



Additional Documents List Regular City Council Meeting January 20, 2021

Item No.	Agenda Item Description	Distributor	Document
11	Item No. 11 Additional Document – Award contract to Architectural Resources Group (ARG) for Historic Preservation Architecture for Accessory Dwelling Units Ordinance Update to include design standards in an Amount Not-to-Exceed \$40,000	Joanna Hankamer, Planning and Community Development Director Kanika Kith, Planning Manager	Memo updating attachment
PC	Closed Session Agenda Items A & B	Maria E. Ayala, Chief City Clerk	Public Comment received via Email
PC	Agenda Item Nos.: 2, 12, and 14	Maria E. Ayala, Chief City Clerk	Public Comment received via Email



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

Memo

Date: January 20, 2021

To: Honorable Mayor and Council Members

From: Sean Joyce, Interim City Manager
Joanna Hankamer, Planning and Community Development Director
Kanika Kith, Planning Manager

Re: **Additional Document for Item No. 11 – Award contract to Architectural Resources Group (ARG) for Historic Preservation Architecture for Accessory Dwelling Units Ordinance Update to include design standards in an Amount Not-to-Exceed \$40,000**

Staff is requesting a revision to Section 16 of the Professional Services Agreement (PSA) to correct the mailing address for Architectural Resources Group (ARG) to read as follows:

If to City:

Joanna Hankamer
City of South Pasadena
Planning and Building
1414 Mission Street
South Pasadena, CA 91030
Telephone: 626-403-7220
Facsimile: 626-403-7241

If to Consultant:

Kathleen Climo
Architectural Resources Group
Pier 9, ~~The Embarcadero, Suite 107~~
~~The Embarcadero~~
~~Suite 107~~ San Francisco, CA 94111
Telephone: 415-421-1680 x254
Facsimile: 626-583-1414

With courtesy copy to:

Teresa L. Highsmith, City Attorney
Colantuono, Highsmith & Whatley, PC
790 E. Colorado Blvd, Suite 8500
Pasadena, California 91101
Telephone: (213) 542-5700
Facsimile: (213) 542-5710

Closed Session City Council Meeting
E-mail Public Comment 1/20/2021

AGENDA ITEM A.
Anticipated Litigation
Title: City Attorney

1. Leon Ramsey Jr.
2. Tom Williams
3. Brenda Contreras
4. Micah Haserjian

From: Leon Ramsey, Jr. <[REDACTED]>

Sent: Wednesday, January 20, 2021 3:00 PM

To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>; Diana Mahmud <dmahmud@southpasadenaca.gov>; Michael Cacciotti <mcacciotti@southpasadenaca.gov>; Evelyn Zneimer <ezneimer@southpasadenaca.gov>; Jack Donovan <jdonovan@southpasadenaca.gov>; Jon Primuth <jprimuth@southpasadenaca.gov>

Cc: Mitchell Tsai <[REDACTED]>; Greg Sonstein <[REDACTED]>

Subject: COMMENT LETTER: Closed Session Agenda Item A: Moffat Street Extension-Project # 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.

Good afternoon,

Please see attached regarding the above-referenced matter. Please confirm receipt of this email and its attachment.

Thank you,
Leon Ramsey Jr.

P: (626) 381-9248
F: (626) 389-5414
E: mitch@mitchtsailaw.com



Mitchell M. Tsai
Attorney At Law

155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA U.S. MAIL & E-MAIL

January 20, 2021

City of South Pasadena City Council
817 Mound Avenue
South Pasadena, CA 91030
Em: ccpubliccomment@southpasadena
ca.gov

Hon. Diana Mahmud, Mayor
1414 Mission Street
South Pasadena, CA 91030
Em: dmahmud@southpasadenaca.gov

Hon. Michael A. Cacciotti, Mayor Pro
Tem
1414 Mission Street
South Pasadena, CA 91030
Em: mcacciotti@southpasadenaca.gov

Hon. Evelyn G. Zneimer,
Councilmember
1414 Mission Street
South Pasadena, CA 91030
Em: ezneimer@southpasadenaca.gov

Hon. Jack Donovan, Councilmember
1414 Mission Street
South Pasadena, CA 91030
Em: jdonovan@southpasadenaca.gov

Hon. Jon Primuth
1414 Mission Street
South Pasadena, CA 91030
Em: jprimuth@southpasadenaca.gov

RE: Closed Session Agenda Item A: Moffat Street Extension-Project # 2191-
HDP/TRP

Dear Mayor Mahmud and Honorable Councilmembers,

On behalf of Coyotl + Macehualli and Appellant Micah Haserjian (“**Commenters**” or “**Appellant**”), my Office is submitting these comments on the City of South Pasadena’s (“**City**” or “**Lead Agency**”) Project No. 2191-HDP/TRP – Hillside Development Permit to install a private roadway extending westward approximately 600 feet from the terminus of the existing Moffatt Street and Tree Removal Permit for the removal of 5 protected trees to provide access to 7 lots in the City of Los Angeles through an easement in South Pasadena (“**Project**”).

Commenters reside adjacent to and in the vicinity of the Project and would be directly affected by the environmental impacts of the proposed Project and any related Project approvals.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the Project submitted prior to any Project approvals or certifications. *Citizens for Clean Energy v. City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2 and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

CEQA has two primary purposes. First, CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).¹ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological

¹ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any significant unavoidable effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to the courts’ independent review. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the Court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR are more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these

goals, it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed. The public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. The Project Facially Does Not Meet the Criteria for a CEQA Exemption Under CEQA Guidelines § 15303

The City claims that the Project is exempt from CEQA review because it qualifies as construction, installation, or conversion of small structures, facilities, or equipment under CEQA Guidelines § 15303. This is incorrect. CEQA Guidelines § 15303 may only be used for exemption when the facilities, such as a street extension, serve other such exempt construction such as structures not exceeding 2500 square feet of floor area or 10,000 square feet in an urbanized area. CEQA Guidelines § 15303(c).

The development proposed for the Project’s 7 lots greatly exceeds the aforementioned maximum development permitted under section 15303 of the CEQA Guidelines. CEQA requires that the City consider the “maximum allowable for any legal parcel” to determine if an exemption is lawful. Here, the City is proposing to exempt a road extension from serving seven single-family residences when the maximum allowed is 3. *Id.* § 15303(a).

Here, the City seeks to build the Moffat Street extension to serve the further construction of a single-family residential development that would not qualify for a CEQA exemption under CEQA Guidelines § 15303. CEQA Guidelines § 15303 is only intended for small apartment buildings up to four units, garages, carports, patios, fences, or the like.

The proposed Project seeks to expand Moffatt Street to accommodate the development of additional landlocked parcels in the City of Los Angeles, which is not an exempt project under CEQA Guidelines § 15303 because it greatly exceeds the scope of serving other exempt structures and is part and parcel of a larger single-family residential development that is improperly piecemealed, as discussed further below.

C. Isolated Approvals for the Moffat Street Extension Constitute Improper Project Piecemealing

Under CEQA, a project is defined as the “whole of an action” with the potential to change the environment physically. CEQA Guidelines § 15378 (a). A development proposal thus cannot be divided into several segments, each viewed in isolation from the others, for purposes of CEQA analysis. *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal. App. 4th 1209 (extensively analyzing leading CEQA “piecemealing” cases).

An EIR must include an analysis of future expansion or other actions if: (1) it is a reasonably foreseeable consequence of the initial project, and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. *Id.* at 1222 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 396.)

Here, there are seven homes proposed for development by Applicant Planet Home Living currently undergoing planning review with the Los Angeles Building Department. The Moffat Street Expansion is designed to serve and provide access. (June 9, 2020, City Staff Report, p. 2.) This street expansion, approvals applied for also by Planet Home Living, is a necessary condition for that development—thus being reasonably foreseeable and changing the scope of the Project entirely. The City cannot review this Project in isolation from the City of Los Angeles’ discretionary actions approving construction of seven homes that it will serve. The City admits that this is the overriding and central purpose of the street expansion. (*Id.*)

While CEQA environmental review is triggered by a discretionary decision, CEQA requires that environmental review be conducted over a project's entirety regardless of whether the other parts of a project may not be subject to a discretionary decision. CEQA Guidelines § 15378(c) (“[t]he term ‘project’ does not mean each separate governmental approval.”) The case of *City of Antioch v. City Council* (1986) 187 Cal. App. 3d 1325, 1338, where the Court rejected an environmental study for a site development permit for a roadway due to the study’s failure to consider the environmental impacts of subsequent development of parcels that would be connected to the roadway is on-point.

Thus, the City needs to prepare an EIR that considers the entirety of the Project.

II. **THE CITY FAILED TO DEMONSTRATE AUTHORITY TO ISSUE PROJECT APPROVALS OR THAT THE DOMINANT EASEMENT HOLDER DOES NOT EXCEED THE SCOPE OF THE PRIVATE EASEMENT ON MOFFATT STREET**

The location, physical dimensions, and the scope of use of a private right-of-way easement are determined mainly by its creation method. Civ. Code § 806. The terms of the grant of the express easement will typically address these issues. When one grants an easement in general terms, for example, for the purpose of access, ingress, and egress to vehicles and pedestrians, it will be construed as creating an easement to be used by the easement holder "for all reasonable purposes." See *Zissler v. Saville* (2018) 29 Cal. App. 5th 630, 639 (remanding case and instructing that new judgment include a provision that easement may be used to the extent that is reasonably necessary for convenient enjoyment of easement and is consistent with the purpose for which easement was granted, if the use does not unreasonably interfere with the enjoyment of, unreasonably damage, or materially increases the burden on servient estate).

However, a private street easement grants only a right of ingress and egress and a right of unobstructed passage across the easement. *Absent express language*, a private street or access easement does not grant rights for any other purposes (e.g., gutters, curbs, sidewalks, utilities, and lighting). *Schmidt v. Bank of America* (2014) 223 Cal. App. 4th 1489.

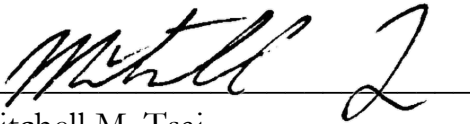
Here, the City of South Pasadena abandoned the portion of Moffatt Street that is now in question. As made clear by Commenters' Reasons for Appeal, the Feb. 14, 1962 meeting minutes demonstrated that the City of South Pasadena vacated this portion of Moffatt Street and left it as a private street easement between the owners of the landlocked parcels and Commenters. The record further demonstrates, in the July 12, 1961, Ordinance 1373, that the original intent of the City was to vacate Moffatt Street. Thus, the Applicant as successor and assignee of the easement rights needs the consent of the servient estate holders to expand the use of the easement or the lot owners abutting the ingress/egress easement.

The City did not retain any rights to expand the use of the easement by issuing Project approvals allowing the Moffatt Street expansion.

III. **CONCLUSION**

Commenters respectfully request that the City deny the Project approvals and require that the Project prepare an environmental impact report covering the entirety of the proposed Project and consideration of Commenters' easement rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai

Attorneys for Coyotl + Macehualli
and Appellant Micah Haserjian

From: Tom Williams <[REDACTED]>
Sent: Wednesday, January 20, 2021 3:11 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Fw: City of South Pasadena 012021 6:30pm Council Meeting Agenda Item t

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DATE: January 20, 2021 3:30pm
TO: City Council, City of South
Pasadena ccpubliccomment@southpasadenaca.gov
From: Dr Clyde T. (Tom) Williams [REDACTED]

SUBJECT: Moffatt Extension, Agenda Item A - A. ANTICIPATED
LITIGATION CONFERENCE WITH LEGAL COUNSEL—Anticipated Litigation,
Pursuant to Government Code Section 54956.9(d)(2)
RE: Closed Session Clarifications and Issues - A.

I presume that considerations in the Closed Session may include review and considerations of the Moffat Street Projection along the old CRA Street Easement along the southerly City boundary with the City of Los Angeles. I wish to express the following comments regarding the Moffat Project and future litigation, which I support.

As the designated director for the North District of the LA-32 Neighborhood Council, I am greatly concerned regarding actions and consideration by an applicant and the city's staff for the proposed Moffat (Street/Avenue/Driveway) Extension Project. Since the proposed project including grading, filling, construction of retaining walls and "streets" with sidewalks, retaining walls and other structure within the City of Los Angeles and currently requires a direct and fire services accessible connection to Lowell Street within the City of Los Angeles, I view the current and past considerations as totally inappropriate for the City of South Pasadena to undertake prior to forming, considering, and approving a contract or memorandum of agreement between South Pasadena and Los Angeles as to who is the lead agency for this project, the many permits required, and all CEQA considerations.

The project as described currently includes major construction, drainage/irrigation systems, full utilities/services, security, and emergency services, presumably from the City of Los Angeles, but without any acknowledgements as to physical and functional requirements (e.g., Low Impact Development for structures and impervious surfaces). Recent changes from Moffat to Lowell connection were incorporated without approvals by the City of Los Angeles.

South Pasadena is now considering a CEQA determination of Categorical Exemption, Negative Declaration, or Mitigated Negative Declaration, without establishment of Lead Agency designation, even though the project clearly requires considerations and

permitting by two separate sets of city agencies in both Los Angeles and South Pasadena.

Furthermore, the re-direction of construction traffic from Moffat to Lowell requires that the LA Department of Building and Safety be responsible for any offsite haul routes, staging areas, and construction parking be within the City of Los Angeles and raises serious equity and environmental justice issues for the SP-Moffat/Kendall and LA-Lowell/Maycrest neighborhoods..

I am further concerned with the growth inducement of more construction as established by the currently proposed driveway access to one R-1 parcel with two houses within the South Pasadena and must be considered for the other four parcels adjacent to the proposed project, along with two or more residential parcels within and adjacent to the road project in LA.

I specifically request the City of South Pasadena do the following:

- Negotiate a lead agency agreement including scope, schedule, resources, and funding of the efforts from both cities of Los Angeles and South Pasadena and for all CEQA considerations;

- Provide public disclosures via Project internet/web pages and video meetings and recordings/podcasts on a weekly basis or in real time;

- Provide current and update construction plans, drawing, and schedules with weekly updates and storage of all documents;

- Designate/provide access to specific staff in both cities to be contacts with the public, agencies, and applicants/consultants/contractors;

- Develop and include a specific mitigation, monitoring, reporting, and enforcement program for ongoing design, construction, and completion;

- Provide monthly text and oral updates as to plans, progress, and changes to the LA-32 Neighborhood Council board;

Thank You all for your considerations and hopefully your decisions regarding this project and issues I have raised.

Dr. Tom Williams

ccpubliccomment@southpasadenaca.gov

South Pasadena City Council January 20, 2021 City of South Pasadena

Dr. Clyde T. (Tom) Williams,

CLOSED SESSION AGENDA ITEMS

From: Brenda Contreras <[REDACTED]>
Sent: Wednesday, January 20, 2021 3:50 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Public Comment - Agenda Item A

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.

Dear SP City Councilmembers,

The Moffat Street Project would be detrimental to the ecosystem and community of El Sereno. We urge you to be good neighbors and deny this disastrous project.

The sole purpose of building this private road is to serve undeveloped lots in Los Angeles. The proposed houses are contingent to the road. These are not separate projects. What Planet Home Living is doing is classic PIECEMEALING.

Piecemealing is defined as “dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. **This is explicitly forbidden by CEQA.**” Source <https://ceqaportal.org/tp/CEQA%20Project%20Description%202020%20Update.pdf>

South Pasadena has NO AUTHORITY TO MAKE DECISIONS FOR THE LEAD AGENCY, DENY THE ROLE OF LEAD AGENCY, AND WIPE THEIR HANDS CLEAR OF THIS MESS ONLY FOR LOS ANGELES TO HAVE TO PAY THE PRICE AND DEAL WITH THE MOUNTING CONSEQUENCES.

Historical records state that South Pasadena gave up all rights to the easement in the 1960's and are "divorced from anything to do with" the land in question and **"the City [of South Pasadena] would hold no power whatever.** [...] as it would lead to endless litigation." The rights to the easement were transferred to the private property owners. Source: South Pasadena City Council Meeting Minutes from December 27, 1961 and February 14, 1962. These documents were **OMITTED.**

Also omitted was the actual Order to Vacate Moffat Street. We submitted a Public Records Request and still have not received the Order to Vacate Moffat Street from Feb 28, 1962.

Approval of this project is **ILLEGAL and UNETHICAL**. South Pasadena may have green lighted the construction of an empty street to nowhere, displacing an array of endangered and protected species and wildlife. Corridors like these are absolutely necessary for a healthy ecosystem. The R1 by-right zoning of the landlocked, hillside lots from 1923 is antiquated and does not consider the current landscape of 2021. The lots in Los Angeles are up for rezoning and the community will be pushing for a zone change.

You are derailing this private matter into "endless litigation" which is exactly why the City of South Pasadena gave up all rights in the 1960's.

We urge you to do the proper thing and deny this project.

Sincerely,
Brenda Contreras

From: Micah Haserjian <[REDACTED]>
Sent: Wednesday, January 20, 2021 3:54 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Mitchell Tsai <[REDACTED]>
Subject: Closed Session Public Comment, Agenda Item A.

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.

Dear City Councilmembers,

Once again we are urging you to deny the Moffat Street extension project up for discussion during closed session, Agenda Item A.

The legal issues that denying this project would create for the City of South Pasadena are entirely worth the benefit it would give to the people. It is no secret the opposition for the project from the community in South Pasadena, Los Angeles and beyond remains intense, and the reasons for denying the project greatly outweigh any potential litigation faced by the developers, Planet Home Living.

On the other hand, an approval of this project would be premature and will present much stronger legal issues against the city of South Pasadena if approved. Please address the following in your closed session:

1. The project is not in compliance with CEQA, as the exemption being claimed is invalid (please read the letter sent to you directly and via public comment from Mitchell Tsai, Attorney at Law)
2. South Pasadena does not have the right to approve any changes to the easement. Please also read the relevant section in the letter from Mitchell Tsai, and in the letter sent via public comment by Jesse B. McKeithen of Donahue Fitzgerald on October 13, 2020. As a reminder, I have submitted Public Records Request #2020-194 on Sept 16, 2020 in order to obtain clarity on South Pasadena's current relation to the vacated Moffat St. From the meeting minutes from Feb 28, 1962 they read aloud in full the 'ORDER OF THE COUNCIL OF THE CITY OF SOUTH PASADENA VACATING A PORTION OF MOFFAT STREET, A PUBLIC WAY, BUT RESERVING CERTAIN EASEMENTS THEREIN.' This document still has not been provided, and withholding it only proves our case further.
3. Our property at 4519 Lowell Ave has the right to a prescriptive and equitable easement. Our current driveway and parking area has existed since the 1930s, which can be proven via aerial photos. This project would destroy access to a portion of our driveway and demolish our deck and landscaping.
4. Tree removal permits have not been applied for for all of the protected trees necessary to clear way for the very large private street being proposed.

Thank you again for considering our appeal.

Best Regards,

Micah Haserjian

--

Closed Session City Council Meeting
E-mail Public Comment 1/20/2021

AGENDA ITEM B.
Public Employee Performance Evaluation
Title: City Attorney

1. Chris Bray

From: Chris Bray <[REDACTED]>
Sent: Friday, January 15, 2021 2:23 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Stephen Rossi - Gmail <[REDACTED]>; Steven Lawrence <[REDACTED]>
Subject: closed session, item b, jan. 20

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Public comment for Item B, Jan. 20 closed session:

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION title:
City Attorney**

Councilmembers,

Last year, City Attorney Teresa Highsmith refused to discuss the city's legal costs or ongoing litigation with Councilmember Stephen Rossi, on the grounds that he had not participated in closed session discussions that took place prior to his term on the council, and providing information about city legal matters to him as a current councilmember would therefore supposedly violate attorney-client privilege.

The five-member South Pasadena City Council now has three new members. Does City Attorney Highsmith still maintain that she cannot discuss the city's legal costs or ongoing litigation with new councilmembers, and that doing so would waive the city's attorney-client privilege?

As citizens, we have an obligation to determine if a majority of our elected representatives in city government are forbidden to receive information about critical city business. The willingness of the city attorney to provide the same information to *every* councilmember is a critical item to examine in any performance evaluation, and I strongly suggest to you that this question should be addressed as you report to the public on this closed session item.

Will South Pasadena's city attorney provide the same information about the city's legal costs and ongoing litigation to all five members of the city council, without exception, or does she still insist on withholding information from new councilmembers? Please provide a clear and public answer.

Chris Bray

Regular City Council Meeting
E-mail Public Comment 1/20/2021

AGENDA ITEM NO. 2
General Public Comment

1. Ella Hushagen

From: Ella Hushagen <[REDACTED]>
Sent: Wednesday, January 20, 2021 12:10 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: General Public Comment, Open Session 1/20/21

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Please include the attached general public comment in the agenda packet for open session, City Council meeting on 1/20/21.

Thanks!

Ella

January 20, 2021

General Public Comment for Open Session

Public spaces like libraries, restaurants and cafes across Los Angeles County remain closed to prevent the spread of the devastating COVID-19 pandemic. Meanwhile, our unhoused neighbors still have nowhere to shelter in inclement weather. South Pasadena should offer daytime shelter to unhoused residents on rainy winter days.

During the recent rainstorm following Christmas, a number of South Pasadena's unhoused residents took refuge overnight on buses and the metro. Some took refuge under the library's awning. The rains continued without relief throughout the day. Unhoused South Pasadena residents had nowhere to dry off and warm up.

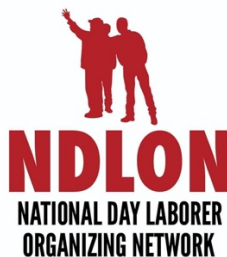
On hot days in August and September, South Pasadena safely opened the War Memorial Building, with appropriate social distancing and masking. The War Memorial Building can be safely reopened on days when rain is in the forecast to provide some relief to our unhoused neighbors. If the city is concerned that COVID-19 safety precautions cannot be maintained at this critical stage of the pandemic, it could alternatively set up temporary daytime shelter in the fire station with the large doors ajar to keep air circulating. Another option is to set up outdoor tent shelters at Garfield Park or the library. Community volunteers would gladly provide hot beverages and blankets.

More unhoused people die of hypothermia in Los Angeles County than in New York City because far more unhoused people are unsheltered here. We can do more to protect our most vulnerable residents.

Signed,



Pasadena Chapter



1. Alexander Aquino
2. Anne Bagasao
3. Dr. Paula Bagasao
4. Kerrie Barbato
5. Matthew Barbato
6. Chris Becker
7. Jeremy Becker
8. Robin Becker
9. Felicie Borredon
10. Laurent Borredon
11. Tony Butka
12. Frederick Eberhardt
13. Jennifer De Ladurantey
14. Grace Dennis
15. Alan Ehrlich
16. Justin Ehrlich
17. Stephanie Ehrlich
18. Barbara Eisenstein
19. Owen Ellickson
20. Sarah Erlich
21. Tzung-lin Fu
22. Noel Garcia
23. William Hoadley-Brill
24. Laboni Hoq
25. Mariana Huerta Jones
26. Che Hurley
27. Ella Hushagen
28. Phung Huynh
29. Fahren James
30. Amy Davis Jones
31. William Kelly
32. Afshin Ketabi
33. Kristen Kuhlman
34. Caitlin Lainoff
35. Anthony LeBeau
36. Jacinta Linke
37. Tony Lockhart
38. Sofia Lopez
39. Abby McCrate
40. Jenny Munninnopamas
41. Adam Murray
42. Ayaka Nakaji
43. Robyn Nedelcu
44. Joanne Nuckols
45. Carla Obert
46. Victoria Patterson
47. Sarah Perez-Silverman
48. FJ Pratt
49. Myron Dean Quon
50. Minoli Ratnatunga
51. Zahir Rob
52. Aliza Rood
53. Andrea Seigel
54. Delaine Shane
55. Alexandra Shannon
56. Sean Singleton
57. Chris Smith
58. John Srebalus
59. Levi Srebalus
60. Katie Telser
61. Andrew Terhune
62. Cassandra Terhune
63. Helen Tran
64. Roya Yasharpour
65. Jean Yu

Regular City Council Meeting
E-mail Public Comment 1/20/2021

AGENDA ITEM NO. 12

**Urgency Ordinance for Tenant Protections Requiring
Building Permits and Scope of Work Prior to No-Fault
Just Cause Terminations of Tenancy for Substantial
Remodel and Repealing of Moratorium on Evictions for
Substantial Remodels**

1. Jonathan Eisenberg
2. Alice Le-Nghiem
3. Laboni Hoq
4. Cambria Tortorelli
5. Ella Hushagen
6. Lunda Harkness

From: Jonathan Eisenberg <[REDACTED]>
Sent: Saturday, January 9, 2021 11:57 AM
To: Evelyn Zneimer <ezneimer@southpasadenaca.gov>; City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: ezneimer <[REDACTED]>
Subject: "Renovictions" Ordinance

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.

Dear Evelyn,

Congratulations on being elected South Pasadena City Councilor, District 1. I also hope that you had a nice holiday season (even with the COVID-19 pandemic raging).

I am writing to urge you to vote in favor of the proposed S.P. "renovictions" ordinance that I understand is up for a City Council vote on January 20th. Especially during a state of emergency like what we are all living through right now, but also in general, people who rent their housing in South Pasadena should be protected from unjust evictions. They can be among the biggest crises that people -- especially families with children in our public schools -- face. The proposed ordinance would provide those humane protections while being a balanced measure that is fair to landlords.

Thanks for considering my input on this upcoming vote.

Sincerely,

Jonathan M. Eisenberg

From: Al LN <[REDACTED]>
Sent: Friday, January 15, 2021 9:57 PM
To: Jon Primuth <jprimuth@southpasadenaca.gov>
Cc: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Eviction Resolution

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.

Dear Mr. Primuth,

I live at [REDACTED], and you are my city council representative. I am writing to ask you to support a resolution that will stop evictions by landlords who use repairs and remodeling as an excuse to remove tenants and charge more rent. This resolution demands that landlords get their construction permits from the city first, which I think is a reasonable thing to ask when you consider what a family faces when they are removed from their home.

I have lived in South Pasadena all my life as a renter. I know people on Prospect Avenue who were evicted for renovations. I would like to feel confident that our family and other families are protected from at least evictions that are based on a falsehood.

Thank you for doing the right thing for renters in the city.

Sincerely,
Alice Le-Nghiem

From: Laboni Hoq <[REDACTED]>
Sent: Wednesday, January 20, 2021 9:54 AM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Support for proposed ordinance to prevent evictions

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.

Dear Councilmember Primuth,

I am a voter in your district. I am writing to support the proposed ordinance to prevent evictions served under the pretense of “substantial remodeling,” also known as “renovictions.” I understand that the renovation ordinance is coming up for a vote on January 20. I hope you will support it.

The proposed ordinance requires that landlords obtain all necessary permits in advance of issuing an eviction notice, and describe in the eviction notice the nature of the remodel and why it requires the tenant to vacate for at least 30 days.

This ordinance is a relatively modest measure to prevent gamesmanship by landlords and erosion of existing affordable housing stock in South Pasadena. A tidal wave of evictions is anticipated as eviction moratoria sunset and eviction courts reopen. South Pasadena needs to do its part to protect its renters from being thrown from their homes, particularly while the COVID-19 pandemic rages on.

Thanks for your consideration.

--

Laboni A. Hoq

From: Cambria Tortorelli <[REDACTED]>
Sent: Wednesday, January 20, 2021 10:13 AM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Comment for open session agenda item 12 on January 20, 2021

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.

Dear City Council members,

I am writing in strong support of the Urgency Ordinance for Tenant Protections Requiring Building Permits and Scope of Work Prior to No-Fault Just Cause Terminations of Tenancy for Substantial Remodel and Repealing of Moratorium on Evictions for Substantial Remodels.

Both as a community of faith committed to justice and fairness for all, especially for those on the margins, and as a landlord, Holy Family is very supportive of the ordinance which will make it harder for landlords to evict tenants for the purposes of renovation work, unless they can provide proof that this is their legitimate intent. At this very difficult and challenging time, when so many are still out of work, it is imperative that we act to protect those who are most vulnerable to losing their homes.

Thank you,

Cambria Tortorelli

From: Ella Hushagen <[REDACTED]>
Sent: Wednesday, January 20, 2021 12:09 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Public Comment, Open Session, Agenda Item 12

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.

Please include the attached comment in the agenda packet for item 12.

Thanks.

Ella Hushagen

January 20, 2021

General Public Comment Re: Agenda Item 12, local ordinance to protect tenants.

The undersigned support the City’s adoption of a straightforward procedural requirement that landlords undertake due diligence regarding planned remodeling before evicting tenants.

Under existing law, landlords can evict tenants under the pretense of “substantial remodeling” without proof that any remodeling will actually be performed, much less that remodeling will be substantial. The proposed ordinance builds on state law by requiring landlords to obtain all necessary permits in advance of issuing an eviction notice, and describe in the eviction notice the nature of the remodel and why it cannot be performed in under 30 days.

Eviction moratoria at the local, state and federal level are not enough to stop landlords from initiating eviction proceedings. Often, invalid eviction notices are enough to drive tenants out of their units. Without robust protections, South Pasadena tenants are at risk of eviction in the midst of a global pandemic and historic recession.

The ordinance benefits tenants and landlords by requiring transparency and avoiding prolonged litigation. Without the ordinance, tenants have no option but to challenge their eviction in court and learn through discovery whether the landlord’s renovations are ‘substantial’ under state law.

Strengthening renter protections to prevent erosion of affordable housing stock and gamesmanship by landlords enjoys broad support in South Pasadena. The South Pasadena Tenants Union, the Housing Rights Center, and the Legal Aid Foundation of Los Angeles all support passage of the ordinance.

We support the City Council’s adoption of the urgency ordinance at the January 20, 2021 City Council meeting.

Signed,

- | | |
|----------------------------|---------------------------|
| 1. Alexander Aquino | 15. Barbara Eisenstein |
| 2. Anne Bagasao | 16. Owen Ellickson |
| 3. Dr. Paula Bagasao | 17. Alan Ehrlich |
| 4. Kerrie Barbato | 18. Justin Ehrlich |
| 5. Matthew Barbato | 19. Stephanie Ehrlich |
| 6. Chris Becker | 20. Sarah Erlich |
| 7. Jeremy Becker | 21. Tzung-lin Fu |
| 8. Robin Becker | 22. Noel Garcia |
| 9. Felicie Borredon | 23. William Hoadley-Brill |
| 10. Laurent Borredon | 24. Laboni Hoq |
| 11. Tony Butka | 25. Mariana Huerta Jones |
| 12. Frederick Eberhardt | 26. Che Hurley |
| 13. Jennifer De Ladurantey | 27. Ella Hushagen |
| 14. Grace Dennis | 28. Amy Davis Jones |

29. William Kelly
30. Afshin Ketabi
31. Caroline Kimbel
32. Kristen Kuhlman
33. Caitlin Lainoff
34. Anthony LeBeau
35. Tony Lockhart
36. Sofia Lopez
37. Abby McCrate
38. Jenny Munninnopamas
39. Adam Murray
40. Ayaka Nakaji
41. Robyn Nedelcu
42. Joanne Nuckols
43. Carla Obert
44. Victoria Patterson
45. Sarah Perez-Silverman
46. FJ Pratt

47. Myron Dean Quon
48. Minoli Ratnatunga
49. Zahir Rob
50. Aliza Rood
51. Andrea Seigel
52. Delaine Shane
53. Alexandra Shannon
54. Sean Singleton
55. Chris Smith
56. John Srebalus
57. Levi Srebalus
58. Katie Telser
59. Andrew Terhune
60. Cassandra Terhune
61. Helen Tran
62. Roya Yasharpour
63. Jean Yu

From: Lynda Harkness <[REDACTED]>
Sent: Wednesday, January 20, 2021 2:06 PM
To: Jon Primuth <jprimuth@southpasadenaca.gov>
Cc: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Renovation Eviction Ordinance

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.

Dear Mr. Primuth

Congratulations on joining the City Council. `

We are residents in your district. We have lived in South Pasadena for 32 years, have raised our children and now our grandchildren here.

We are writing to ask your support for the Renovation Eviction Ordinance that has been presented to council. As we understand it, landlords are currently able to evict tenants based on their claim of needed renovations that may or may not be real.

This is a problem with an easy fix.

Our understanding of the Renovation Eviction Ordinance presented to the council simply states that building/renovation permits must be obtained and presented to tenants before eviction.

We find this proposal reasonable and workable. We see no downside.

A property owner would shoulder no additional expense unless they were planning to do work without the required permits and why would the city want to leave that possibility open?

During this unprecedented time, many have lost stable employment and faced other unintended and uninvited hardships. Eviction based on a loophole that unscrupulous landlords take advantage of should not be one of them.

Thank you for your serious consideration of the this issue.

Again, we encourage you to fully support the Renovation Eviction Ordinance and protect our South Pasadena neighbors and friends from unconscionable evictions.

Edward Newton
Lynda Harkness
Andrew Harkness Newton

Regular City Council Meeting
E-mail Public Comment 1/20/2021

AGENDA ITEM NO. 14

**First Reading and Introduction of an Ordinance of
the City Council of the City of South Pasadena
Amending Chapter 2 (Administration), Article IVB
(Public Safety Commission) of the South Pasadena
Municipal Code; and Receive and File the Public
Safety Commission's Update on Police Policy
Reform**

1. John Srebalus (on behalf of Care First South Pasadena)

From: Care First South Pasadena <[REDACTED]>
Sent: Wednesday, January 20, 2021 1:27 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Public Comment, Agenda 14

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.

Dear City Clerk,

Please find attached our public comment for tonight's city council meeting, open session, Agenda 14 (Public Safety Commission's recommendations).

Thanks,

John Srebalus,
on behalf of Care First South Pasadena

January 20, 2021

Sent via email

ccpubliccomment@southpasadenaca.gov

Re: Public Comment, Agenda Item 14, Public Safety Commission's Update on Police Policy Reform

Dear Mayor and Councilmembers:

Care First South Pasadena is a coalition of residents working to reimagine public safety and reallocate city dollars to reflect our community's priorities.

We enthusiastically support the Public Safety Commission's (PSC's) recommendation to research implementation of Mobile Crisis Intervention Teams for mental health-related calls for services in our city. This proposal has wide support in our coalition and the community, and we hope to be a part of this process.

While we agree with some of the PSC's recommendations, we have serious concerns about the revisions to the South Pasadena Police Department's (SPPD's) use of force policies. We appreciate the effort that the Police Reform Subcommittee put into reviewing the South Pasadena Police Department's current use of force policies and acknowledge that this item was available for public comment for about two months within the PSC meetings. We respectfully ask the Council to allow more time for public engagement with this matter.

First, the process of developing these changes was not inclusive. In our understanding, they were developed by a small subcommittee of the PSC consisting of public safety commissioners and law enforcement. There was no outreach to seek input from the residents of the city. Civil rights advocates and BLM activists were not given a seat at the table. The commission's one-sided approach constitutes rubber-stamp governance and delegitimizes the outcome.

Second, the findings do not demonstrate due diligence. For example, in recommendation number 6, the SPPD resisted a ban on shooting at moving vehicles. The SPPD argues such a ban is unacceptable by referencing the San Bernardino terrorist attacks of 2015. The PSC evidently capitulated without interrogating whether it is appropriate to build use-of-force policy around a terrorist attack.

Some of the most prominent law enforcement agencies in the country, including New York, Boston, and Chicago, have introduced such a ban, no doubt because firing on a moving vehicle can amount to nothing less than an extrajudicial execution. The International Association of Chiefs of Police and the Police Executive Research Forum endorse a prohibition on the dangerous practice of shooting pell-mell at moving vehicles, with narrow exceptions.

In short, the PSC's recommendations do not represent a "a robust update to reflect current community expectations." (Sean Joyce Memorandum, January 20, 2021, pg. 1.) They do not reflect a genuine interest in evaluating SPPD's practices in light of the headline pattern of police brutality and growing worldwide outcry.

In addition to a sparse public outreach process, another foundational problem with the PSC's recommendations is its lack of scrutiny of Lexipol, the author of the original policies. Lexipol is a private,

for-profit company that manufactures policy manuals for about 200 police departments throughout California. In doing so, what Lexipol actually does is provide boilerplate language for small jurisdictions such as ours with the primary purpose of reducing litigation liability—not promoting public safety. Their use of force policies reflect these misguided priorities. The policies are couched in generalized language of "reasonable" conduct and only "when feasible," rather than mandating conduct that the community may determine is in its best interest. The use of Lexipol for both policy and insurance liability removes the city from incorporating community input into these policies. Refer to Scott Morris, *Police Policy for Sale*, *The Appeal*, Feb. 13, 2019, <https://theappeal.org/lexipol-police-policy-company/>; Ingrid V. Eagly & Joanna C. Schwartz, *Lexipol: The Privatization of Police Policymaking*, 96 *Texas Law Review* 891 (2018), <https://texaslawreview.org/wp-content/uploads/2018/04/Eagly.pdf>.

Thank you for your time and consideration.

Sincerely,

John Srebalus
on behalf of Care First South Pasadena