3. Continue the project, and provide the applicant with direction.

RECOMMENDATION

Staff recommends that the Planning Commission approve Discretionary Demolition Permit 16-01 (DDP 16-01), subject to conditions of approval and the recommendations identified in the Construction Observation Report.

Attachments:

- Exhibit A: Planning Commission Resolution 16-09
- Exhibit B: Historical Resources Evaluation Report
- Exhibit C: Historic Assessment Report
- Exhibit D: Construction Observation Report
- Exhibit E: Site Photographs

EXHIBIT A

Planning Commission Resolution 16-09

PC RESOLUTION 16-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE APPROVING DISCRETIONARY DEMOLITION PERMIT 16-01 TO ALLOW THE DEMOLITION AND RECONSTRUCTION OF THE ROOF AND EXTERIOR WALLS OF THE PRIMARY DWELLING UNIT AND GARAGE AT THE PROPERTY LOCATED AT 126 EAST MIRA MONTE AVENUE

THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, an application for a Discretionary Demolition Permit was filed by:

**William and Anastasia Kefalas
267 W. Montecito Ave.
Sierra Madre, CA. 91024**

WHEREAS, the request for a DISCRETIONARY DEMOLITION PERMIT can be described as:

A request to allow the demolition and reconstruction of the roof and exterior walls of the primary dwelling unit and garage. Pursuant to SMMC 17.60.056, any required demolition for an addition or alternation to the structure that impacts the original front façade of the structure, shall be subject to the granting of a discretionary demolition permit. The reviewing body for a demolition permit and an accompanying replacement project which requires a conditional use permit is the Planning Commission.

WHEREAS, the Planning Commission has received the report and recommendations of staff;

WHEREAS, public hearings were held before the Planning Commission on November 3, 2016 and December 1, 2016 with all testimony received being made part of the public record;

WHEREAS, the proposed project qualifies for a Categorical Exemption, pursuant to Section 15301(e) Class 1 additions to Existing Facilities provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before that addition, or 2,500 square feet, which is ever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and (B) The area in which the project is locates in not environmentally sensitive.

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission now finds as follows:

1. The structure proposed for demolition:

- a) *Has no local, state or national historic significance as determined by the historic resources survey pursuant to Code Section 17.60.056.D.1; or*
- b) *Is deemed to be eligible for local listing or designation under the California Historic Resource Code 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document;*

According to the historical resources evaluation report prepared by Charles Fisher, Architectural Historian, the building has enough integrity to be designated as a contributor to a potential historic district. The reconstruction of the building will retain where possible, as much of the original framing of the house, and replacement materials, such as the use of cedar wood clapboard siding may be used to replicate the original materials.

- 2. **That the proposed demolition activities will not reasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;** in that the property is a single-family residence in a residential zone, surrounded by other single-family homes, the property will not encroach on minimum setbacks or any other property rights.
- 3. **That there is a demonstrated need for the demolition activity requested;** an extensive on-site structural evaluation was conducted by city staff and documented in a Construction Evaluation Report. The results of the report identified extensive structural damage requiring the demolition of the entire second floor (roof, gables, and walls). Additional work includes the replacement of the foundation sill plate, removal of a 12-foot segment of the exterior wall along the east elevation, and remediation of the structural framing through the remainder of the building. Reconstruction efforts will match the existing building. The existing and proposed square footage of the structure will remain the same as approved by Conditional

Use Permit 15-23; and the exterior siding that is being replaced with new materials will resemble that of the original structure.

4. **That the result of the demolition activity if consistent with the objectives of the general plan;** in that the demolition of more than 25% of the roof and exterior walls is required to construct the proposed project. The project complies with all requirements of the R-1 Zoning Ordinance which codifies and implements the objectives of the General Plan with respect to Residential Low Density development.
5. **That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested;** in that the existing foundation sill plate, top plate, exterior walls along a portion of the first floor of the east elevation, and second floor exterior walls and roof have extensive structural damage and therefore needs to be demolished and rebuilt in order to mitigate any potential safety hazards.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission APPROVES Discretionary Demolition Permit 16-01, subject to the attached conditions of approval.

The approval is final, unless appealed to the City Council in writing within ten (10) days following the adoption of this Resolution, pursuant to the provisions of Section 17.60.120 of the Sierra Madre Municipal Code.

The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The Planning Commission Secretary shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolution of the City.

APPROVED, the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gina Frierman-Hunt, Chairperson
Sierra Madre Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning & Community Preservation Department

**CONDITIONS OF APPROVAL
DISCRETIONARY DEMOLITION PERMIT 16-01**

General Conditions:

The applicant and property owner shall:

1. Comply with all applicable provisions of the Sierra Madre Municipal Code, including but not limited to those Chapters pertaining to Zoning, Building and Construction, Vehicles and Traffic, and Health and Safety, and including all such provisions which may be contained in Uniform Codes which have been incorporated by reference within the Sierra Madre Municipal Code.
2. Comply with all applicable provisions of Federal, State and Los Angeles County law and regulations, including but not limited to the California Environmental Quality Act.
3. Execute and deliver to the City's Department of Development Services an Affidavit of Acceptance of Conditions on a form to be provided by such Department within ten business days of the date of this approval. This approval shall not be effective for any purpose until the Applicant complies with this condition.
4. To the fullest extent permitted by law, fully protect the City, its employees, agents and officials from any loss, injury, damage, claim, lawsuit, expense, attorneys' fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this approval, or the activities conducted pursuant to this approval. Accordingly, to the fullest extent permitted by law, the applicant and property owner shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys' fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this approval, or the activities conducted pursuant to this approval. Applicant and property owner shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

Planning Conditions

The applicant and property owner shall:

1. Construct the project in substantial conformance with approved Conditional Use Permit 15-23 and supporting materials presented to the Planning Commission on December 17, 2015. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
2. Construct the project in substantial conformance with the Construction Observation Report dated November 16, 2016 and all applications and supporting materials presented to the Planning Commission on November 3, 2016 and December 1, 2016 regarding Discretionary Demolition Permit 16-01. Inaccuracies and misrepresentations will be grounds for immediate revocation of the Conditional Use Permit.
3. Submit revised construction plans, for 1st Plan Check within one (1) year of the date of this approval; failure to do so will constitute an abandonment of the entitlement, and shall render this approval null and void.
4. A Construction Compliance Monitor shall be contracted by the City to monitor construction activities and to ensure removal of original building framing and reconstruction methodology is in conformance with the approved Construction Observation Report and revised construction plans. The services of the Construction monitor shall be paid for by the applicant.

(end of conditions)

EXHIBIT B

Historical Resources Evaluation Report Prepared by Charles Fisher

(Report will be available on
Monday, November 28, 2016)

Historical Resource Evaluation



**Henry A. Darling Residence
126 E. Mira Monte Avenue, Sierra Madre
Lot 39, Monte Lado Tract
as per Map Recorded in Book 7, Page 174 of Maps
of Los Angeles County**

Prepared by:

Charles J. Fisher, Historian
140 S. Avenue 57
Highland Park, CA 90042

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Building Permit List

Secretary of the Interior's Standards for Preservation

Section I

Executive Summary

The purpose of this report is to evaluate the structure located at 126 E. Mira Monte Avenue, in the City of Sierra Madre, California, to determine whether it meets the requirements as a historical resource in accordance with Section 15064.5 of the California Environmental Quality Act (CEQA). The ultimate conclusions in this report represent the professional opinions of the author and are based on the data that has been found through research of the historical and architectural background of the subject property that was available at the time of preparation, as well as the application of local, state and federal criteria of eligibility as well as the best professional practices.

This report has been prepared for the property owners, William and Anastasia Kefalas, for the purpose of determining the level of significance of the structure that is presently on the property and what mitigations will be necessary to retain said status if proven to be significant. The report looks at the resource at the National level in order to determine a California Historical Resource Status Code, however it is also discussed at the local level for the purpose of establishing its level of significance under the Sierra Madre City ordinance.

The author is a professional historian with extensive experience in property research and historic preservation, dating from the mid 1980's. This background includes the research, preparation and/or advocacy of over 160 Historic Cultural Monument Nominations for the City of Los Angeles, three for Ventura County, one in the City of Ojai and two in the City of Sierra Madre, as well as research and documentation of numerous other historic structures. Other qualifications include work as a past president and board member of the Highland Park Heritage Trust, past co-chair of the Cultural Resources Committee of the Los Angeles Conservancy, president of the Heritage Coalition of Southern California and 28 years doing property research for Transamerica Real Estate Tax Service.

The resource to be evaluated is a 2-story, single-family residential building built in 1907 and located at the center of the property, referred to as the Henry A. Darling Residence, named for its first owner. It is sited on Lot 39 of the Monte Lado Tract, which is recorded in Book 7, Page 174 of Maps in the Office of the County Recorder of Los Angeles County, and is identified with Los Angeles County Assessor's Parcel No. 5762-013-019.

The structure is not presently listed on any local, state or federal register nor is it listed as a contributor to any local, state or federal historic district

The full legal description of the property is as follows:

LOT 39, MONTE LADO TRACT, IN THE CITY OF SIERRA MADRE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 174 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY:

The subject house was originally built in 1907 by Henry A. Darling, who was the original developer of the Monte Lado Tract. It was sold to Sarah J. Gill in 1910.

The site is situated in the Northeastern portion of the City of Sierra Madre and is located at N34° 10.1437', W118° 2.9918' below the Northern Foothills.



Red arrow points to Darling Residence on detail of United States Department of Interior Topographic Map of Sierra Madre, Los Angeles County, California.

The house is presently in a state of partial deconstruction and will be evaluated in relation to how to reconstruct it in a manner that will retain an appropriate level of historic significance.

Section II

Methodology

In evaluating a potential historic property, several criteria are employed, including an analysis of architectural and historical significance, as well as specific evaluations as to whether the subject property meets the various requirements for it to be considered historic.

These requirements may include the age and rarity of the design, significance of an architect, builder or owner/resident of the property, along with how the structure relates to its historic context, how much of its own architectural integrity has survived as well as whether non-historic alterations can be easily reversed.

Age and integrity are important criteria here because the structure was built 109 years ago. However it has also undergone some alterations and several additions.

A site visit was made on November 10, 2016 which showed the building stripped down to its bare frame. An earlier visit was made on February 15, 2015, when the house was intact but vacant and under a previous ownership. Some photos were taken at that time, but most photographs have come from other sources, including the present owner and the multiple listing services dating from August 16, 2013.

An analysis was also made of the history of the structure including owners, occupants, using various public records, such as census data, death records and newspaper citations. Some historical context was also gathered from previously published books and articles as noted in the bibliography.

Section III

Historic Property Regulations

In a determination of eligibility a potential historic resource must be considered under the California Environmental Quality Act (CEQA) to determine if it is either eligible for the California Register of Historic Resources (California Register). The California Register is modeled after the National Register of Historic Places (National Register). There are only a handful of differences in the standards for the National and California Registers. The California Register has a slightly lower integrity requirement than the National Register. A resource is also presumed to be historic if it is locally listed or has been identified as historically significant in a historic resources survey.

However, a preponderance of evidence could show that a property is either no longer historic due to alterations subsequent to a survey or further examination has found that it does not meet the criteria and requirements set forth in the California Register. The National and California Register programs are discussed below.

National Register of Historic Places

The National Register is described in Title 36 of the Code of Federal Regulations as “an authoritative guide to be used by federal, state or local governments, private groups and citizens to identify the nation’s cultural resources and to indicate what properties should be protected from destruction or impairment.”

To be eligible for listing in the National Register, the resource must normally be at least 50 years of age and must possess significance in American history and culture, architecture or archeology. To be considered significant, a property must meet one or more of the following four established criteria:

- A. It must be associated with events that have made a significant contribution to the broad patterns of our history; or
- B. It must be associated with the lives of persons significant in our past; or
- C. It must embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That it yield, or may be likely to yield, information important in prehistory or history.

The resource must also have integrity so that, according to National Register Bulletin #15 on How to Apply the National Register Criteria for Evaluation, “to be eligible for the National Register, a property must not only be shown to be significant under National Register criteria, but it must also have integrity”, which is the ability of the resource to convey its significance. In other words, a property must not be so altered from the condition during the period of significance, that it fails to show the reasons for that significance.

A resource should also be significant within a historic context to be eligible for listing. According to National Register Bulletin #15, historic contexts are “those patterns, themes or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear.” The significance of a historic property can be determined only when it is evaluated within its historic context. The resource must represent an important aspect of the area’s history or prehistory and still have the integrity to convey that to qualify for the National Register.

The National Register also allows for the establishment of historic districts, where the properties may not be eligible for individual listing, but as a grouping, convey both the integrity and context to meet one or more of the four criteria.

California Register of Historic Resources

The California Register was established in 1992, when Governor Pete Wilson signed Assembly Bill 2881. Like the National Register, the California Register is used by state and local agencies, private groups and individual citizens to identify and list historic resources and to help determine which resources are to be protected, to the extent prudent and feasible, from substantial adverse impacts.

The California Register consists of all California properties that are listed on or determined eligible for the National Register and all California Landmarks from No. 770 up, which are automatically listed, as well as others that are directly nominated by an application processed through a public hearing process and are determined eligible for listing by the State Historic Resources Commission (SHRC). In addition, those California Points of Historical Interest that have been evaluated by the Office of

Historic Preservation (OHP) and have been recommended to the SHRC are automatically listed.

To be eligible for listing in the California Register, the resource must normally be at least 50 years of age and must possess significance in local, state or national, under one or more of the following four criteria:

- 1.) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
- 2.) It is associated with the lives of persons significant to local, California or national history; or
- 3.) It embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values; or
- 4.) It has yielded, or has the potential to yield, information important in prehistory or history of the local area, California, or the nation.

Historic resources eligible for listing in the California Register may include buildings sites, structures, objects and historic districts. Resources less than 50 years of age may be eligible if it can be demonstrated that sufficient time has passed to understand their historical importance. While the criteria for the California Register is less rigorous with regard to the issue of integrity, there is the expectation that the resources reflect their appearance during their period of significance.

Sierra Madre Historical Landmark

In 1987, City adopted Ordinance 1036, which established the Cultural Heritage Commission of the City of Sierra Madre (CHC) along with a regulatory scheme for preserving structures of cultural and historic significance. In July 1997, by Ordinance 1134, City repealed Ordinance 1036, except for the list of properties designated as historic landmarks there under. In general, Ordinance 1134, known as the Historic Preservation Ordinance, made future private property listings on City's Register of Historic Landmarks "voluntary," while retaining on the Register of Historic Landmarks those structures already designated as historic landmarks. The Ordinance set out some of the benefits of designation as a historic landmark, including waiver of City building permit and plan check fees, the use of the State Historic Building Code as the governing building code, Mills Act contracts, and the availability of a conditional use permit procedure for changes of use. (Sierra Madre Mun.Code, § 17.82.060, subd. B.)

The ordinance authorizes the City Planning Commission to act as the Cultural Heritage Commission.

The owners of 29 properties pushed a ballot initiative to remove them from the list as they were originally listed without their consent. The initiative passed, but it was

challenged in court. The California Supreme Court upheld the lower court ruling that the delisting was not done in accordance with due process in 2000 threw out the initiative in that it violated the California Environmental Quality Act by calling for the arbitrary removal of 29 listed landmarks from the official list of Historical Monuments without any findings under CEQA.

Historic resources as defined by CEQA also includes properties listed in “local registers” of historic properties. A “local register of historic resources” is broadly defined in Section 5020.1 (k) of the Public Resources Code, as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.” Local are defined in essentially two forms:

- 1.) Historic resource surveys conducted by or for a local agency in accordance with the procedures and standards set by the State Office of Historic Preservation and are adopted by that agency. These surveys are to be periodically updated in order to maintain the most current list of potential historic resources.
- 2.) Landmarks designated under local ordinances or resolutions. These properties are “presumed to be historically or culturally significant.” (Public Resources Guide Sections 5024.1, 21804.1 and 15064.5)

A new measure was passed in 2001 authorizing a 120 day period in which property owner could ask to be removed from the designation. The owners of several of the historic properties filed such a request and it was subsequently removed. After the removal of those properties the remaining landmarks were renumbered to eliminate the gaps caused by the delisted resources.

The current Sierra Madre ordinance does not list any criteria for designation, but instead relies on the criteria listed at the state and national level. It does, however, list a series of procedural requirements under Section 2.28.30, "Powers and Duties", as follows:

Subject to applicable state laws and city ordinances, the commission shall have the following powers and duties:

- A. Adopt procedural rules for the conduct of its business in accordance with the provisions of this chapter;
- B. Conduct a comprehensive survey in conformance with state survey standards and guidelines of potential historic resources within the boundaries of the city. Periodically update the survey results. Transmit the survey to the city council for approval, to the city staff, and make it available to the public;

- C. Recommend in accordance with the criteria set forth in Section 17.82.050, Designation Criteria, including individual properties and landmark sites;
- D. With the consent of the respective owners thereof, maintain a local register of historic resources consistent with the National Register of Historic Places criteria, including individual properties and landmark sites, including all information required for each designation;
- E. Adopt development standards and submittal requirements to be used by the commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove or significantly affect any historic landmark;
- F. Provide support on behalf of the city council regarding recommendations for the purchase by the city of fee or less-than-fee interests in property, transfer of development rights, easements or other mechanisms for purposes of historic resources preservation;
- G. Investigate and make recommendations to the city council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic preservation in the city;
- H. Approve or disapprove, in whole or in part, or approve with conditions, applications for permits pursuant to Section 17.82.090 of this chapter;
- I. Review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this code, pertaining to historic landmarks;
- J. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic resource preservation;
- K. Keep minutes and records of meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be public record;
- L. Provide opportunity for owners' consent and direct public participation in all responsibilities delegated to the certified local government including the survey and National Register nomination process. Commission meetings shall be open to the public with published agenda and minutes in accordance with the California Open Meeting Act;
- M. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping or maintenance of any historic landmark;

- N. Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of an historic resource on the National Register of Historic Places;
- O. Participate in, promote and conduct public information, educational, and interpretive programs pertaining to historic resources preservation.
- P. Confer recognition upon the owners of designated landmarks by means of plaques or markers, and from time to time issue commendations to owners of designated landmarks or contributors who have rehabilitated their property in an exemplary manner;
- Q. Undertake any other action or activity necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of historic resource preservation;
- R. Maintain on file with the city clerk, to be accessible to the public, three copies of any published standards or guidelines adopted or referenced by the commission or the ordinance codified in this chapter;
- S. This chapter shall be known as the historic preservation ordinance by the city of Sierra Madre;
- T. This chapter shall be voluntary and, notwithstanding any other provision of this chapter, shall be so interpreted so as not to impose any burden, limitation or restriction of property rights (or with regard to procedures with regard thereto) without the prior consent of the respective property owners, provided that once a property has been designated by the city council, with the consent of the property owner, as a historical landmark then this ordinance shall no longer be voluntary and all provisions shall apply.

Section IV

Architectural Description

The Henry A. Darling Residence is of a 1½-story Pre World War I Arts and Crafts style house built in a rectangular pattern with a main transverse gable and a large gabled dormer centrally located in the symmetrical front facade. The exterior is clad in five inch horizontal siding. The front porch is across the entire front facade. Two large picture windows flank the central double multi-light French style front doors. The chimney is flanked with two large horizontal fixed pane windows, each topped with five rectangular transom style windows. The porch is supported by four square columns, topped with simple capitals set on simple bases. The porch is accessed by a central six step concrete staircase. The dormer has a central pair of French doors opening to a small balcony. The doors are flanked by two multi-light double casement windows that match the doors in design and scale.

The house is situated on a large lot that drops down beyond the front facade, giving access to a full basement at the rear through a tall stone foundation. An exterior staircase (of later vintage) accesses the second floor on the West facade, also entered through an overhanging second story porch that is above a concrete walkway on the rear facade. A smaller central dormer faces the rear. Besides the fixed pane and transom front windows, the house has multiple casement windows, some multi-light, including two sets of double single light casements above the kitchen sink. There are also a number of double hung windows throughout the facade. A central stone chimney pokes above the roof behind the front dormer. A second smaller stone chimney is on the East end of the roof at its apex.

A two car garage, covered in similar siding to the residence, is to the left of the house.

Significant interior features include paneled wainscoting in living room and dining room, a large stone fireplace, box beam ceilings, period lighting fixtures and hardwood floors. The second story, which is also accessed by a narrow interior staircase, appears to have been reconfigured from being a more open attic.

NOTE: This description of the house is based on photographs taken before the partial deconstruction that occurred in 2016. Presently only the fireplace, hardwood floors, the stone foundation and the framing of the house remain. Some historic items, including the front doors, one complete front window frame and the transoms from the other remain on site. At least one casement window remains in the Eastern facade. Other parts of the house, such as the lighting fixtures are stored off site.

Section V

Architectural Significance

The Henry A Darling Residence is an example of Arts and Crafts housing that was the precursor to the Craftsman designs that were beginning to proliferate at the time of its construction. It was built around the time that Sierra Madre first incorporated as a city, and was a part of a major building boom prior to the First World War.

Arts and Crafts was an international movement in the decorative and fine arts that began in Britain and flourished in Europe and North America between 1880 and 1910, emerging in Japan in the 1920s. It stood for traditional craftsmanship using simple forms, and often used medieval, romantic, or folk styles of decoration. It advocated economic and social reform and was essentially anti-industrial. It had a strong influence on the arts in Europe until it was displaced by Modernism in the 1930s, and its influence continued among craft makers, designers, and town planners long afterwards.

The term was first used by T. J. Cobden-Sanderson at a meeting of the Arts and Crafts Exhibition Society in 1887, although the principles and style on which it was based had been developing in England for at least twenty years. It was inspired by the ideas of architect Augustus Pugin (1812–1852), writer John Ruskin (1819–1900), and artist William Morris (1834–1896).

English socialist William Morris founded the British movement as a reaction against the Industrial Revolution's perceived devaluation of the individual worker and resulting degradation of the dignity of human labor. The movement naturally emphasized handwork over mass-production, with the dilemma that expensive materials and costly skilled labor restricted acquisition of Arts and Crafts productions to a wealthy clientele, often ironically derided as "champagne socialists".

While the British movement also reacted against the eclectic Victorian "over-decorated" aesthetic, the Arts and Crafts style's American arrival coincided with the decline of the Victorian era. The American Arts and Crafts Movement shared the British movement's reform philosophy, encouraging originality, simplicity of form, local natural materials, and the visibility of handicraft, but distinguished itself, particularly in the Craftsman Bungalow style, with a goal of ennobling modest homes for a rapidly expanding American middle class.

By the end of the nineteenth century, Arts and Crafts ideals had influenced architecture, painting, sculpture, graphics, illustration, book making and photography, domestic design and the decorative arts, including furniture and woodwork, stained glass, leatherwork, lace making, embroidery, rug making and weaving, jewelry and metalwork, enameling and ceramics.

The Arts and Crafts influence in the United States was most visible in architecture finding outlets in both Prairie and Mission Revival during the 1890s. The more pure Arts and Crafts home began to evolve just before the end of the 19th Century. the Arts and Crafts style initiated a variety of attempts to reinterpret European Arts and Crafts ideals for Americans. These included the "Craftsman"-style architecture, furniture, and other decorative arts such as designs promoted by Gustav Stickley in his magazine, *The Craftsman* and designs produced on the Roycroft campus as publicized in Elbert Hubbard's *The Fra*. Both men used their magazines as a vehicle to promote the goods produced with the Craftsman workshop in Eastwood, NY and Elbert Hubbard's Roycroft campus in East Aurora, NY. A host of imitators of Stickley's furniture (the designs of which are often mislabelled the "Mission Style") included three companies established by his brothers.

The early Arts and Crafts houses were found in various styles and configurations, but the style quickly evolved into The Craftsman house. Craftsman architecture has its origin in Southern California, in the communities along the Arroyo Seco in Pasadena, South Pasadena and Highland Park. It was an outgrowth of the Arts and Crafts movement that began in England in the 1860s as a rebellion to the increasing use of machinery to create furniture and other formerly hand made products. Brothers Charles and Henry Greene were the architects of many of the best known early Craftsman homes and became the human face of the style. However, they were not the only designers of Craftsman houses. Other architects, such as Sumner P. Hunt, Lester S. Moore and Frank M. Tyler were adept early practitioners in Southern California.

The subject house is most likely an architect designed custom home, as the Arts and Crafts designs are fairly rare, mostly built before the design evolved into the better known Craftsman.

By 1910, the Craftsman design had spread to much of the United States, with many designers and builders using it. Plan books by such firms as the Los Angeles Improvement Company pushed the Craftsman style to the masses of homeowners. It had by then become the most common house design in Southern California, in many areas being built in an assembly line type method. Many, however, including the subject house, were custom built.

There are enough contributing elements in the neighborhood to constitute a district. Outside of a district, the Darling Residence does have enough architectural significance to be individually listed at the local level on architectural grounds.

Section VI

Construction History

The original house was constructed in 1907 on land that had been subdivided by Henry Augustus Darling in 1905 as Monte Lado Tract, which was a subdivision of portions of Lots 23, 24 and 25 of the Sierra Madre Tract. The subdivision is in the Eastern portion of the city, just to the East of the Baldwin Avenue, North of Grand View Avenue, South of Carter and Mira Monte Avenues and West of Mountain Trail. Built on Lot 39 of the Monte Lado Tract, the two story house appears to have been originally constructed as a single story with a large attic.

The original 1907 house was built by Darling, possibly as a county home away from his regular home in Los Angeles. It is not certain whether permits were issued for the house and garage, as it was built around the time that Sierra Madre first incorporated as a city.



After Darling's death in 1910, the house was sold. It is unknown what other

changes were made prior to 1947, as the permits prior to the mid 1950s are no longer extant, with only some being referenced in the county assessor's files.

changes were made prior to 1947, as the permits prior to the mid 1950s are no longer extant, with only some being referenced in the county assessor's files.

The house was converted to a duplex in 1947 and an exterior staircase was added to the West facade at that time. That staircase was completely rebuilt in 2009. A 2-story rear porch was added in 1954. The garage was missing by 1955 and a two vehicle carport was built the by following year. By 1975, it was no longer being used as a duplex. The roof was re-shingled in 1958 and completely replaced in 1987, with plywood sheathing being added at that time with fiberglass shingles. The original roof may have been made of wood, with it being covered with composition shingles in the 1958 redo. Fences were added to the property in 1998 and 2007.

In 2014, a permit application was made to build a new house and garage and a demolition permit was applied for in January of 2015, however neither was issued and the project was eventually abandoned, leading to the house being sold to the current owner. A permit was taken out in September of 2016 to build an addition to the rear and replace the cedar siding with Hartishake siding. When the work was commenced,

See appendix for a full listing of the various permit data.

Records on file at the Los Angeles County Assessor's office in South El Monte show the configuration of the house at 126 Mira Monte Avenue in Sierra Madre.

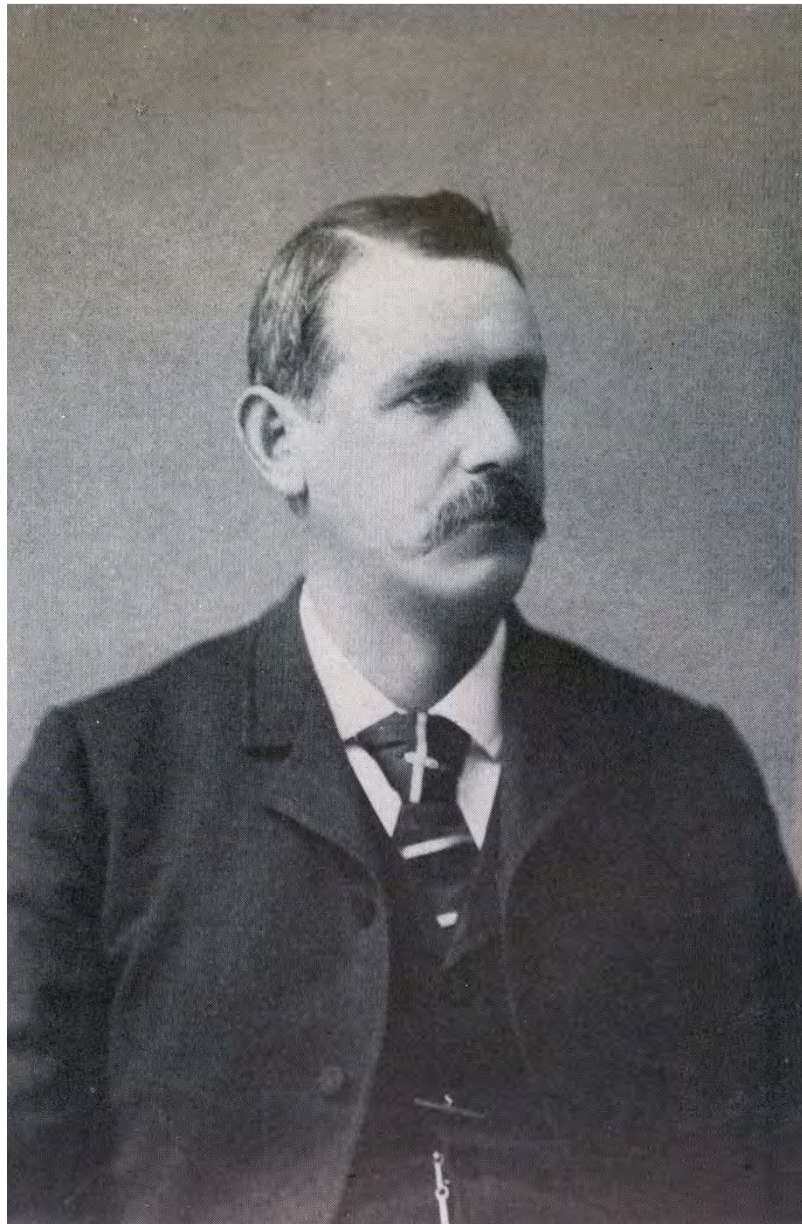
Section VII

Historical Outline

The Henry A. Darling Residence is located in the Northeastern part of Sierra Madre, on land that was a part of Lot 24 of the original Sierra Madre Tract. Sierra Madre, itself, was subdivided in 1881 by Nathaniel Coburn Carter, who had come out West from his native Lowell, Massachusetts, where he was born in 1840, in order to find a milder climate to help with his failing health. He had first visited the area in 1870, and then he brought his family out and settled in the Flores Ranch near San Gabriel in 1872. Two years later he organized "Carter Excursions", bringing trainloads of Easterners out to California to check out the place and maybe to buy land.

In 1881, Carter bought 845 acres of the Rancho Santa Anita from Elias J. "Lucky" Baldwin, as well as 150 acres from John R. and Betsy Richardson and an additional 108 acres from the Southern Pacific Railroad. This was the land, totaling 1,103 acres, which he then had surveyed and subdivided into the Sierra Madre Tract.

Carter passed away at his Sierra Madre home on September 2, 1904. His estate sold portions of Lots 23, 24 and 25 to Henry Augustus Darling in July 1905. A Los Angeles real estate broker, Darling was originally from New York. He and his family arrived in Los Angeles during the great land boom of 1885-1889.



Nathaniel Coburn Carter (1840-1904) - Annals of Early Sierra Madre ©1950

Darling paid \$24,120 for the land which he then subdivided into the Monte Lado Tract, consisting of 54 Lots, each at 20,000 square feet or larger. He gave the names Mira Monte (Mountain View) Avenue and Alegria (Happiness) Avenue to the two new streets that were laid out within the subdivision.

The first house was built in 1905 at 68 E. Mira Monte, with the second, by Darling himself, in 1907, at 126 E. Mira Monte. Several other homes were constructed in the subdivision before Darling suddenly passed away at his Los Angeles home on January 17, 1910, at the age of 58. He appears to have built the house on Lot 39 as a second home. After his death, his second wife, Anne, was the sole beneficiary of his estate.

ALL TO THE WIFE. The will of Henry A. Darling was offered for probate yesterday. The entire estate, valued at \$15,000, is bequeathed to the surviving wife, Anne E. A. Darling, with the expression that he has such faith in her that he is satisfied she will do the right thing by their children, without any definite proviso on his part.

Notice of deposition of Darling's estate to his wife in the Los Angeles Times on February 2, 1910.

Henry Augustus Darling was born in New York on December 1, 1851. After he came to Los Angeles during the great land boom in 1887 and quickly took up his profession as a real estate broker. He soon began subdividing tracts of land throughout Los Angeles County along with several partners until the boom suddenly ended in early 1889. He continued in the real estate business during the subsequent recession, slowly building it up again. The purchase and subdivision of his Sierra Madre land in 1905 proved to be his last major development. He retained Lots 39, 40 and 41 for his own use, selling most of the other lots by the time that he passed away suddenly at the age of 58.

After his death, Anne sold the lots, deeding Lot 39 to Sarah J. Gill, a 65 year old widow from Ohio, who lived in the house until about 1920, when it was transferred to Charles T. Stanley. It does not appear that Mr. Stanley ever lived in the house. The nearest person by that name that has been located was a bank notary who lived in San Francisco. In 1923, the property was bought by Margaret T. (Clarkson) Blackwell, the 62 year old wife of Canadian farmer Alfred Thomas Blackwell, who she had married in Port Stanley, Ontario on February 22, 1882. The couple moved to Los Angeles in 1910, living on Grand Avenue at 330 South Grand Avenue, according to the 1920 United States census.

Alfred Blackwell had just become United States citizen at the time they bought the house as a retirement home, but he died on November 11, 1925, at the age of 65. Margaret remained in the house, with the 1930 census showing her two grand-daughters, Margaret and Jane Daugherty, living with her. In the Fall of 1933, she went to Toronto to visit her son, Bartram. On November 10th, she had a serious asthma attack and passed away on the 28th of November. The house was left to her daughter, Irene Lillian Rutledge.

Irene and her husband, Arthur Alfred Rutledge, who was added to the title on May 20, 1947, when the house was converted to a duplex. They were to make the house their lifetime home. He passed away on March 20, 1953, followed by Irene on April 28, 1961. Her executors were her daughter, Lynette Gladys Briggs and Verna Quackenbass, whose relationship to Lynette Briggs has not been determined. They deeded the house to Beverly Hills real estate broker Benjamin L. Meisel on June 28, 1962, but on August 3rd it was transferred back to them with Verna's brother, Bernie on title in her place. In 1975, the county reassessed the house as a single family residence. They lived in the house until it was sold to Steven Laub and Anita Flemington on February 12, 1982.

Anita Maria Flemington and just been through a divorce from her husband, Charles, when she and Laub bought the house. They were to live there until June 16, 2004, selling it to David R. and Julie Brown.

The Browns soon embarked on a plan to add to the rear of the house, but were informed that the planned addition was too tall for the neighborhood. They then submitted plans to build a new house and garage on the site on November 17, 2014.



Architect John Van de Velde's rendering for the proposed 4,000 square foot replacement home for the Darling Residence, dated February 3, 2015.

This was followed up on January 15, 2015 with an application for a demolition permit

to clear the lot. A firestorm of criticism quickly followed with the Sierra Madre Tattler noting that The Browns were "not just a simple and naive young couple who wandered into their present difficulties unaware, and are bewildered and overwhelmed by all that happened since." Julie Brown was a Vice President of Jacobs Engineering Group, a prominent Pasadena based firm gave access to some of the best engineering, architectural and construction talents available.

The furor over the potential demolition of the Darling Residence came just as the City of Sierra Madre was adopting the current ordinance requiring a report for demolition or any major changes on any building built prior to 1940 in the City of Sierra Madre.

The writer was contacted by the Browns about writing the report and visited the then-vacant house on February 27, 2015. After a conversation which noted that the house appeared to at least have same architectural merit. The Brown's eventually abandoned the project and put the house on the market.

The property was deeded to the current owners on September 24, 2015. September 6, 2016, after considerable negotiation with the City Planning Department, a permit to construct a 2 plus story addition was applied for with a number of conditions. One plan was to replace the exterior siding and to reconfigure parts of the interior. Another was to put a new roof on the house. The house was soon reduced to open framing and the roof was removed. Soon the City was called to stop the work on what appeared to some people to be a demolition.

This is the current situation and the report will discuss the proper mitigations that will be necessary to enable the project to comply with the Secretary of the Interiors' Guidelines for Rehabilitation.

Section VIII

Historical Significance

The Henry A. Darling Residence is an example of an Arts and Crafts house, built in the period before the First World War. The Arts and Crafts design concepts, as pioneered by William Morris in England and others, such as Gustav Stickley in the United States was a movement to break free from the machine oriented means of production that had come to dominate the late 19th Century and bring life back to the basics of true craftsmanship.

The Arts and Crafts movement in architecture was an important period in which the design elements and construction work were done by hand, rather than with pre-manufactured pieces. These elements were present in the Mission and prairie styles of the 1890s, as well as the more conventional homes that were built in the same manner, utilizing the same elements. The true Craftsman home is the direct heir to the early Arts and Crafts house. However, the true Craftsman has a more set design, utilizing low slope roofs, spacious porches, rich interior wood work and large exposed eaves, etc. The Arts and Crafts home pioneered all of these features at various points. The Darling Residence includes the spacious front porch, the rich interior, including the stone fireplace.

Its significance is found as an fine example of the type of house that stood at the dawn of the Craftsman period, still utilizing the massing of earlier homes, while bringing in the design elements of the later Craftsman. The house is clearly a fully hand built specimen. Ironically as the Craftsman house became a predominant design over the next two decade, the design element were more and more done by machine, the very goals of the Arts and Crafts movement were diluted by its own popularity.

There was no association with anyone of note, with no record of any possible architect, although it is likely in this case. The original owner was the subdivider of the land and appears to have built the house as a weekend getaway from his main home in Los Angeles. However, his early death, occurring just three years later, ended that part of the home's history . The first long term ownership (1923-1982) was three generations of the same family was with the (Blackwell/Rutledge/Briggs families, who were in originally from Canada, but not of any major historical significance.

The house is a visible reminder of the early 20th Century development and history of Sierra Madre. It is not associated with anyone of major significance at the national, state or local level. However, its design as a representative of the Arts and Crafts movement is significant enough to have been possibly eligible for individual listing on the National Register and clearly as a local Sierra Madre. The surrounding neighborhood also has enough integrity to create an National Register district, with

the Darling Residence being a clear contributor to that district.

The current condition of the house, with most of its key design elements removed, can be mitigated under the Secretary of the Interior's guidelines (See Appendix). In addition the National Register criteria for designation includes lost resources that have been accurately reconstructed on their original site.

However, the Darling Residence has been only partially deconstructed, with an intent to put the house back together to look essentially as it did historically, retaining several remaining features including the stone fireplace and the stone foundation (the latter being reinforced and brought to current code from behind.), retaining or replicating as well, the character defining features of the house, while putting an architecturally compatible addition at the rear. Therefore a more applicable criteria is that for a renovation/partial restoration of the house.

During the deconstruction, several significant parts of the house were inadvertently lost, including all or parts of historic windows, doors and interior features, such as the original wainscoting. The foundation, framing and hardwood flooring for the first floor remain.

The plan calls for replacement of the original cedar siding with lookalike "Hardiplank", which is a fire proof cement siding cast to resemble the original 5 inch planks. While this use is fully appropriate for the rear addition under Standard 9 which calls for the differentiation of the historic and new portions of the house, it conflicts with Standard 6 on the original house, which calls for the retention of all original materials or replacement material in kind, if possible. The original style cedar siding is still available so it would be appropriate to replace the removed siding in kind on the original house.

More complicated is the framing, which has a number of issues, including rot and termite damage in some areas. The original walls are still standing, but the damage is such that much will need to be replaced. It is recommended that at least some of the original walls be retained in order to retain it as the historic 1907 structure, as opposed to a reconstruction, which would be considered a new building. The reconfiguration of some of the interior walls could make the house lose its potential eligibility for the National Register, but it would still retain its eligibility as a local landmark (Sierra Madre does not include interiors in such a designation.) and as a contributor to a potential historic district at the National level.

Another area of concern is the roof, which was removed prior to the city stopping the work. The roof was in the original configuration prior to the work, but it had been redone at least twice, in 1958 and again in 1987. The first re-do may have covered

the original roof, which was possibly wood shingles, with composition shingles. In 1987, the roof was taken down to the rafters and sheathed in plywood with fiberglass shingles. With the concern about fire, an appropriate material may be a form of slate designed to look like wood. While not a perfect solution to the roof issue, it would be an acceptable substitute, as would a new composition shingle roof. The roof and dormers will need to be framed as they were originally, with both stone chimneys being either preserved or replicated as they were. The garage, which was not the historic original, should be reconstructed in a manner that is sympathetic to the design of the house.

Lastly, as much of the extant original features as possible should be incorporated back into the exterior, namely surviving doors and windows. all others should be replicated in kind. It would be appropriate to include insulation within the exterior walls. The exterior staircase, which originally dates back to 1947 and was rebuilt in 2009, can be reinstalled at the option of the owner. Care should be taken to preserve the surviving character defining features of the building so that they may be reinstalled or properly replicated if there is too much deterioration.

The goal is to rebuild the house in a manner that it will look the same from the street, as well as maintain its eligibility as both a contributor for a potential National Register district as well as being individually eligible for local designation.

Section IX

Conclusion

The Henry A. Darling Residence was a rare example of a architectural type specimen, specifically that of a transverse gabled pre-Craftsman Arts and Crafts residence. The house is presently in a deconstructed state with only the framing, flooring, stone foundation and stone fireplace extant in the house, with some surviving windows, doors, etc. The house can again display enough integrity to be a contributor if the area was ever to be a national, state or local historic district, it also enough quality of design to be considered for an individual listing, as a good architectural specimen.

The house is architecturally distinguished at an individual level. The design is both representative of the type of practical craftsmanship that was representative in the United States before the First World War, as well as it having an association with the early development of the San Gabriel Valley, and particularly with the City of Sierra Madre, as well as being a rare example of its architectural type.

There do not appear to be any persons of historical note to have lived in the house, rendering it ineligible for an individual listing on historic grounds, other than as a representative of the early development of Sierra Madre and the San Gabriel Valley.

The subject resource clearly displays enough architectural design to be eligible as a contributor to a district, potentially at the National level, but the district at this point still needs to be fully documented, therefore meriting a California Historic Resource Code of 4D2, which means that "more historical or architectural research is performed on the district" per the criteria laid out for the National Register of Historic Placed list of Historic Status Codes. It also appears to meet the criteria for local listing at the individual level, with a status code of 5S1.

*Section X
Photographs*



Henry A. Darling Residence, front facade, 126 E. Mira Monte Avenue, Feb. 27, 2015 (Charles J. Fisher photo)



Henry A. Darling Residence, current condition, 126 E. Mira Monte Avenue, Nov. 8, 2016 (Charles J. Fisher photo)



Henry A. Darling Residence, satellite view, 126 E. Mira Monte Avenue, Feb. 2016 (Google Earth)



Henry A. Darling Residence, garage by house, 126 E. Mira Monte Avenue, Jul. 20, 2015 (William Kefalas photo)



Henry A. Darling Residence, rear facade as work started, 126 E. Mira Monte Ave, Oct. 1, 2016 (William Kefalas photo)



Henry A. Darling Residence, rear stairs and covered walkway, 126 E. Mira Monte Avenue, Aug. 13, 2013 (MLS photo)



Henry A. Darling Residence, West facade, 126 E. Mira Monte Avenue, Jul. 20, 2015 (William Kefalas photo)



Henry A. Darling Residence, East facade, 126 E. Mira Monte Avenue, Jul. 20, 2015 (William Kefalas photo)



Henry A. Darling Residence, current East facade, 126 E. Mira Monte Avenue, Oct. 30, 2015 (William Kefalas photo)



Henry A. Darling Residence, garage by house, 126 E. Mira Monte Avenue, Aug. 16, 2013 (MLS photo)



Henry A. Darling Residence, front porch, 126 E. Mira Monte Avenue, Aug. 16, 2013 (MLS photo)



Henry A. Darling Residence, current front porch, 126 E. Mira Monte Avenue, Oct. 1, 2016 (William Kefalas photo)



Henry A. Darling Residence, front door, 126 E. Mira Monte Avenue, Jul. 20, 2015 (William Kefalas photo)



Henry A. Darling Residence, East facade current, 126 E. Mira Monte Avenue, Oct. 4, 2015 (William Kefalas photo)



Henry A. Darling Residence, historic front window, 126 E. Mira Monte Avenue, Oct. 4, 2015 (William Kefalas photo)



Henry A. Darling Residence, attic, 126 E. Mira Monte Avenue, Mar. 13, 2015 (William Kefalas photo)



Henry A. Darling Residence, fireplace & wainscoting, 126 E. Mira Monte Ave, Feb. 27, 2015 (Charles J. Fisher photo)



Henry A. Darling Residence, casement windows in kitchen, 126 E. Mira Monte, Jul. 20, 2015 (William Kefalas photo)



Henry A. Darling Residence, living room showing windows, 126 E. Mira Monte Avenue, Aug. 16, 2013 (MLS photo)



Henry A. Darling Residence, windows in front dormer, 126 E. Mira Monte Avenue, Aug. 16, 2013 (MLS photo)



Henry A. Darling Residence, window & stone foundation, 126 E. Mira Monte, Jun. 23, 2015 (William Kefalas photo)



Henry A. Darling Residence, front facade, 126 E. Mira Monte Avenue, Aug 16, 2013 (MLS photo)

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- Los Angeles County Tract Maps
- Sierra Madre City Directories
- Social Security Death Index
- United States Census Records from 1880 through 1940
- United States Immigration and Naturalization Records

Appendix

Building Permit History
126 E. Mira Monte Avenue
Sierra Madre

- 1907: Building Permit No. ????? to construct a 2-story, 6-room 40' X 38', 2,059 sq. foot frame residence on Lot 39 of the Monte Lado Tract, at 126 E. Mira Monte Avenue. (*per County records & sale date*)
Owner: Henry A. Darling
Architect: Unknown
Contractor: Unknown
Cost: \$2,440.00
- 1907 Building Permit No. ????? to construct a 1-story 12' X 16' frame garage on Lot 39 of the Monte Lado Tract.
Owner: : Henry A. Darling
Architect: Unknown
Contractor: Unknown
Cost: \$100.00
- November 1, 1947: Building Permit No. 3448 to convert single family residence to duplex, putting in walls for dividing rooms in second story and an exterior staircase..
Owner: Arthur A Rutledge
Architect: Unknown
Contractor: Owner
Cost: \$800.00
- August 5, 1954: Building Permit No. 5415 to add a 2-story 8' X 40' porch to rear of house. (*per County records*)
Owner: Arthur A. Rutledge
Architect: Unknown
Contractor: Unknown
Cost: \$200.00
- June 9, 1955 County appraiser notes that original garage has been removed.
(No permit record found.)
Owner: Arthur A. Rutledge

c 1956: Building Permit No. ???? to construct a 20' X 20' frame carport to replace garage. (*per County records*)
Owner: Irene L. Rutledge
Architect: None
Contractor: Unknown
Cost: \$400.00

December 8, 1958: Building Permit No. 6458 to re-roof dwelling.
Owner: Mrs. A. A. Rutledge
Architect: None
Contractor: Monarch Roofing and Insulation Co.
Cost: \$300.00

December 9, 1975: County appraiser notes: Change use code from 0200 to 0100 & reassess. *Tax Payer* states on rental survey private residence no rental accordingly.
Owner: Bernie R. Quackenbass and Lynette R. Briggs

August 25, 1987: Building Permit No. 20624 to re-roof house - ½" CDX plywood & class A GAF timberline fiberglass shingles.
Owner: Steven Laub
Architect: None
Contractor: Owner
Cost: \$5,850.00

May 8, 1998: Building Permit No. 032301 to construct a 40' 6½' tall redwood fence with two gates.
Owner: Anita Flemington
Architect: None
Contractor: Stewart Fence
Cost: \$1,412.00

June 19, 2007: Sewer Permit No. 041537 to build a fence along the rear property line.
Owner: Steven Laub
Architect: None
Contractor: Owner
Cost: Not Shown

- April 28, 2009: Building Permit No. 04999 to repair exterior stairs.
Owner: Anita Flemington
Architect: None
Contractor: John Kneifl
Cost: \$2,800.00
- November 17, 2014: Building Permit No. 203880 to construct a 2-story 3,520 sq. foot house and a 480 sq. foot garage. *(Permit not issued / plan check not approved)*
Owner: Dave and Julie Brown
Architect: John Van de Velde
Contractor: None
Cost: \$464,000.00
- January 1, 2015: Building Permit No. 203981 to demolish residence and 400 sq. foot garage. *(Permit not issued after Building official James M. Guerra noted in letter that house and garage "do not present an imminent hazard to public safety and therefore are not eligible for the exception (c) to Section 2 of Ordinance No. 1360-U".) (Project abandoned by homeowner)*
Owner: David Brown
Architect: Van de Velde
Contractor: None
Cost: \$18,500.00
- September 16, 2016: Building Permit No. 204485 to construct a 2+-story addition to residence.
Owner: William Kefalas
Architect: Samir Guirgus
Contractor: None
Cost: \$372,411.00

NOTE:

There may have been additional early permits for work, but the records are incomplete.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize a property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

EXHIBIT C

Historical Assessment
Prepared by Vanessa Withers

HENRY A. DARLING



Henry Augusta Darling was born in December 1851 in Rensselaer, New York. His first wife was Mary E. Tiffany, born in Ireland in 1849. They had two children: Grace (1876-1882) and Harry Tiffany (1879-1967). Mary died at the age of 33 in 1882, the same year as her daughter. In those years the family was living in Dutchess County, New York, where Henry was identified in the census as a "laborer."

In 1883, Henry married his second wife, the former Mary Allen (1861-1946). They would have two sons: Reeve H. (1881-1953) and Kenneth Glendower (1890-1954). By 1890, the family had moved to Southern California. Henry first settled in Ontario where he had a farm. But soon after, the family moved to Los Angeles where Henry found employment as a horticulturist. The 1900 census shows the Darlings living at 1213 West 23rd Street and Henry working as a real estate broker with his own office in downtown Los Angeles. Henry Darling died in Hollywood in January 1910 at the age of 58. No obituary could be found for him in the *Los Angeles Times*, *The Pasadena Star*, or the *Pasadena Evening News*.

Two houses Darling is known to have had built were 110 and 126 East Mira Monte in Sierra Madre, constructed in 1907 and 1910 respectively. It is unknown if he lived in either of them. He may have had them built as speculative investments.

Sources:

Ancestry.com

Historic *Los Angeles Times* database

News features historic homes

By Jeff Miedema

The Sierra Madre News has begun a weekly feature on historic homes.

Sierra Madre is a community rich in local heritage. Even its values, pride and community bonds can be linked to the pioneering settlers. It is because of these bonds that Sierra Madre enjoys its hometown atmosphere today.

We also would like to enlist the support of our readers to supply any information they may have regarding any of the homes that we feature. Information can greatly enhance the archives of the Sierra Madre Historical Society, while bonding the fragile fabric that weaves and intertwines the community's past with its future.

In 1907, the sounds of lumber being cut while nails were finding a secure resting place marked the spot where a new house was soon to become a part of a growing community. It was built three years before Halley's Comet would race across the sky and at a time when Harry S. Truman was still working on his family's farm.

Owners, Steven Laub and Anita Flemmington, enjoy their old home very much.

"It's not easy owning a home as old as this one," says Anita. "It requires a lot of time and energy to keep it up while improving it."



The home of Steven Laub and Anita Flemmington, shown above, is one of Sierra Madre's historic homes being featured in a new series to appear on a regular basis in The News. Most of the homes are being carefully restored and cared for. Photos and text about these historic dwellings will be provided by Jeff Miedema. The owners preferred not to have the address published.

Owners, Steven Laub and Anita Flemmington, enjoy their old home very much.

"It's not easy owning a home as old as this one," says Anita. "It requires a lot of time and energy to keep it up while improving it."

The house is a hodgepodge of different styles but mostly it reflects the California bungalow theme with its large front and back porches and wide eaves. The owners enjoy the many built-in qualities, such as walk-in closets, hardwood floors, redwood panels, plate rails and ceiling beams.

Anita says that the house was so well thought out in its design that it stays so cool in the summer that you would think they had central air. The designer took into consideration the mountain breezes that daily ventilate the home through the windows and breezeways. With its massive arroyo stone fireplace, it is economical to heat in the winter.

They have researched the home's history, but were disappointed to find that records were not kept in those early days, none that they could find anyway. They would appreciate any information on the house that residents may have. Please call The News, 355-3324, and ask for Jeff.

Get your **RED TAGS** here!

POTTERY

WALL DECORATIONS

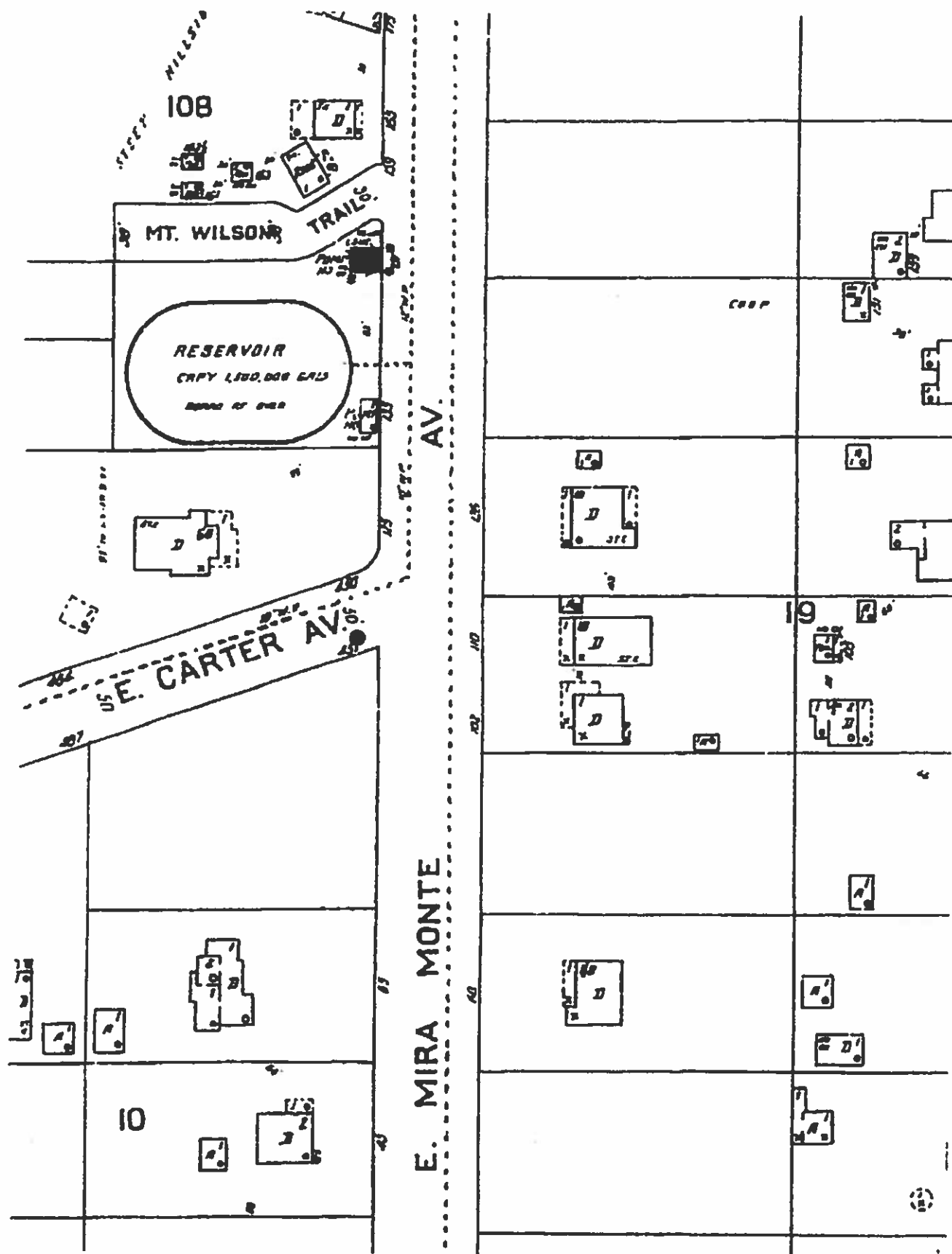
ANTIQUES



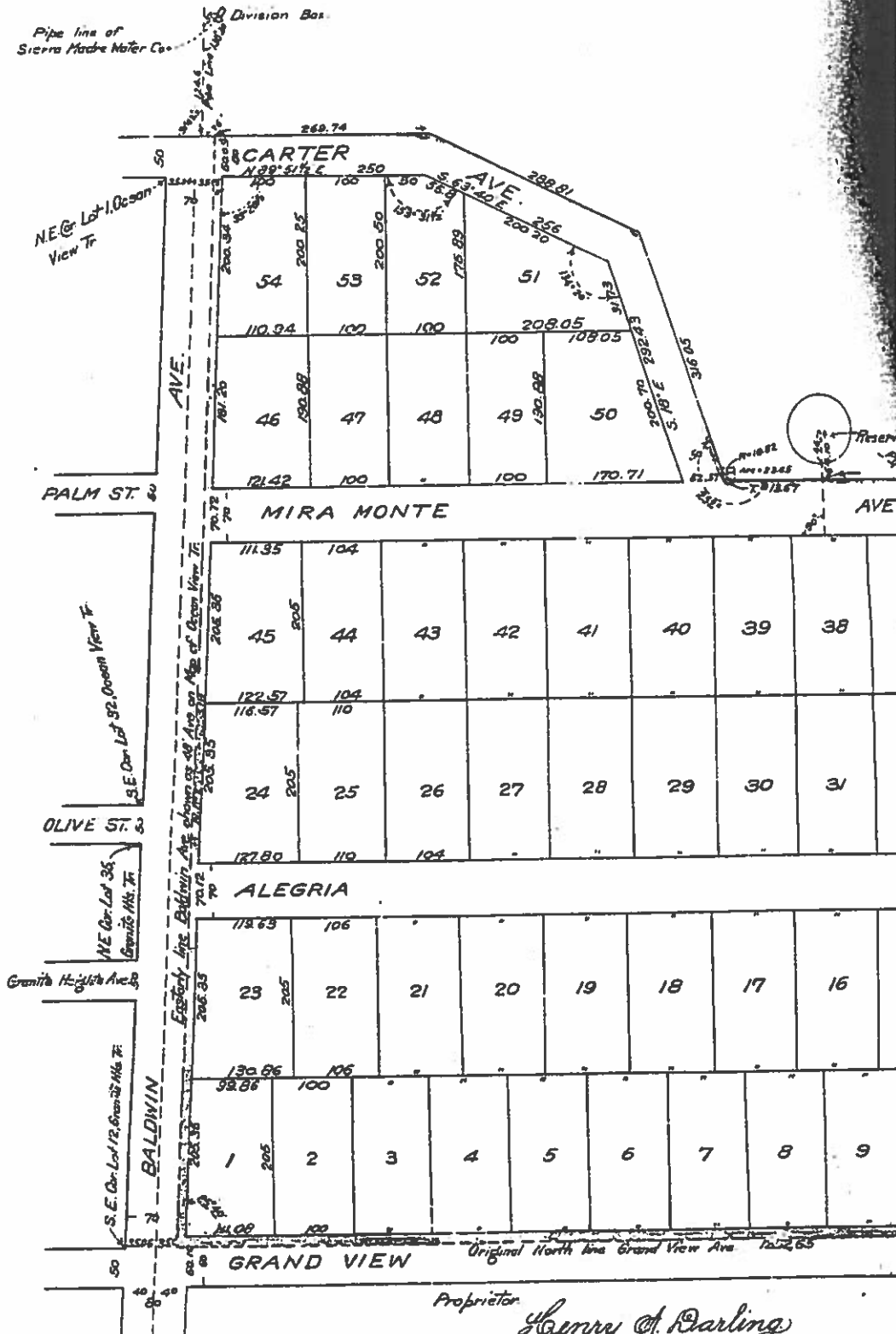
The Spinning Wheel

18 W. Sierra Madre Blvd.

355-0443



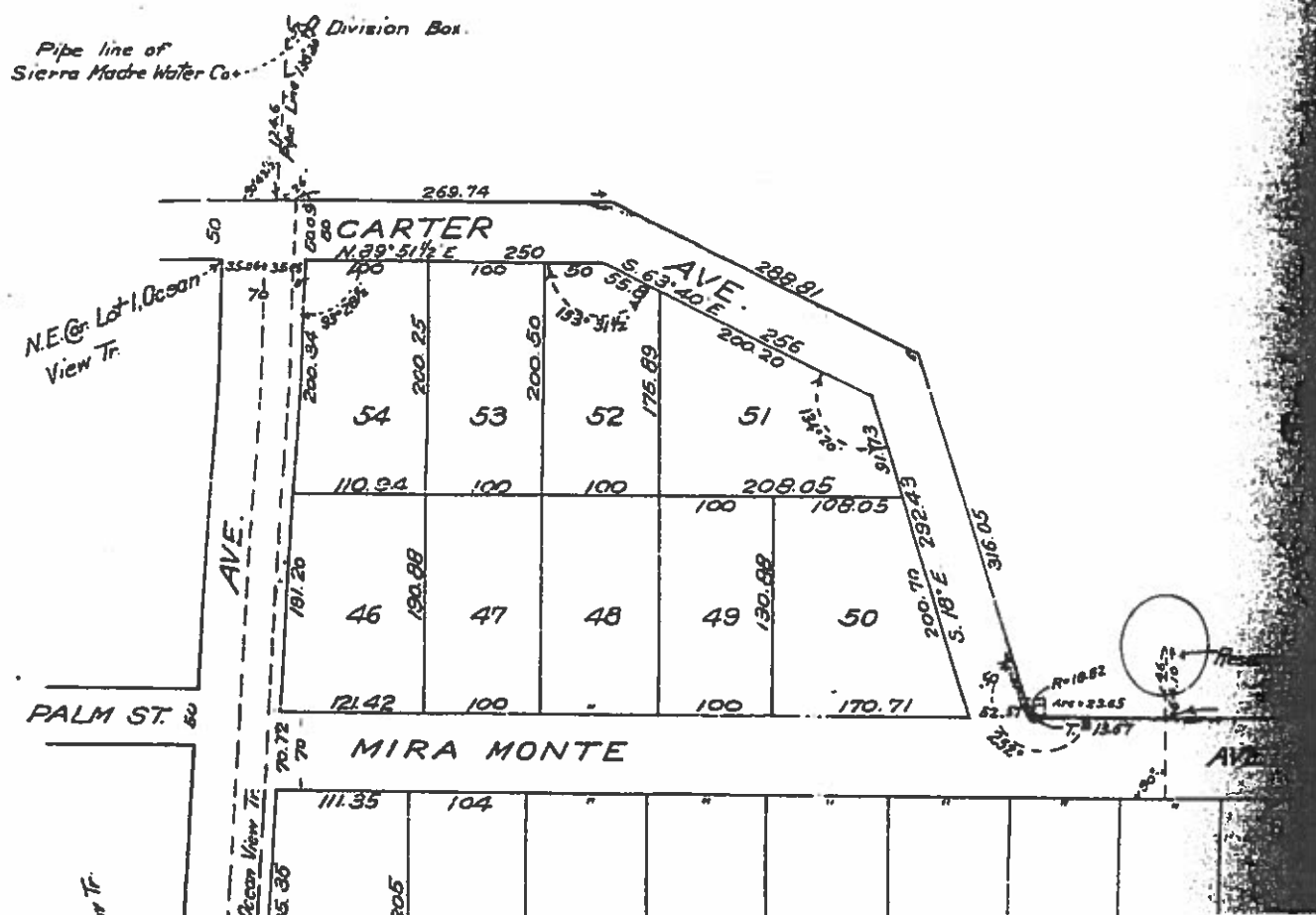
Scale :- 1 inch = 150 feet.



7474

MONTE LADO TRACT.

Being a subdivision of portions of lots 23, 24, and 25, Sierra Madre
 recorded in Book 4, Page 502, Miscellaneous Records of Los Angeles County, Stan.
 Surveyed by Allin Bros. August 1905.
 Scale :- 1 inch = 150 feet.



Historic Preservation Partners Group

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Our History, Our Mission



Historic Preservation Partners is a small firm that was started with the intention of expanding the availability of preservation consulting to a wider community. Our services are tailored specifically to the needs of property owners. We provide individualized attention and assistance in facilitating responsible stewardship of historic properties.

HPP's founder, Vanessa Withers, holds a Master's Degree in Historic Preservation from University of Southern California (USC) and a Bachelor of Science in Business Administration from California State Polytechnic University, Pomona.

Our firm was founded on the belief that historic preservation should be accessible and inclusive. We strive to bring objectivity, integrity, and expertise to all projects.

Our Services

- Mills Act Historical Property Contract Application Preparation
- Historic Structure Reports
- Historic Preservation Planning and Design Assistance
- Local, California, and National Register Nominations
- Restoration and Rehabilitation Plans
- Finished Material Selection for Rehab Projects
- Assist homeowners and investors update, rehabilitate, and capitalize on their historic property through cost-effective, preservation friendly means

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VANESSA WITHERS

Small business owner/founder of **Historic Preservation Partners** -- a practitioner based consulting and services firm established in 2004 to facilitate the accomplishment of individual, corporate, and/or governmental objectives with regard to historic properties.

Significant areas of expertise include Historic Preservation Planning, Property Documentation, and Property Development as well as Homeowner Assistance, Client Relations, Project Management, and Public Meetings/Presentations.

INDIVIDUAL CLIENT oriented accomplishments

- Prepare and defend Mills Act Applications [92% success/approved home owner applications]
- Prepare LA Historical Cultural Monument Applications [100% success/approved applications]
- Prepare wide variety of Historical Landmark Applications for submittal to various City and State Agencies (including the State of California, City of L.A., Pasadena, South Pasadena, Covina, West Covina, Monrovia, and the Pacific Palisades)
- Prepare and document Historic Assessments
- Prepare materials for Federal Rehabilitation Tax Credits
- Navigate zoning regulations (including creative solutions for property enhancement)
- Personally represent and advocate for clients at City Council, Planning Commission, and Cultural Heritage Commission meetings

GOVERNMENTAL and CORPORATE oriented accomplishments

- Prepare variety of Historic Assessments, Historic Structures Reports, Cultural Landscape Reports, Historic Resource Surveys and Context Statements
- Prepare and document pre-development studies, rehabilitation plans, staging/prepare to sell plans, adaptive re-use plans or opportunities, potential funding sources, etc.
- Prepare pre-EIR assessment for California Environmental Quality Act (CEQA)
- Prepare State of California DPR documentation
- Prepare/conduct presentations at any required meetings in explanation or defense of reports and findings

Education

- University of Southern California (USC) – Master of Arts in Historic Preservation (2004)
- California State Polytechnic University, Pomona, Ca – Bachelor of Science in Business Administration (2002)
- Pacific Northwest (Historic Preservation) Field School, Whidbey Island, WA (2002)

Initial Reference John Mayer, Senior Planner, City of South Pasadena, CA

Additional references furnished on request

Note References may recall me by my maiden name, Vanessa Wexler

EXHIBIT D

Construction Observation Report

CITY OF SIERRA MADRE
DEPARTMENT OF PLANNING AND COMMUNITY PRESERVATION
MEMORANDUM

Date: November 21, 2016 (Revised 11-23-16)
To: Vincent Gonzalez, Director
From: James M. Guerra, Building Official
Subject: Construction Observation Report
126 E. Mira Monte Avenue

Per direction of the Planning Commission, a joint inspection of the subject property was performed on November 14, 2016. City staff present for the inspection included Director, Gonzalez, Building Official Guerra, Plan Check Engineer Hong and Building Inspector Caro.

The purpose of the inspection was to prepare a construction observation report regarding the condition of the remaining framing including the walls, floor system and foundation.

The conditions observed were as follows:

Foundation

The existing foundation Jacks foundation concrete piers under posts. A partial jack and girder system had been installed. Several of the girders are notched and/or are not properly supported or bear on the exterior foundation. Various cripple wall posts and/or studs are deteriorated and damaged. Detail 20/S-4 on the approved plans is incorrect as detailed for the existing cripple wall on the west exterior wall. **North cripple wall studs and mudsill are damaged and deteriorated.**

Floor System

First floor - See foundation comments. Portions of the floor and rim joists are deteriorated and/or damaged.

Second floor - Portions of the floor and rim joists are deteriorated and/or damaged.

Exterior Walls

First floor - All walls have a single top plate. Several exterior walls have diagonal blocking. All window and door headers lack king post support. The east exterior dining room stud walls are discontinuous and damaged and/or deteriorated.

Second floor - Same as first floor - single top plate and some diagonal blocking. Both east and west walls have minimal walls remaining.

Roof

The second story roof has been completely removed. The roof covering of the first story porch has been removed.

Garage

Roof has been completely removed. Portion of the south foundation is cracked and damaged. Slab floor is cracked and settling.

Recommendations

Foundation - Install new foundation and pier/post/girder system per approved plans except additional detail needs to be provided to show existing cripple wall and rock foundation. Repair/replace deteriorated cripple wall posts/studs. Repair may include adding or sistering new studs to existing studs. **Completely replace north cripple wall and mudsill.**

Floor System

Repair/replace deteriorated floor joists as necessary in both first and second floor. Repair may include adding or "sistering" new floor joists to existing joist. Replace all rim joists.

Exterior Walls

First floor - Replace east dining room exterior wall completely including new double top plate and plywood shear wall. Repair/replace studs. Repair may include adding or sistering new studs to existing studs. Add strapping at existing single plate breaks.

Second floor - Completely replace all exterior walls including new double top plates and plywood shear walls.

Roof

New replacement roof system to match removed roof and must be installed to provide minimum ceiling height clearance second story rooms and not exceed maximum 25' height restriction.

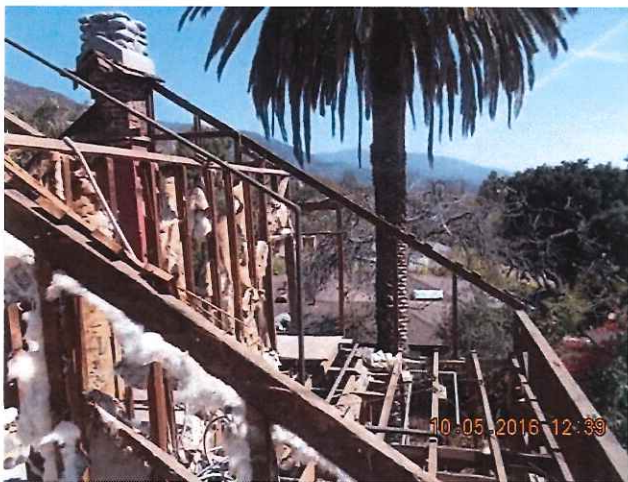
Garage

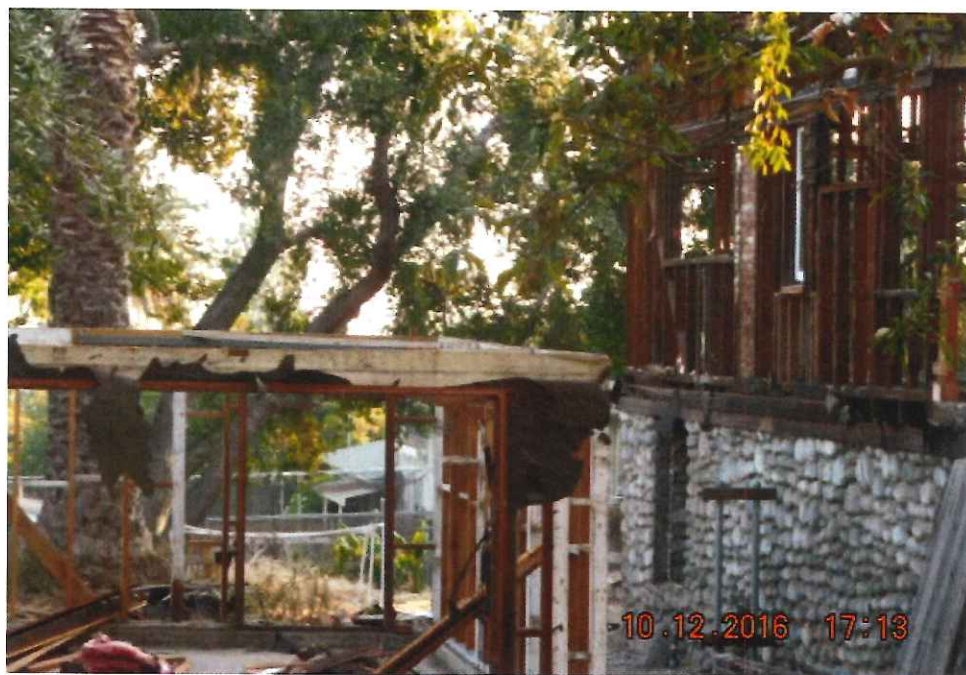
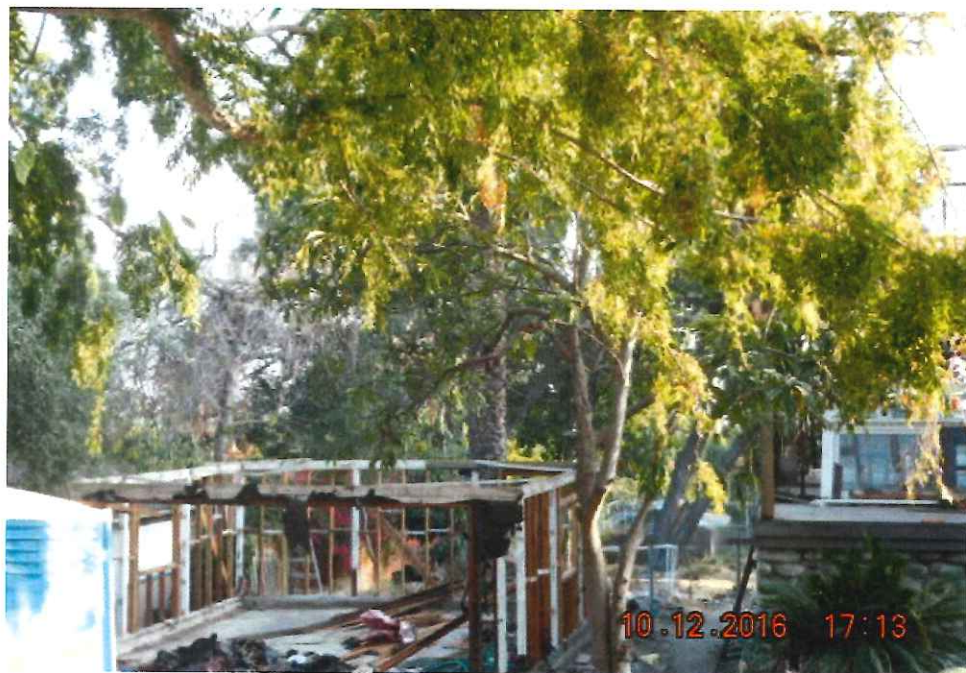
New roof must be installed. New roof to match slope and type of roofing material as replacement roof system for main dwelling. East foundation must be repaired/replaced and slab must be replaced.

If approved by the Planning Commission, the listed repairs and replacements floors and walls as well as the revised foundation/cripple wall detail require that new plans and engineering calculations be submitted to the building division for review and approval.

EXHIBIT E

Site Photographs





ATTACHMENT H

Secretary of the Interior's Standards
for Rehabilitation

Secretary's Standards for Rehabilitation

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as “certified rehabilitations” eligible for the 20% rehabilitation tax credit. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building’s site and environment as well as attached, adjacent, or related new construction.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.