



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

# Memo

**Date:** August 11, 2020

**To:** Chair and Members of the Planning Commission

**From:** Joanna Hankamer, Planning and Community Development Director  
Kanika Kith, Planning Manager

**Prepared By:** Malinda Lim, Associate Planner

**Re:** August 11, 2020 Planning Commission Meeting Item No. 1 – Additional Document #2 for Moffat Street (Project No. 2191-HDP/TRP)

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In the background of the staff report and in the resolution, the wrong date was used for the Planning Commission meeting in July 2020. The correct date should be July 14, 2020. Also, in Section 4, finding #3, the following statement, “the project is conditioned to install stop signs, stop pavement legends, and limit lines for the north and south approaches on Maycrest Avenue to improve traffic safety” was used to support the finding. That statement is not applicable with the alternative access with connection from Lowell Avenue onto the public portion of Moffat Street and should be redacted. A revised resolution with the changes discussed earlier is included as **Attachment 1**.

At the July 14, 2020 meeting, the Planning Commission asked the Applicant to reach out to the owners of 4519 Lowell Avenue and come to a resolution. The Applicant has done as the Planning Commission directed and correspondence of the communication between the two parties is included as **Attachment 2**.

Public comments received after the posting of the agenda packet and a day before the meeting were provided to the Planning Commission at 9:56 AM earlier today as Additional Document #1. Since then, three additional comments in opposition to the project were submitted before the 12 PM deadline to accept public comments. These comments are included as **Attachment 3**.

**Attachments:**

1. Revised Resolution
2. Email Communication With the Applicant & Owners of 4519 Lowell Avenue
3. Public Comments Received on August 11, 2020 Before 12 PM

**ATTACHMENT 1**  
Revised Resolution

**P.C. RESOLUTION NO. 20-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA APPROVING AN APPLICATION FOR HILLSIDE DEVELOPMENT PERMIT AND TREE REMOVAL PERMIT (PROJECT NO. 2191-HDP/TRP) FOR THE EXTENSION OF MOFFAT STREET WHICH WILL BE A PRIVATE STREET EXTENDING WESTWARD FROM THE NORTHERN END OF LOWELL AVENUE TO ALLOW ACCESS TO SEVEN LOTS IN THE CITY OF LOS ANGELES (ASSESSOR'S PARCEL NUMBERS 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004)**

**WHEREAS**, in 1923, Tract No. 5643 was recorded in the City of Los Angeles and includes the seven landlocked legal lots south of the proposed private street off of Moffatt Street; and

**WHEREAS**, on July 12, 1961, the South Pasadena City Council adopted Ordinance 1373 for the vacation and abandonment of a portion of Moffatt Street as a public street, pursuant to an Act of Legislature of the State of California set forth in Sections 8300 et. Seq. of the Streets and Highway Code; and

**WHEREAS**, on April 4, 1962, the Community Redevelopment Agency of the City of South Pasadena approved an easement for ingress and egress to the owners of the seven lots located in the City of Los Angeles abutting on the southern boundary line of Moffatt Street and the southern city boundary for the City of South Pasadena; and

**WHEREAS**, on November 15, 2018, Planet Home Living, (developer), submitted an application for a Hillside Development Permit for the extension of Moffatt Street westward and a Variance for a +/- 18 foot high retaining wall; and

**WHEREAS**, in December 2020, the applicant decided not to pursue a variance for the high retaining wall along the northern boundary of the private street and proposed retaining walls to be a maximum height of six feet; and

**WHEREAS**, the proposed project is considered a "Project" as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

**WHEREAS**, the project site is a vacant land surrounded by single-family residences and unoccupied land. According to the City's GIS mapping system, the project site is not located within a liquefaction or landslide zone. The Director of Planning and Community Development determined that a biological constraints survey of the project site was required to document the existing conditions and assess the potential for special status plant or wildlife species or other regulated biological resources occurring on the project site. The report concluded that the project site contains no suitable habitat for special status plants and wildlife, and does not occur within any federal U.S. Fish and Wildlife Services Critical Habitat boundaries.; and

**WHEREAS**, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 – New Construction or Conversion of Small Structures. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction; and

**WHEREAS**, the Planning Department evaluated the project for consistency with the City’s General Plan, City of South Pasadena Municipal Code, the City’s Design Guidelines, and all other applicable state and local regulations; and

**WHEREAS**, on February 26, 2020, notices regarding the tree removals were sent to those within a 100-foot radius of the project site; and

**WHEREAS**, on February 27, 2020, the public hearing notice indicating the date, time, and location of the public hearing was published outside City Hall and said public hearing notice was mailed to each property owner within a 300-foot radius of the project site in accordance with the requirements of South Pasadena Municipal code declaring the project review by the Planning Commission for the hearing on March 10, 2020; and

**WHEREAS**, on February 28, 2020, the City of South Pasadena Planning Division, published a legal notice in the *South Pasadena Review*, a local newspaper of general circulation, indicating the date, time, and location of the public hearing in compliance with state law concerning Project No. 2191-HDP/TRP; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on March 10, 2020, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2191-HDP/TRP and continued the proposed Hillside Development Permit and Tree Removal Permit for the extension of Moffatt Street which will be a private street; and

**WHEREAS**, on May 28, 2020, the public hearing notice indicating the date, time, and location of the public hearing was published outside City Hall and said public hearing notice was mailed to each property owner within a 300-foot radius of the project site in accordance with the requirements of South Pasadena Municipal code declaring the project review by the Planning Commission for the hearing on June 9, 2020; and

**WHEREAS**, on May 29, 2020, the City of South Pasadena Planning Division, published a legal notice in the *South Pasadena Review*, a local newspaper of general circulation, indicating the date, time, and location of the public hearing in compliance with state law concerning Project No. 2280-HDP/TRP; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on June 9, 2020, at which time continued the proposed Hillside Development Permit and Tree Removal Permit for the extension of Moffatt Street which will be a private street at the request of the applicant to allow additional time for the public to comment; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on July 14, 2020, at which time continued the public hearing and directed the Applicant to submit an alternative street alignment design connecting the private street to Lowell Avenue; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on August 11, 2020, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2191-HDP/TRP and approved the proposed Hillside Development Permit for the street design of Moffatt Street which will be a private street extending westward from the northern end of Lowell Avenue and Tree Removal Permit.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

**SECTION 1:** The Planning Commission has determined that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Article 19 Section 15303, Class 3 – New Construction or Conversion of Small Structures of the California Guidelines for Implementation of CEQA. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. Specifically, the project involves street improvements of an access easement to landlocked properties in Los Angeles.

**SECTION 2: DESIGN REVIEW FINDINGS**

The Planning Commission finds that the proposed project is consistent with all applicable findings for approval of a Design Review Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.040(I), as follows:

- 1. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic or other special districts, plan developments, or specific plans);**

The General Plan land use designation of the site is Altos De Monterey Residential which allows one single-family unit per lot. The proposed project is a private street within an access easement for seven landlocked properties in Los Angeles and does not involve the addition of another dwelling unit therefore, it is consistent with the General Plan.

- 2. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards;**

The location of the proposed project is within the hillside. With the development of the private street, it will create an easier access for the nine properties it serves and for emergency services to reach the properties. A 4-foot wide sidewalk is proposed on the south side of the private street and a condition was added for the

installation of street lighting for better visibility. Therefore, the proposed project will have no negative impact to the existing pedestrian or traffic circulation.

- 3. Is compatible with the existing character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the attractive, harmonious, and orderly development contemplated by this Section, and the General Plan; and**

The proposed project was designed to reduce the number of trees proposed for removal and to improve the street access for multiple properties. The height of the retaining wall is conditioned not to exceed six feet in height and will have landscaping to help blend the wall into the hillside.

- 4. Would provide a desirable environment for its occupants and neighbors, and is aesthetically of good composition, materials, and texture that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. An abundance of landscaping is proposed to help screen the wall. A condition was added for the properties utilizing the private street to maintain the street to be aesthetically appealing.

### **SECTION 3: ALTOS DE MONTEREY FINDINGS**

The Planning Commission finds that the proposed project is consistent with all applicable findings for the Altos de Monterey zone pursuant to South Pasadena Municipal Code (SPMC) Section 36.250.030(E), as follows:

- 1. The scale of the proposed building, design, height and mass in relation to the street frontage, to all setbacks and surrounding existing property; and**  
Not applicable; no building is proposed for this project.
- 2. The relation of existing adjoining building heights and their views; and**  
The maximum height of the retaining wall may not exceed 6 feet in height and must be separated by a minimum length equal to the height of the wall, not to exceed six feet. In addition, the locations of the proposed walls are lower than the existing neighboring homes.
- 3. The relation of proposed building heights to the existing topography; and**  
Not applicable; no building is proposed for this project.
- 4. The impact on surrounding properties; and**  
The proposed private street will have a positive impact on the surrounding properties. The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. The proposed project will create an easier access for the nine properties it serves for emergency services to reach the properties.
- 5. The obstruction of sunlight to the existing adjoining residences.**

The proposed retaining walls help to retain the existing hillside and will be a lower elevation than the existing property at 2051 La Fremontia Street. The existing homes on Atlas Street within the City of Los Angeles are at the top of the slope; the proposed development of the single-family homes on the vacant lots would be the cause of sunlight obstruction.

#### **SECTION 4: HILLSIDE DEVELOPMENT PERMIT FINDINGS**

The Planning Commission finds that the proposed project is consistent with all applicable findings for approval of a Hillside Development Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.065(F), as follows:

**1. The proposed use complies with the requirements of Division 36.340 (Hillside Protection) and all other applicable provisions of this Zoning Code.**

Within the AM zone, walls may not exceed six feet in height. As proposed, the concrete block retaining walls are maximized at six feet in height plus a 3'8" cable safety rail on top. A condition is added for the retaining wall height to not exceed six feet and for the retaining walls to be separated a distance equal to the height of the retaining walls, not to exceed six feet. The conceptual landscape plans show the addition of 16 required replacement trees for the removal of five (5) trees. Toyon, California sycamore, and coast live oak are the proposed replacement trees. Rosmarinus prostrates and creeping fig will be planted over the retaining wall to help disguise and blend the wall into the natural landscape. For ground cover, twin peaks and deer grass are proposed. Due to the size of the project, the landscaping will require compliance with the City's Water Efficient Landscape Ordinance. A condition was added for the applicant to submit construction landscape and irrigation plans in compliance with the City's Water Efficient Landscape Ordinance.

**2. The proposed use is consistent with the General Plan and any applicable specific plan;**

The General Plan land use designation of the site is Altos De Monterey Residential which allows one single-family unit per lot. The proposed project is a private street within an access easement for seven landlocked properties in Los Angeles and does not involve the addition of another dwelling unit therefore, it is consistent with the General Plan.

**3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use;**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. The proposed project will create an easier access for the nine properties it serves for emergency services to reach the properties.

4. **The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and**

According to the Preliminary Geotechnical Report, the project site is suitable to be developed as proposed and will be safe against hazard from landslides, settlement, or slippage and will have no adverse effect on the geologic stability of the adjacent properties provided that the recommendations outlined in the report are implemented.

5. **The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, and view protection.**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. An abundance of landscaping is proposed to help screen the wall. A condition was added for the properties utilizing the private street to maintain the street to be aesthetically appealing.

#### **SECTION 5: RECORD OF PROCEEDING**

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's decision is based, which include, but are not limited to, the staff reports, as well as all materials that support the staff reports for the proposed project, and are located in the Planning and Building Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

#### **SECTION 6. DETERMINATION**

Based upon the findings outlined in Sections 1 through 6 above and provided during the public hearing, the Planning Commission of the City of South Pasadena hereby approves the application for a Hillside Development Permit for the extension of Moffatt Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in Los Angeles and a Tree Removal Permit for the removal of five trees (Project No. 2191-HDP/TRP) (APN No's: 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004), subject to the Conditions of Approval that are attached hereto as Exhibit "A."

#### **SECTION 7: APPEALS**

Any interested person may appeal this decision or any portion of this decision to the City Council. Pursuant to the South Pasadena Municipal Code, any such appeal must be filed with the City, in writing, and with appropriate appeal fee, no later than (15) days, following the date of the Planning Commission's final action.

#### **SECTION 8: CERTIFICATION OF THE RESOLUTION**

The Secretary shall certify that the foregoing Resolution was adopted by the Planning Commission of the City of South Pasadena at a duly noticed regular meeting held on the 11<sup>th</sup> day of August 2020.

**PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of August 2020 by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Janet Braun, Chair

**ATTEST:**

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Lisa Padilla, Secretary to the Planning Commission

**APPROVED AS TO FORM:**

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Teresa L. Highsmith, City Attorney

**ATTACHMENT 2**  
Email Correspondence With Applicant  
& Owners of 4519 Lowell Avenue

## Malinda Lim

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**From:** Michael Marini [REDACTED]  
**Sent:** Tuesday, August 11, 2020 11:38 AM  
**To:** Malinda Lim; David French  
**Cc:** Joanna Hankamer; Kanika Kith; Steve Scheck  
**Subject:** Re: Additional Doc #1 For Moffat Street 8-11-20 PC Meeting  
**Attachments:** 1-Additional Document - Memo Moffat St. 2191-HDP-TRX 8-11-20 COMBINED[1].pdf;  
Re: Moffatt Street Extension - 4519 Lowell Ave

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Malinda,

Good morning. We have several requests to meet or talk that have gone unanswered from before the last PC hearing, as you know, but I sent another request as requested by the PC. We have read Micah's response sent on 8/10 and it is clear they still do not wish to cooperate. In fact, he made his position clear when he wrote yesterday even after reviewing the alternate plan that.. "In reviewing the updated plans, they are still not sufficient to serve our rights and needs." Micah's position is that we don't have any rights to access our lots, so no design will be acceptable. That is unfortunate, but please keep in mind that we do not need his input to proceed as the both the current easement rights and supporting land use law should allow us to proceed.

I will forward you any evidence of communication I receive. Attached is the email I sent to Micah

Best,

Michael Marini

*CEO*



1451 Quail Street, Suite #204 Newport Beach, CA 92660  
[REDACTED]

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## Malinda Lim

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**From:** Michael Marini [REDACTED]  
**Sent:** Tuesday, August 11, 2020 11:01 AM  
**To:** Micah Haserjian  
**Cc:** Stephen A. Scheck; David French  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Micah,

Good morning. We understand that you have reviewed the alternate design up Lowell that was requested by the City in order to study another option to access our lots that they feel might have a lower impact on your lot. We would prefer to work with you to come up with a solution and a design that works for both of us. Our offer to still meet, walk your lot and discuss how best we can proceed still stands. Any feedback now regardless of a meeting will be appreciated and considered as we go forward.

Feel free to call me on my cell if you wish to discuss.

Michael Marini

CEO



1451 Quail Street, Suite #204 Newport Beach, CA 92660

[REDACTED]  
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**From:** Michael Marini [REDACTED]  
**Date:** Tuesday, March 10, 2020 at 1:35 PM  
**To:** Micah Haserjian <micahbh@gmail.com>  
**Cc:** Steve Scheck [REDACTED], David French [REDACTED]  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Micah,

Please see the attached plans which include a placeholder for your driveway approach. This was added under the assumption that we would meet and discuss onsite, but it is clear now that you have no intention of meeting with us and/or coordinating your access with our access. We can remove it now if you would like, so just say so and we will alert our consultants and the City of South Pasadena.

Michael Marini

CEO



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**From:** Micah Haserjian [redacted]  
**Date:** Tuesday, March 10, 2020 at 9:46 AM  
**To:** Michael Marini [redacted]  
**Cc:** Steve Scheck [redacted] David French [redacted]  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Hi Michael,

It is my understanding that you submitted the Moffatt St plans to the city of South Pasadena which show access created to our garage area, without our approval. Please share these plans with us.

Thank you,  
Micah

On Mon, Mar 9, 2020, 12:41 PM Michael Marini [redacted] wrote:

Micah,  
Thank you for responding. We would like to again request that we meet onsite so we can walk the areas of concern together so we can better understand your specific concerns and work to a resolution. Are you available to meet tomorrow afternoon at around 5PM, give or take?  
Best,

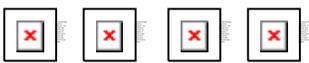
Michael Marini

CEO



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**From:** Micah Haserjian [REDACTED]  
**Date:** Friday, March 6, 2020 at 6:26 PM  
**To:** Michael Marini [REDACTED]  
**Cc:** Steve Scheck [REDACTED], David French [REDACTED]  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Hello Michael,

Can you please forward us the plans you currently have for providing access to our driveway?

Thank you,  
Micah

On Thu, Mar 5, 2020, 10:19 AM Michael Marini [REDACTED] wrote:

Micah,

Good morning. We are hoping to be able to get some time to discuss how best we can proceed, understanding your concerns and coming up with a solution that works for all of us including the owner of the property that you property is now encroaching onto. We have options and we would like to again request some communication so we can come up with some permanent solutions. Are you available to meet onsite anytime soon? Please feel free to contact me on my cell or email.

Best,

Michael Marini

*CEO*

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**From:** Michael Marini [REDACTED]  
**Date:** Friday, January 10, 2020 at 2:39 PM  
**To:** Micah Haserjian [REDACTED]  
**Cc:** Steve Scheck [REDACTED], David French [REDACTED]  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Micah,

I apologize for presenting rushed, but we have been down this road many times before and feel this issue can be resolved quickly with a little bit of attention from all of us now. I understand you are meeting with the Koplins over the weekend, which is great news. In addition to us as the easement owner, they are the ones that will also need to sign off on any new easement that would allow you to use the South Pasadena access after we construct the new private road. The Koplins seem to be reasonable people and they are willing to work with us both to fix the problem now before they sell their home. The next buyer of their home may not be so understanding and they have plans to list their home in a couple of weeks. This is why we are pushing hard for resolution now.

Michael Marini

CEO

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**From:** Micah Haserjian [REDACTED]  
**Date:** Friday, January 10, 2020 at 1:29 PM  
**To:** Michael Marini <[REDACTED]>  
**Cc:** Steve Scheck [REDACTED] David French [REDACTED]  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Hi Michael,

We understand that the timeline affecting your interest in generating income is moving faster than the time necessary for our proper research into this situation. As you know a land survey is only one of many steps necessary to determine our legal rights -- not only the access to the property which has existed before you purchased the right to the easement, but the disruptions that could happen to our property that has existed for 88 years and the land and its many inhabitants that make up a delicate ecosystem.

We are willing to review your solution to the easement access, but cannot agree to anything without the necessary research which we expect to have done by early February. Please send us your solution in the meantime so we can review.

Regards,  
Micah

On Wed, Jan 8, 2020, 10:49 AM Michael Marini [REDACTED] wrote:

Micah,

Good morning. I am assuming you have completed your own survey by now and that it is clear to you now as it is clear to us that your deck and access are encroaching on both the Koplin's property and our recorded easement and legal access to our lots. This can't be ignored. We have offered an access solution and a means to work to a mutual compromise, but if you continue to ignore the issue we will be forced to move forward without you and you can obtain access only from your designed frontage street, Lowell Ave.

We hope to hear from you by Friday as to how you wish to proceed.

Best,

Michael Marini

CEO

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**From:** Michael Marini [REDACTED]  
**Date:** Tuesday, December 17, 2019 at 9:49 AM  
**To:** Micah Haserjian [REDACTED]  
**Cc:** Steve Scheck [REDACTED] David French [REDACTED]  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Micah,  
Good morning. Can you share the timing of your survey? We have completed a field survey as well, so you might be able to physically see where our professional surveyor established the boundaries along your property.

Michael Marini

CEO  
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1451 Quail Street, Suite #204 Newport Beach, CA 92660

[REDACTED]

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**From:** Micah Haserjian [REDACTED]  
**Date:** Thursday, December 12, 2019 at 10:36 AM  
**To:** Michael Marini [REDACTED]  
**Cc:** Steve Scheck [REDACTED] David French <[REDACTED]>  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Hello Michael,

We understand that you want to move forward with your plans as soon as possible. However -- as I previously stated in a response to this email thread -- we are in the process of getting our own land survey and will reach out to you to discuss after this has been completed. We cannot proceed any further until we have done our due diligence on these claims you are bringing against us.

Regards,  
Micah

On Wed, Dec 11, 2019 at 3:40 PM Michael Marini [REDACTED] wrote:

Micah,

Good afternoon. I received a call from the owner's of the South Pasadena property (2050 La Fremontia St) located just North of your house and who actually owns the property that you are encroaching onto with your driveway and deck. They have their own agenda and expressed concerns as they are also not accepting of the encroachments either. We also confirmed that your property on Lowell is not a party to the legally recorded access easement benefitting our lots, so your encroachments are both illegal and interfering with our legal access. They need to be removed and/or reconstructed entirely on your property. As our lots are otherwise land locked, we are forced to move forward with the construction of our access driveway and we would prefer to work together with you so we can formerly restore drive access to your house as well in a manner that works for you too. The previous owner of your home wanted access to the rear of the lot instead of the driveway location, but I feel you should have access to your

garage instead like you currently have. If we don't hear back from you very soon, then we will proceed with our own plans and you can process and construct your own access after our completion.

We have tried to reach you by phone and email with no response. Our preference is to meet you with the homeowners at 2050 La Fremontia onsite early next week so we can all come up with a solution that works for all of us. We are looking forward to your response to this email.

Best,

Michael Marini

*CEO*

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1451 Quail Street, Suite #204 Newport Beach, CA 92660

[www.planethomeliving.com](http://www.planethomeliving.com)

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**From:** Micah Haserjian [REDACTED]  
**Date:** Friday, December 6, 2019 at 12:08 PM  
**To:** David French [REDACTED]  
**Cc:** Michael Marini [REDACTED], Steve Scheck [REDACTED], SCOTT UHLES [REDACTED]  
**Subject:** Re: Moffatt Street Extension - 4519 Lowell Ave

Hello David,

My partner, the community and I are not in agreement with your plans. We have rights to this land use and our home that has existed since 1932. We will be getting our own land survey and will reach out to you to discuss further after this is completed.

Thank you,  
Micah

On Fri, Dec 6, 2019 at 11:47 AM David French <[REDACTED]> wrote:

Micah,

Good morning. I just tried to reach you again on your cell phone and at your business but received your voice mail. I am following up on my previous e-mails and voice messages as we have not heard back from you. We wanted to make contact with you prior to starting work but have been unsuccessful at our multiple attempts. In preparation for moving forward, we will be sending our survey team to mark the boundaries of the future street improvements and wanted to give you an advanced notice in case you wanted to have your own surveyor present to verify the data. We look forward to hearing from you.

David French

*COO, President*

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1451 Quail Street, Suite #204 Newport Beach, CA 92660

[REDACTED]

[REDACTED]

[REDACTED]

[www.planethomeliving.com](http://www.planethomeliving.com)

[dfrench@planethomeliving.com](mailto:dfrench@planethomeliving.com)

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**From:** David French [REDACTED] >  
**Date:** Wednesday, December 4, 2019 at 8:16 PM  
**To:** Micah Haserjian [REDACTED] >  
**Cc:** Mike Marini [REDACTED], "Stephen A. Scheck" [REDACTED] >  
**Subject:** Re: Moffatt Street Extension

Micah,

I wanted to follow up as we have not heard back from you. We would appreciate a reply from you so we can schedule a time to meet. Thank you

**From:** David French [REDACTED] >  
**Date:** Tuesday, December 3, 2019 at 3:41 PM  
**To:** Micah Haserjian [REDACTED] >  
**Cc:** Mike Marini [REDACTED] >, "Stephen A. Scheck" <[REDACTED]>  
**Subject:** Re: Moffatt Street Extension

Micah,

We hope that you had a nice Holiday weekend. I wanted to follow up on our conversation from a week ago. We are proceeding forward with obtaining our permits from the City of Los Angeles as well as the City of South Pasadena for the proposed improvements but would like to meet with you to hear your input and feedback. Time is of the essence and we want to provide you with this opportunity prior to the plans being permitted and the work commencing. Please let us know your earliest availability this week or next week to meet. I would recommend we meet onsite so we can walk your property and discuss options. I also received confirmation that you received our letter of clarification yesterday via GSO. I have attached a copy of that letter hereto for reference. Thank you for your time.

David French

*COO, President*

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1451 Quail Street, Suite #204 Newport Beach, CA 92660

[REDACTED]

[REDACTED]

[REDACTED]

[www.planethomeliving.com](http://www.planethomeliving.com)

[dfrench@planethomeliving.com](mailto:dfrench@planethomeliving.com)

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liability for any losses resulting from infected email transmissions. Please note that any views expressed in this email may be those of the originator and do not necessarily reflect those of this organization.

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**From:** David French [REDACTED]  
**Date:** Wednesday, November 27, 2019 at 12:56 PM  
**To:** Micah Haserjian [REDACTED]  
**Cc:** Mike Marini [REDACTED], "Stephen A. Scheck" [REDACTED] >  
**Subject:** Re: Moffatt Street Extension

Micah,

Thank you for the call again just now and advising me that you need to speak with your business partner who is part owner with you prior to meeting with us. In an effort to communicate with you we sent a letter to your home address explaining the current situation being discussed currently. We are available at your convenience to meet to discuss in person. Any day next week works for us. We look forward to hearing from you.

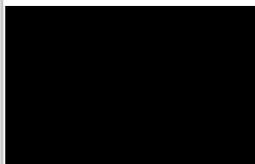
<https://planethomeliving.box.com/s/l5sbg8gv8mqm66zg0sswc691iwzf4h5d>

David French

*COO, President*

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**From:** David French [REDACTED]  
**Date:** Wednesday, November 27, 2019 at 12:40 PM  
**To:** Micah Haserjian [REDACTED] >  
**Cc:** Mike Marini [REDACTED] >  
**Subject:** Moffatt Street Extension

Micah,

It was a pleasure speaking with you this morning regarding the proposed Moffatt Street Extension. I have attached the current plans which we can review next Tuesday when we meet at your residence. I have also attached the ALTA reflecting the improvements associated with your residence that are currently built within the street easement that will need to be removed. Our intent is to work with you to minimize the impact that the new street will have on your property. I look forward to our meeting next Tuesday.

<https://planethomeliving.box.com/s/l5sbg8gv8mqm66zq0sswc691iwzf4h5d>

David French

*COO, President*

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1451 Quail Street, Suite #204 Newport Beach, CA 92660

[REDACTED]

[REDACTED]

[REDACTED]

[www.planethomeliving.com](http://www.planethomeliving.com)

[dfrench@planethomeliving.com](mailto:dfrench@planethomeliving.com)

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--  
Micah Haserjian

[REDACTED]

--  
Micah Haserjian

[REDACTED]

**ATTACHMENT 3**  
Public Comments Received on  
August 11, 2020 Before 12 PM

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**From:** Brenda Contreras [REDACTED]  
**Sent:** Tuesday, August 11, 2020 11:21 AM  
**To:** PlanningComments <PlanningComments@southpasadenaca.gov>  
**Subject:** Agenda Item #1 - Moffat Street, Project No. 2191-HDP/TRP

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

South Pasadena Planning Commission and Planning Department,

Thanks for taking the time to read this. I am one of the many residents of the community that would be directly and negatively affected by the proposed Moffat Street Project No. 2191-HDP/TRP. I am writing to state my opposition to this project. Approval of the proposed project is not only wrong and unethical but not legal and would be appealed.

I have reviewed the alternative plans to enter through Lowell Ave and there are various discrepancies, enough to make me wonder why this was rushed to be put onto this month's agenda. The overall private street plans as submitted still do not take into account the connection with Lowell, thus an entirely new set of plans that address the grading discrepancies with the connection to Lowell will need to be considered. This new entryway through Lowell demands for a new traffic study to be conducted before an approval can be made. There is also no indication as to where the private street starts and stops. South Pasadena does not have jurisdiction to approve undefined projects.

Other details such as where the construction staging and haul routes would take place are not indicated. Tree removal permits need to be reassessed because this is a new design. I also find it unacceptable to replace endangered trees with shrubs. Toyon, one of the "trees" listed to replace the removals, is a shrub and does not absorb the same amount of CO2 as a tree or grow tall enough to provide the same habitat needed for nesting and migratory birds. There seems to be no care or regard for the land or neighbors.

I'll state once again, the community of El Sereno does not need luxury housing starting at \$1.5 million. The current average price of a single-family home here is \$600K. Inserting a flux of luxury homes into our community would raise the price of housing, push our most vulnerable residents out, and make home ownership impossible for LA's middle class. This practice of gentrification is especially unethical during a pandemic where minorities (at least 90% of residents in El Sereno are minorities) are disproportionately affected by COVID-19. Our people are dying and developers are still pushing to build luxury homes in our communities. These tactics are class warfare and uphold white supremacy. When considering the history of this land, we can see that gentrification is a continuance of the genocide of Brown people under the guise of property rights.

This project is clearly exploitative and does not serve the needs of South Pasadena or Los Angeles. The community opposes Moffat Street, Project No. 2191-HDP/TRP and we urge you to vote against it.

Sincerely,

Brenda Contreras  
4519 Lowell Ave  
Los Angeles, CA 90032

-----Original Message-----

From: Neilesh Mutyala [REDACTED]  
Sent: Tuesday, August 11, 2020 11:34 AM  
To: PlanningComments <PlanningComments@southpasadenaca.gov>  
Subject: Agenda item: Moffat St extension

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Hi Planning Commission,

I am following up on my letter sent in advance of last month's meeting regarding Moffat St. There were two points the previous owner of our house's attorney raised in suggesting opposition to the Moffat st. extension:

1. Approval of the grade change by Grantor of the easement  
2. Overburdening the easement based on the submitted plans

From my neighbor, I understand that the city has concluded that point #1 is invalid as the City is the Grantor. In last month's meeting, one Commissioner requested staff to reach out to us regarding this, but we haven't received any communication.

For #2, there seems to be clear case precedent here. In particular, ingress/egress does not allow for running new sewer lines in the easement. While the actual construction of the lines is under jurisdiction of LA DWP, they would run through the easement in South Pasadena. Approving the road plan seems to include approval of these rights, which are explicitly not included in the right of way access.

Additionally, some of the "improvements" in the plan, e.g. the streetlights go well beyond the scope of the granted easement and create a burden to South Pasadena residents. Our house for instance, built in 1967 and for whom the previous owners had commenced application to preserve as a historic cultural building, has floor to ceiling glass windows that would receive unwelcome light into the bedrooms. We respectfully request the streetlights to be removed from the plan.

To reemphasize my point in my original letter, our goal is to be a good neighbor and there is nearly universal opposition on this project around here, in particular with the El Sereno families who have reached out to us. I recognize the rights of the developer to build a road to their owned properties, but the plans we've seen go well beyond the legal scope of the granted easement.

Thank you,  
Neilesh Mutyala  
2050 La Fremontia St

---

**From:** Tom Williams [REDACTED]  
**Sent:** Tuesday, August 11, 2020 11:17 AM  
**To:** Malinda Lim <mlim@southpasadenaca.gov>; PlanningComments <PlanningComments@southpasadenaca.gov>  
**Cc:** Kanika Kith <kkith@southpasadenaca.gov>; Joanna Hankamer <jhankamer@southpasadenaca.gov>  
**Subject:** Re: 081120 Item #1 Moffat Planning Commission Considerations - Request for Continuation, Revisions, and Comments Complete Comments

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**DATE:** 08/11/20

**TO:** City of South Pasadena Planning Commission  
[PlanningComments@southpasadenaca.gov](mailto:PlanningComments@southpasadenaca.gov)

**FROM:** Dr. Tom Williams, Snr. Techn. Adviser, Citizens Coalition for A Safe Community  
[REDACTED]

**SUBJECT:** Agenda Item #1 Public Hearing  
Planning Commission Meeting August 11, 2020 6:30pm  
Moffat Street Project Lowell City of South Pasadena (SoPas)  
[PlanningComments@southpasadenaca.gov](mailto:PlanningComments@southpasadenaca.gov)

**RE:** Public Comments #5

Sorry for the repeats

Thank You for the opportunity to review this project as it relates to the North boundary of the North District of LA-32 Neighborhood Council area within the City of Los Angeles (CLA), for which I am an elected Director to LA-32 NC. I oppose this project as currently defined even with additional or sole connection to Lowell Av. and will appeal and undertake further actions if approved as currently presented.  
See attached, also

General Issues:

The applicant and Commission are considering a classic "Piece-Mealing" Project in order to avoid adequate and complete considerations under CEQA:

- Some road access, followed by numerous driveways for 15-20 homes, accessory dwelling units, lot splits, and future homes and followed by sequential construction and occupation of the area (similar to those on Cam Lindo and Alpha (CSP);
- Diversion traffic and hauling impacts for 5-10 years from the most direct route through City of South Pasadena-CSP (Moffat-Kendall-Alhambra Rd.) to Lowell in CLA.

The project designation as Categorical Exemption and followed by approval of project is based on a totally inadequate and incomplete application and Initial Study and absence of any determination of the Lead Agency for the CEQA Process:

CEQA determination (categorical exemption) by City of South Pasadena (CSP) without Lead Agency designation, although City of Los Angeles (CLA) is directly and operationally affected by the Project, and both cities must decide as to lead agency for CEQA;

- Land uses, Ownerships, and Growth Inducement within CLA and CSP is inadequately defined and delineated and is both provided for or allowed for undeveloped and developed lots which are susceptible to further developments by Lot Splits, Small Lot Subdivision, and Accessory Dwelling Units;
- Proposed private street is being reviewed but not designated as a fire lane for both CLA-FD and CSP-FD without designation as to regulator and service provider;
- No construction staging area is designated within Project, and haul routes have not been identified other than in CLA and not in CSP and without participation by the CLA-Dpt.Bldg.&Safety;
- Project design and construction drawings for project are incomplete and inadequate - it is unknown as to street lengths 500, 550, 600, or 650ft and driveways/curb-cuts of 7, 8, 10, or 15;
- Accessible (access) and served (provided) parcels are not clearly identified and ranges from 7-15
- Ownership of the Easement, accesses, and parcels is not specified nor provided, along with agreements for the applicant's project;
- No provisions are included for Operations, Maintenance, and Security Association for both CLA and CSP service areas (will the private street have a gate?);
- Lowell Ave. changes of exclusions and clearances are within the CLA and no CLA agreement has been provided regarding connection with access and infrastructure in CSP.

On Tuesday, August 11, 2020, 10:19:50 AM PDT, Malinda Lim <[m\\_lim@southpasadenaca.gov](mailto:m_lim@southpasadenaca.gov)> wrote:

Hi Tom Williams,

Thank you for your comments; they will be provided to the Planning Commission.

Regards,

**Malinda Lim** | Associate Planner  
**CITY OF SOUTH PASADENA** | Planning & Building Dept.  
1414 Mission Street | South Pasadena, CA 91030  
[m\\_lim@southpasadenaca.gov](mailto:m_lim@southpasadenaca.gov) | T: 626.403.7228

## COVID-19 PLANNING AND COMMUNITY DEVELOPMENT UPDATES

- For general Planning-related information and questions, please email [AskPlanning@southpasadenaca.gov](mailto:AskPlanning@southpasadenaca.gov) or call (626) 403-7220.
- For Planning project-related information or questions, please continue to contact the project planner directly via email.
- For Building-related information and questions, please email [PermitTech@southpasadenaca.gov](mailto:PermitTech@southpasadenaca.gov) or call (626) 403-7224.
- For Code Enforcement filing, please complete the form on our website and email the completed form to [CodeEnforcement@southpasadenaca.gov](mailto:CodeEnforcement@southpasadenaca.gov).
- We appreciate your business and your patience during this time.

---

**From:** Tom Williams [REDACTED]  
**Sent:** Monday, August 10, 2020 10:29 AM  
**To:** PlanningComments <[PlanningComments@southpasadenaca.gov](mailto:PlanningComments@southpasadenaca.gov)>  
**Cc:** Malinda Lim <[mlim@southpasadenaca.gov](mailto:mlim@southpasadenaca.gov)>; Janet Braun [REDACTED]  
**Subject:** Re: Moffat Planning commission Considerations - Request for Continuation and Revisions

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DATE: 081020

TO: City of South Pasadena Planning Commission  
[PlanningComments@southpasadenaca.gov](mailto:PlanningComments@southpasadenaca.gov)

FROM: Dr. Tom Williams, Snr. Techn. Adviser, Citizens Coalition for A Safe Community  
[REDACTED]

SUBJECT: Agenda Item #1 Public Hearing  
Planning Commission Meeting August 11, 2020 6:30pm  
Moffat Street Project Lowell City of South Pasadena (SoPas)  
Project No. 2191-HDP/TRP

RE: Public Comments #4

Thank You for the opportunity to review this project as it relates to the North boundary of the North District of LA-32 Neighborhood Council area within the City of Los Angeles (CLA), for which I am an elected Director to LA-32 NC. I oppose this project as currently defined even with alternative connection to Lowell Av. and will appeal and undertake further actions if approved as currently presented.

General Issues to Resolve:

CEQA determination (categorical exemption) by City of South Pasadena (CSP) without Lead Agency designation, although City of Los Angeles (CLA) is directly and operationally affected by the Project, and both cities must decide as to lead agency for CEQA;

Land uses, Ownerships, and Growth Inducement within CLA and CSP is inadequately defined and delineated and is both provided for or allowed for undeveloped and developed lots which are susceptible to further developments by Lot splits, Small Lot Subdivision, and Accessory Dwelling Units;

Proposed private street is being reviewed but not designated as a fire lane for both CLAFD and CSPFD without designation as to regulator and service provider;

No construction staging area is designated within Project, and haul routes have not been identified other than in CLA and not in CSP;

Project design and construction drawings for project are incomplete and inadequate, street length 500, 600, or 650ft;

Accessible and served parcels are not clearly identified and ownership is not specified, especially for easements;

No provisions for Operations, Maintenance, and Security Association for both CLA and CSP service areas;

Lowell Ave. changes of exclusions and clearances are within the CLA and not within authority of CSP.

Given these deficiencies and inadequacies, please continue your consideration of this inadequately and incompletely developed project. Require applicant to revise and resubmit an adequate and complete application. Detailed comments will be submitted regarding current documents inadequacies and incompleteness.

I am available for direct communications and developments for this important project through cooperation between CLA and CSP, as we demonstrated for 30+ years regarding the shared SR-710 North Extension project.

Dr. Tom Williams