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**From:** DeLaCuba, Vannia  
**Sent:** Thursday, April 26, 2007 9:47 AM  
**To:** Rodriguez, Jane  
**Cc:** Gordo, Victor; Bruckner, Richard; Cronin, Jeff  
**Subject:** Call for Review -Certificate of Appropriateness #PLN2007-00136  
**Importance:** High

Good morning Jane,

By way of this email Councilmember Gordo is requesting that a Call for Review of Certificate of Appropriateness #PLN2007-00136 (774-776 N. Mentor Ave.) be placed on Monday's agenda for consideration by the Council.

Thank you,

Vannia

Vannia De La Cuba  
Field Representative, District 5  
Office of Councilmember Victor M. Gordo

*Thank you  
Jane.  
Victor M. Gordo*



PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

April 19, 2007

Mr. Robert Tyler  
546 N. Sunnyslope Avenue  
Pasadena, CA 91107

**RE: NOTICE OF DECISION - CERTIFICATE OF APPROPRIATENESS**

774 & 776 North Mentor (Bungalow Heaven Landmark District)

One-story rear addition joining the front and rear bungalows; partial reconstruction of front porch and reconstruction of south-facing roof slope at #774

Case #PLN2007-00136

Council District 5

Dear Mr. Tyler:

Acting under the provisions of Chapter 17.62 of the Pasadena Municipal Code, the staff of the Design & Historic Preservation Section of the Planning Division has completed its review of your application for a Certificate of Appropriateness for new construction of a one-story rear addition (871 s.f.) connecting the original one-story bungalow from 1923 with the rear one-story bungalow constructed in 1927. The proposed work also includes reconstructing the front porch (i.e., concrete slab and steps and wood-framed wall), rebuilding the south-facing roof of the front bungalow, and installing a new center chimney at 774 N. Mentor (to be coated in cement plaster and surmounted by a copper cowl). The existing windows and doors are also proposed to remain in the existing front bungalow except for a minor repositioning of one window opening on the north elevation. A small addition for a bathroom is proposed on the north elevation. The plans and drawings accompanying the application are dated 01-18-07.

The two bungalows are contributing structures to the landmark district. They are modest Colonial-Revival structures with a combined floor area of 1,500 s.f. The front bungalow has wood siding with narrow weathering and mitered corners. It also has a covered off-center front porch with a south-facing entry adjacent to the driveway. The rear bungalow is sheathed in shingles.

As designed, the addition aligns with the ridge line of the existing house. It is offset in plane on the north side by the new addition and on the south side by a slight recess in plane. The primary connection between the two bungalows occurs along the north side; a recessed patio occupies much of the south-facing portion of the addition. The addition is also proposed to be sheathed in fiber-cement siding.

In its decision, the staff:

1. Finds that the proposed project is categorically **exempt** from the California Environmental Quality Act (Article 19, §15301, Class 31, Existing Facilities);
2. Finds that the proposed addition on the rear of the house and reconstruction of the front porch and a portion of the existing roof on the house at 774 N. Mentor are **consistent** with the Secretary of the Interior's *Standards for Rehabilitation*, and the *Design Guidelines for Historic Districts*, and
3. Based on this finding, **approves** the application for a Certificate of Appropriateness with the following **conditions**:
  - a. The wood siding and trim on the reconstructed stem wall of the front porch shall match the existing siding in profile, weathering, and all other details (including the mitered corners). The concrete flooring and steps and sidewall shall also be detailed to match the existing (including the finish and scoring of the concrete).
  - b. To comply more fully with Standard #9, an additional feature, distinguishing the new construction from the original, shall be added to the design of the project and submitted to the staff for final review and approval. Among the options are: slightly elevating or lowering the height of the new foundation, using double-glazed windows with a low emissivity coating, slightly enlarging the new window openings,

**Effective Date**  **Call for Review**  **Appeal**

This decision becomes effective on **Tuesday, May 1, 2007**. Before the effective date, the City Council may call for a review of this decision. In addition, you or any person affected by this decision may appeal it to the Historic Preservation Commission **before the effective date** by filing an application for an appeal (window #4, Permit Center) with the appropriate fee. Appeals must cite a reason for objecting to a decision. Please note that appeals and calls for review are held as *de novo* hearings, meaning that the lower decision is set aside and the entire application is reviewed as a new proposal. **The last day to file an appeal is Monday, April 30, 2007.**

This approval expires **two years** from the effective date. The approval period may be extended once—for a third and final year—by filing a written request with the Planning Director before the expiration of the two-year effective date (along with the fee for renewal of an approval). Any changes in the approved design for the project, whether before construction or during construction, must be submitted to City staff for review and approval. The municipal code authorizes the staff to approve minor changes to the project—including the conditions of approval. Major changes, however, must be reviewed as part of a separate application for changes to an approved project. Two applications for major changes to the project may be filed during a calendar year. Major changes may be approved only if there are findings of changed circumstances that justify the revisions.

Please call me at (626) 744-3757 if you have any questions regarding this matter.

Sincerely,



Jeff Cronin, Principal Planner  
Design & Historic Preservation Section  
Tel 626-744-3757

1105 N. Holliston Avenue  
PLN2007-00077  
Page 3

Email: [jcronin@cityofpasadena.net](mailto:jcronin@cityofpasadena.net)

cc: Robert Tyler, architect; John and Monica Duffy, owner; Tidemark; address file; chron file; City Council, Field Representative (District 5), City Clerk, City Manager, Tina Miller (Bungalow Heaven Representative); TPA Coordinator



## NOTICE OF EXEMPTION

To:  
Los Angeles County Clerk  
Business Filing & Registration  
12400 E Imperial Hwy Rm 1101  
Norwalk CA 90650

From:  
City of Pasadena  
Planning & Development Dept.  
175 N. Garfield Avenue  
Pasadena, California 91109

**Project Title: Robert Tyler**

**Project Address: 774 & 776 North Mentor**

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**Project City: Pasadena Project County: Los Angeles**

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**Project Description:**

**One-story rear addition joining the front and rear bungalows; partial reconstruction of front porch and reconstruction of south-facing roof slope at #774.**

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**Name of Public Agency Approving Project: City of Pasadena**

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**Project Contact Person: Jeff Cronin**

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**Exempt Status (Check one):**

- Ministerial (CEQA Sec. 21080(b)(1); (CEQA Guidelines Section 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4), 15269)(b)(c))
- Categorical Exemption. California Admin. Code Title 14 Chapter 3 Section 15332
- Statutory Exemption California Admin. Code Title 14 Chapter 3 Section
- General Rule California Admin. Code Title 14 Chapter 3 Sec. 15061 (b) (3)

**Reason why project is exempt:**

Existing facility

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**Lead Agency Planning Division of City of Pasadena**

**Contact Person: Jeff Cronin**

**Phone: 626-744-4009**

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COMPLETED BY: Julia Garzon  
TITLE: Staff Assistant  
DATE: April 19, 2007

APPROVED BY Jeff Cronin  
TITLE Principal Planner  
DATE: April 19, 2007

RECEIVED

07 MAY 16 P 1:32

CITY OF PASADENA  
CITY OF PASADENA

**Julianna Delgado, M.Arch, PhD, AICP**  
982 N. Mentor Avenue, Pasadena CA 91104  
Telephone: 626-797-7716  
Email: julianna.delgado@sbcglobal.net

SENT VIA EMAIL

May 16, 2007

Mayor Bogaard and Members of the City Council

**RE:** Call for Review of Certificate of Appropriateness #PLN2007-00136 (774-776 N. Mentor Ave.)

Dear Mayor Bogaard and Members of the City Council:

As a resident and property owner in the Bungalow Heaven Landmark District, I am writing to support Councilmember Victor Gordo's request to call for review Certificate of Appropriateness #PLN2007-00136 (774-776 N. Mentor Avenue), issued by City Staff.

I am in support of Councilmember Gordo's request on procedural grounds. The case at hand is evidence of actions taken by City Staff that overstep the bounds of its authority, whether by error or intent. These actions undermine the role of the Historic Preservation Commission, thwart community input on precedent-setting matters, are professionally unethical, and challenge one of the Seven Guiding Principles of our General Plan, which states, "Community participation will be a permanent part of achieving a greater city." This statement outlines in more detail why I am urging you to support Councilmember Gordo's call for review.

In a letter from Principal Planner Jeff Cronin dated April 19, 2007, a Certificate of Appropriateness was granted for a "One-story rear addition joining the front and rear bungalows [774 and 776 Mentor Avenue]; partial reconstruction of the front porch and reconstruction of south-facing roof slope at #774." In his letter, Mr. Cronin clearly makes the following determination: "The two bungalows are contributing structures to the landmark district." The case involves joining two historic resources (as determined by Mr. Cronin) located on one lot. The Certificate also approves the installation of a new chimney as well as other changes to the north elevation of the property visible from the public right of way. In approving the joining of the two bungalows, the rear one will no longer be a separate residential unit, thus its status as a detached, single-family residence and character as a building type, as well as its character-defining features will be essentially destroyed. Therefore, the action will result in a *significant adverse effect* on a contributing resource, per the definition in Section 17.80.020.1 of the City's Municipal Code.

In addition to significant adverse effects to the rear bungalow, the action allows the front bungalow to undergo alterations visible from the public right of way, especially to the

front porch and north elevation. This type of alteration, per Municipal Code Section 17.80.020. 18. 2., constitutes a *major alteration*, defined as “Any demolition or relocation of a structure or object, or removal of a significant feature of a historic resource....” According to the Bungalow Heaven Landmark District Conservation Plan and Chapter 17 of the City’s Municipal Code, City Staff is **not** empowered to approve demolitions, new construction, or major alterations to historic resources, a power granted solely to the Historic Preservation Commission outside of the Central District, per Municipal Code Chapter 17.62.20. Furthermore, an action resulting in a *significant adverse effect* on an historic resource is not exempt from review under the California Environmental Quality Act (CEQA). Although, City Staff issued the Certificate of Appropriateness with a finding of CEQA exemption, the action has not undergone the requisite CEQA review.

To defend his action in issuing the Certificate of Appropriateness, Mr. Cronin argued after-the-fact in an email (attached to the Addendum), “Most of the rear house is out of public view. I believe the physical connection between the two houses is out of view from the street and therefore should probably not be a consideration for design review in the district.” He thus admits the uncertainty about the amount of the house in public view and whether or not the changes might in fact be visible, and thus the matter requires more public input. He also expressly avoids discussion of the fact the rear house is a contributing resource and the proposed new chimney, which will be clearly visible from the public right of way, is a character-defining feature.

Secondly, in a subsequent after-the-fact email, Mr. Cronin also argued that the Secretary of Interior’s Guidelines do not expressly prohibit joining two historic resources into one. While this may be true, the Guidelines neither require joining them, nor expressly prohibit public discussion thereof. In fact, the Guidelines are silent on the matter. They are intended to promote the preservation and protection of historic resources, not remove, demolish or destroy them. Thus, on interpretive matters alone, the case requires further public discussion.

Finally, Mr. Cronin writes in an email that the application is “the first and only proposal to connect houses in the 18 years that the Bungalow Heaven neighborhood has been a landmark district.” He also admits that there are 82 properties in the District that contain two houses on one lot (he originally stated there were only seven; his staff did further research and revealed the correct number). Knowing this and thus admitting the precedent-setting nature of this case, the just and prudent course of action would not have been to approve the application without public input, but to bring this case before the Historic Preservation Commission to enable community discussion and participation.

Please note that an application for 1075 N. Michigan, also located in the Bungalow Heaven Landmark District, is currently pending Historic Preservation Commission approval. This case, being handled by another City Staff member (Darrell Cozen), involves changes to the property similar to those at 774/776 N. Mentor (e.g. changes to front porch, rear addition). This case has been reviewed with the landmark district representative, does not involve destruction of an historic resource, and is not being approved at the Staff level. Comparing the two cases and the way they have been

handled further points to the inconsistent and arbitrary manner in which City Staff abides by the City's regulations in processing permits and supporting public participation.

Once City Staff mistakenly or intentionally issues a Certificate of Appropriateness without public input, the community has only two courses of action that will enable its participation in the process and its voice to be heard. The first is to file an appeal. A Certificate of Appropriateness is issued at no cost to the developer. However, any third party, whether a next door neighbor or an entire neighborhood, must pay to file an appeal. I understand the fees to be \$1,200 for an individual and \$600 for a non-profit community organization. There is inherent discrimination in the fee structure against those who cannot afford the fee and organizations that could use the funds in better ways to serve the community than remedy errors made by City Staff.

In addition to filing an appeal, the other way for the community to voice concern about a staff decision is by requesting the item be called up for review. As you know, the City's Historic Preservation Commission outside of the Central District does not retain the power to call up staff decisions. (Within the Central District, the Design Commission – of which I am a member – does retain that power, which it exercises on occasion). Thus, with respect to matters of historic preservation, citywide protection is not equal, nor is the system of checks and balances. The central purpose of Citizen Commissions is to facilitate public input in the city's decision-making process and provide a counterbalance to staff-made decisions. Staff will argue that in its recent Code revisions, the Historic Preservation Commission considered and rejected the power to call for review. I maintain that the Commission at the time had many new members that might not have been fully familiar with the process of local government, and staff made no concerted attempt to inform them of the consequences to the community of such an impaired Commission. Furthermore, it is the Council's sworn duty to uphold the will of the people and serve the community it represents. Therefore, the Council should have overridden an ill-informed Commission that serves at the Council's pleasure, erred on the side of strengthening community participation, and voted for empowering the Commission with the ability to call up Staff decisions for review. Furthermore, the Historic Preservation Commission includes special members that do not make policy recommendations but solely review cases related to the City's local landmark districts. Bungalow Heaven, the City's first and largest such district, has a representative that sits on the Commission. Unfortunately, the landmark district representatives, too, are powerless to call for further review poor decisions made by City Staff, even if they are made in error or will establish a precedent that undermines the City's support of historic preservation.

With respect to the case at hand, without consulting the neighborhood association or the landmark district's representative, City Staff issued a Certificate of Appropriateness for joining two houses into a larger new one, which will significantly alter at least one of two contributing historic resources. Staff is not empowered to do that. Whether the application merits a Certificate of Appropriateness is a question beyond Staff's jurisdiction and subject to debate.



According to the *Ethical Principles of Planning*, the code of ethics of the American Planning Association, "The planning process must continuously pursue and faithfully serve the public interest" by recognizing "the rights of citizens to participate in planning decisions." Staff's repeated pattern of issuing Certificates of Appropriateness in error and without public input, the difficulty for citizens to call for review, and the monetary burden of filing appeals for Certificates without cost to applicants, has generated an enormous amount of frustration on the part of residents and members of our commissions, and contributes to a general lack of faith in our City government's ability to be fair and impartial.

Thus, I urge you, the City Council, to do the right thing, uphold the City's Guiding Principles, Codes, and Guidelines and approve Councilmember Gordo's call for review so that the item may be heard as soon as possible before the Historic Preservation Commission at a public meeting.

Your consideration is appreciated.

Sincerely,

Julianna Delgado, M.Arch, PhD, AICP

(President, Bungalow Heaven Neighborhood Association  
Former Member, Historic Preservation Commission, Bungalow Heaven Representative  
Commissioner, Transportation Advisory Commission  
Commissioner, Design Commission  
Member, Pasadena Unified Schools Districts' Blue Ribbon 7-11 Committee)

ADDENDUM: Emails Between Tina Miller (Bungalow Heaven Historic District representative on the Historic Preservation Commission) and Principal Planner Jeff Cronin in chronological order.

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From: Tmpasadena@aol.com [mailto:Tmpasadena@aol.com]

Sent: Friday, April 27, 2007 1:22 PM

To: Cronin, Jeff

Cc: Gordo, Victor; DeLaCuba, Vannia

Subject: Re: 774 N Mentor

Jeff,

We feel that the action of joining separate contributing houses resulting in one house losing its listing will set a dangerous precedent for contributing "2 on a lot" properties throughout the landmark districts of Pasadena. We feel that such a decision goes beyond the jurisdiction of staff and needs to be heard before the Historic Preservation Commission.

Thank you for the information you sent to me regarding this property so that we could fully understand the depth of the project.

Tina

Tina Miller

BHNA Representative to the Historic Preservation Commission

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From: Jeff Cronin

Sent: April 30, 9:10 am

Tina [Miller], in Bungalow Heaven there are very few properties with two houses on a single parcel--possibly as few as seven. The application to join 774 & 776 N Mentor into one house the first and only proposal to connect houses in the 18 years that the Bungalow Heaven neighborhood has been a landmark district. In nearly every case connecting two houses on a lot will exceed the allowable floor area (30% of lot size + 500 s.f.) and site coverage (35%) in a RS-6 zone. This project is possible only because the two bungalows are so small (700 sf/500 sf). Most of the rear house is out of public view; I believe the physical connection between the two houses is out of view from the street and therefore should probably not be a consideration for design review in the district. Thanks. Jeff Cronin 626-744-3757

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From: Jeff Cronin

Sent: April 30, 2007, 12:00 pm

A correction to my e-mail this morning: there appear to be 82 properties in the area with two units not seven. In any event, the request at 774-776 N Mentor is still the only one to our knowledge that has come forward in the 18-year history of the Bungalow Heaven Landmark District. In some cases, we have approved joining bungalows in bungalow courts. Usually these connections—as in this case—are out of public view. There is no basis in the Secretary of the Interior's Standards for Rehabilitation and the Illustrated Guidelines for Rehabilitating Historic Buildings to deny a proposal to connect two houses and convert them into one. Thanks, Jeff

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From : Jeff Cronin

....In all of the landmark and National Register districts, only exterior alterations open to public view are subject to design review, by either the staff or a commission. Work outside of public view is exempt from design review. The exception is in the Central District where there are public alleys in places like the Playhouse District and Old Pasadena. There is also a limited exception for some individually designated properties such as a work by Greene & Greene and for monuments with designated interiors. Thanks, Jeff

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**Rodriguez, Jane**

**From:** Tmpasadena@aol.com  
**Sent:** Thursday, May 17, 2007 12:46 AM  
**To:** Rodriguez, Jane  
**Cc:** Jomsky, Mark; julianna.delgado@sbcglobal.net  
**Subject:** Letter of Support for Request for Call for Review -- May 21 Council Agenda  
**Attachments:** City Council Letter for 774-776 N. Mentor.pdf

**Jane Rodriguez, City Clerk;**

**Attached is a pdf file of my letter to the City Council members expressing support for Council member Victor Gordo's request to call for review Design and Historic Preservation Staff's decision for 774 - 776 N. Mentor. Since I will not be able to attend, please include my letter in the Council packet for the May 21 meeting so that my support can be heard.**

**Thank you for your assistance.**

**Tina Miller**

Tina Miller  
BHNA Representative to the Historic Preservation Commission  
1175 N. Holliston Ave  
Pasadena, CA 91104  
626-798-0570 h  
323-650-6939 w  
tmpasadena@aol.com

See what's free at [AOL.com](http://AOL.com).

5/17/2007

## TINA J. MILLER

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1175 N. Holliston Ave.  
Pasadena, CA 91104  
626-798-0570  
tjmlpasadena@aol.com

May 17, 2007

RE: Call for Review of Certificate of Appropriateness, Case #PLN2007-00136,  
for 774 – 776 N. Mentor (Bungalow Heaven Landmark District)

Dear Mayor Bogaard and City Council Members,

As the Bungalow Heaven Landmark District's Representative to the Historic Preservation Commission, I am writing to ask you to support Council member Victor Gordo's request to call for review the Certificate of Appropriateness, Case #PLN2007-00136, for 774 – 776 N. Mentor (Bungalow Heaven Landmark District). I am unable to attend the City Council meeting on May 21 because of a prior work commitment in Mexico City and request that my comments be considered and entered into the public record.

This project involves:

- a one story rear addition that joins the front and rear contributing bungalows;
- a partial reconstruction of the front porch;
- a reconstruction of the south facing roof slope of the front bungalow;
- installation of a new center chimney.

The majority of the above points warrant review; however, the most troubling point of this Certificate is the joining of two contributing houses in a landmark district to create one altered structure. There are 82 properties alone within Bungalow Heaven that have 2 houses on a lot. There are many more properties throughout the City of Pasadena's landmark districts that could be affected by such a merge resulting in a loss of a contributing structure. I see this as a precedent setting decision that should be discussed publicly and decided upon by the Historic Preservation Commission.

Thank you for your time and consideration on this historic preservation issue.

Sincerely,

Tina Miller

Bungalow Heaven Representative to the Historic Preservation Commission,  
Former President of Bungalow Heaven Neighborhood Association