



City of Sierra Madre

Office of the City Clerk

232 W. Sierra Madre Blvd.,

Sierra Madre, CA

(626) 355-7135

THE BROWN ACT PROVIDES THE PUBLIC WITH AN OPPORTUNITY TO MAKE PUBLIC COMMENTS AT ANY PUBLIC MEETING.

THE FOLLOWING WRITTEN COMMENTS WERE RECEIVED IN ADVANCE OF THIS MEETING AND WILL BE POSTED ONTO THE CITY'S WEBSITE FOR PUBLIC ACCESS AND TRANSPARENCY.

THE COMMENTS ATTACHED ARE SUBMITTED BY MEMBERS OF THE PUBLIC. THE CITY DOES NOT CONFIRM THE VERACITY OF THE STATEMENTS PROVIDED BY MEMBERS OF THE PUBLIC.

Amber Tardif

From: [REDACTED]
Sent: Sunday, May 7, 2023 5:08 PM
To: Public Comment
Subject: Alverno Heights Academy Master Plan

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

We are residents within a 300-foot radius of the school and are supporters of Alverno's master plan. We feel that strong schools are good for communities, the state and the nation.

We hope their plan will be approved

[REDACTED]

Amber Tardif

From: [REDACTED]
Sent: Sunday, May 7, 2023 5:32 PM
To: Public Comment
Subject: Item #1 Alverno Academy May 9

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Hi,

We are so glad that the council agree in unison and came to a consensus on what was to be a final of the conditions and timelines. My husband and I are disappointed that the signing of the conditions was not finalized on the 11th of April.

We have already agreed with our neighbors and provided our signature on the neighborhood petition when this started. We are opposed to any expansion by Alverno that impeded and intruded on our right to the privacy and enjoyment of our homes. We disagree with all the additional school and visitor traffic and even more noise than what we currently deal with. Alverno can pray anywhere. PE is not a religious "exercise" as my children and myself attending a real Catholic school as sanctioned by the diocese. Let's be creative until the proper surfaces are built. And move the playground since no one has dealt with that noise. We don't appreciate Alverno staff telling us to stay inside and shut our windows because we already do. We want to be outside just like they are. My family has every right to yet for 2 years we haven't been able to for either the school or their tree cutting down or other construction or filming or weddings. It's about the city code and what is allowed.

We didn't appreciate the snarky remark to the Grandview residents by Alverno's attorney about the landscaping. No Alverno has not completed the landscaping. They actually removed it, from what in the 2011 CUP. We will expect that Alverno will be made to fulfill the 2011 CUP landscaping that we were provided copies of at the neighborhood meeting in 2011 and that the Planning Commission sanctioned.

We would rather the parking lot games and PE be gone be sooner than the 15 months the council agreed upon but it is what it is. 3 years and 5 months will bring some welcome relief to the new level of noise and parking problems on Grandview that we are tired of. Thank you city council.

We do not agree with Alverno stating otherwise for the meeting on Tuesday. We do not agree with their trying to sneak another change past us.

We all heard what Mr Garcia, Kriebs, and all said and we agree. We don't care to get into Alverno's funding but after 15 months the activity stops no matter whether Alverno chooses to build or not build their courts. We look forward to getting a copy of the amended CUP with mitigation measures. Please use this email to keep us posted.

Thank you city council. Patti J.

Amber Tardif

From: Martin Ericks [REDACTED]
Sent: Sunday, May 7, 2023 10:09 PM
To: Public Comment
Subject: Agenda item #1 Alverno appeal public comment

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear City Council and Mayor Garcia,

Myself and my neighbors truly thought after the marathon 4/11 meeting that this chapter with Alverno's latest expansion was over except for your signatures. I feel it was a win win for both the neighbors and Alverno, not great but not horrible. Imagine our dismay to see yet another project notice that showed up on the perimeter of Alverno. Why?

What we should all be reading is the CUP that the city agreed upon not debating a whole new version that Alverno is trying to gaslight us with. The neighbors are tired from the spin and no one wants to attend these meetings again. We are asked to read another agenda and either show up — again, or submit comment on the new proposals. It's exhausting. Please accept the following as my input for the neighborhood.

1. Thank you for your time. The 4/11 meeting is the best example of your thoroughness on what was already agreed upon. Alverno couldn't even be bothered to show up on 2/14 even though they were notified of the appeal like the rest of us. Now I see new items trying to be squeezed in Attachment A-1 by Alverno and their attorney.
2. Please put a stop to the frivolous tolling of this appeal and let this be the LAST meeting. For us these delayed CUP signings means Alverno is essentially getting 16-17 months extension plus the two years of already creating a noise nuisance.
3. It is time to sign the CUP under the conditions discussed and agreed upon and as written in attachment A-2 by the appellant. It's what anyone who listened to the 4/11 meeting heard you approved.
4. The exhibit now shows 2 full size courts! Another build piece mealed without CEQA review? Another squeezing in of items not in the description. Fine. Let them have it but using a sound wall and after 15 months the parking lot must go back to parking as anyone who watched the meeting heard the council agree on unanimously. Get the parents and visitors off the side streets please. It is greedy to have the biggest campus and the smallest student body as Commissioner Spers noted then force the use by their student body in front of our home and onto the public streets causing safety issues for my neighborhood.
5. I thanked the Planning Commission. Had they been properly advised by the city attorney and dealt with the failure of Alverno to follow legal parameters of CEQA and done an appropriate EIR then we would have been done in 2022. The new K-8 involves a lot of outside use was never part of the 2010 EIR. In the planning commission's defense Alverno threw a lot at them. Regardless I had hoped they would have abided by the legal parameters of CEQA and stuck it out to address it using the city general plan and municipal code.
6. Please do not allow what happened with the film code and the TUP loopholes. I appreciate the city taking the responsible steps to address the myriad of problems that Alverno school and their rentals created for myself and my neighborhood. It was necessary to address the decades old loopholes which meant more meetings and more city resources for a non-profit school that it is hard for me to see offer anything different than the other 7 or so other schools in the local area.
7. The city tightened the TUP and Film code yet the Planning Commission ignored it and allowed Alverno special exceptions that no other entity or resident was permitted. It seemed like a waste to attend those meetings. Every weekend except Easter has been a wedding with numerous violations of the Villa CUP so that I, and my neighbors, have been forced to call the police because Alverno security won't enforce it. The Villa shouldn't be separate from the school since they use it for the school classes and their administration.

8. The time for Alverno's attorney to have changed the language or brought up baseless claims of prejudice would have been prior to December 2022. I was impressed and had some hope with the language written by the Planning Commission is now being contested by Alverno's attorney. Please do not water this language down or this becomes the same debacle as the TUP and film code.
9. Thank you again for the wisdom in setting a more moderate appeal fee. It is my opinion that the applicant is the one wasting the city time and resources frivolously. It appears that Alverno is yet again tolling this appeal to cause delays in signing the CUP.

Remember the city's concern over frivolous appeals by appellants? The same should go for the applicant. Alverno's attorney is behaving egregiously with yet another rewrite of the agreed upon 4/11 conditions that does not fit the narrative agreed by you. It's an insult to have devoted the time you have and then Alverno behave as if you never came to an agreement. Alverno's attorney shouldn't be making changes. The council carefully debated then crafted a decent CUP. It clearly stands in the video.

10. These sport courts could be built in a matter of a few months. It's great to hear from Alverno in March and April that their parents are hugely motivated to build a temporary sport court. Yet me and my neighbors are being asked to wait another year and a half beyond the 2 years already endured from the unpermitted use of the Michillinda parking lot not in the expansion plan.

Alverno has acknowledged either a loan or rather huge line of credit at their fingertips they have tapped already. They could do so again. Alverno's website showed they raised \$595,057 for 2021-22. And that was in the pandemic! In 21/22 they raised \$826,522 so I have faith the school will raise the money for their sport courts and no longer need to try and keep the Michillinda Parking lot for sports or play but if they haven't all play and sports use of the parking lot goes away.

11. Is it too much to ask Alverno to stop messing with the unanimous vote of approval of the CUP on 4/11? Let's get this signed as the council stated for the record that we all heard you approve. Please accept the language of the Attachment

I sent a letter to thank you on 4/20 regarding the 4/11 meeting because I thought you were signing the CUP that meeting. I can't find it publicly. I will resend it if necessary for clarification. I appreciate your reading my letter and allowing me to say thank you to each and every one of you for getting this done - now let's see those John Hancocks! :)

Thoughtfully submitted for your consideration
M. Ericks

Amber Tardif

From: Will Serrano [REDACTED]
Sent: Monday, May 8, 2023 2:01 AM
To: Public Comment
Subject: My comment on item 1 for the May 9 City Council meeting

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Please submit to
Edward Garcia, Mayor
Kelly Kriebs, Mayor Pro Tem
Gene Goss, Council Member
Kristine Lowe, Council Member
Robert Parkhurst, Council Member

Your consensus was clear on April 11th. The council should only sign or accept the wording of Attachment A-2.

Alverno and their attorney do not seem to respect your decisions, the law, Sierra Madre's city plan, municipal code and the neighbors even less. The eleventh hour has passed for new proposals. Shame on Alverno. Alverno continues to toss out wild claims of entitlement without merit. These tactics to delay or circumvent the agreement by the council should be ignored.

Alverno needs to count their blessings. Alverno has been given wide latitude to use the parking lot and be intrusive to the neighbors another 15 months after not having sanctioned use for two years already. Alverno's ploy of pulling the religious card was seen for what it was. Alverno's attorney should know better than to do this but maybe she just doesn't understand the rules of how these meetings work and the council's authority.

The council did not agree to provide for unlimited extensions. You were quite specific that it didn't matter if the two courts were built but you were specific that the activity would stop go back to being the parking lot. As a resident I have chosen not to weigh in on the Monastery but this is close to my home and I cannot be silent any longer. I would like to know when there will be an end to the excessive noise (including the whistles). My kids are woken up from the weekend wedding rentals every weekend. I wish the council would have discussed the playground moving too because that was not in the project description except to say it was supposed to be by the Wilson parking lot. When?

I urge you to stay the course and not even discuss A-1 since only A-2 as written reflects your agreement and the language from April 11th. The matter is done being deliberated. Please sign and let's move on to our infrastructure. Thank you. Will Seranno

Amber Tardif

From: Jacqueline Tatum [REDACTED]
Sent: Monday, May 8, 2023 8:22 AM
To: Public Comment
Subject: Submitted for public comment on Item #1 Alverno CUP 5/9/23

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear Mayor Garcia and Council members,

I submitted a letter for the April 25th for your consideration because I thought you would be signing the final CUP for Alverno Academy. I would like to resubmit with a few changes since the signing of the approved CUP did not occur on that date. Please use **Attachment A-2 as the correct wording for conditions as agreed upon by the council.**

I wanted to take this opportunity to thank you for staying so late at the April 11th city council meeting. Recommending Alverno and the Stephens go back to the drawing board was wisely advised. Your encouragement to come up with a final agreement regarding the conditions that most affect the neighbors showed your understanding of the situation. The 4/11 meeting should be accepted as the conclusion of the agreed upon and final CUP.

I expect that Alverno's CUP will be signed on Tuesday and it will reflect what was discussed, agreed upon and intended to be final CUP on 4/11. It appears most of the final draft was written as agreed and discussed except for now Alverno and their attorney are writing their own. Their version is not what the city council agreed upon by the end of the night. The language for their submission is missing key components that the council agreed upon therefore changing the specificity of the agreed upon conditions talking about weather and the subpar field, the end for use of the parking lot and what would be allowed for extension of the timeline.

Everyone is ready to move on. I would hate to see this last ditch effort to belabor what was thoughtfully discussed on 4/11 derail and cost the city and the Stephens even more. Although Alverno's attorney kept jumping up trying to hijack the direction of the language for the CUP conditions the council wisely saw through this. Thank you Mayor Garcia for your clarification on where the council stood regarding the use of the parking lot after 15 months. There was to be no going back after 15 months to use the parking lot if weather caused the field to be wet and in Alverno's judgement - not usable. The council stated the use could move to the two sports court. There was no need to keep using the parking lot.

The conditions are written correctly and without vagaries in Attachment A-2. Mayor Garcia stated, "We don't have to assume the courts are built, the activity is gone!" I found this to be the crux of what was condition 11B at the time of the 4/11 meeting. Upon review of the agenda for Tuesday's meeting this condition is not written that way by Alverno there the council should ignore this last minute attempt by Alverno to ignore the council's agreement.

We agree with the council and the various ways they stated their decisions. The use of the parking lot was

not predicated on whether the school actual built two sport courts. It was dealing with the noise and nuisance of the current parking lot use which would all cease after 15 months regardless and revert fully to a lot for parking with only an exception for an emergency assembly, an annual safety demo and if the school wants to do liturgy - all without amplification. The school seems committed to not one but now two state of the art outdoor sport courts.

Alverno's new proposal as currently written ignores the discussion that these courts could suffice and serve as a larger and better option for students to congregate or play after 15 months if there is a weather condition preventing the use of the field. As with some of Alverno's parents, I would not want my daughter to play on a sloped and improper playing surface that a few hundred cars drive over daily.

I look forward to everyone having the opportunity to move on since the youtube video serves as a good record of what was agreed upon. Thank you Mayor Garcia. Thank you all for the various deliberations and staying as you did to get the CUP finished. Please accept Attachment A-2 as agreed then have a signing party. You deserve it.

Yours,
Jacqueline Tatum

Amber Tardif

From: [REDACTED]
Sent: Monday, May 1, 2023 11:01 AM
To: Public Comment
Subject: To Sierra Madre City Council, Bears

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Sierra Madre City Council Members,

Thank you for having a email address for public comment.

My self, as well as other Sierra Madreians worry about any possibility that our warm, inclusive and loving City may harm wildlife in an effort to control them. Many, many other City's control wildlife without harming them.

Please consider that animal rights activist (PETA) will descend on Sierra Madre if the City harms 1 hair on a bear. You need only view what happened at Santa Anita Race Track to envision how Sierra Madre will be front and center on every media outlet and how life will change at Baldwin and Sierra Madre blvd, animal rights activists can be very militant in a desire for vast media attention.

Please reject inhumanity.

My 2 cents, Thanks again, [REDACTED]



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May 4, 2023

SENT VIA EMAIL

City Council of Sierra Madre
232 W. Sierra Madre Blvd.
Sierra Madre, CA 90360

**APPROVAL OF RESOLUTION RE: THE SIERRA MADRE PLANNING
COMMISSION'S APPROVAL OF AMENDMENT TO CONDITIONAL USE PERMIT
AND ADDENDUM TO MITIGATED NEGATIVE DECLARATION TO UPDATE THE
ALVERNO HEIGHTS ACADEMY MASTER PLAN**

At the April 25th Council Meeting, the city attorney corrected a procedural error that occurred during the April 11th Council Meeting. In essence, the city attorney indicated that the Council could not approve the resolution at the April 11th meeting because the Council did not know exactly what the final resolution would look like. The city attorney indicated that the motion at the April 11th meeting should have been to direct the city attorney to make revisions to the resolution that reflected their intent and return with a final resolution for approval.

Since the April 25th meeting, the city attorney circulated a draft resolution to the parties. Portions of the resolution drafted by the City Attorney did not reflect the intent of the Council. Accordingly, both parties made suggested edits to the resolution to reflect the Council's intent. There is a dispute on the suggested edits to three permit conditions.

THE COUNCIL MUST ADOPT PERMIT CONDITION NO. 6.A.4 TO ACCURATELY REFLECT ITS INTENT AS EXPRESSED ON THE RECORD AT THE APRIL 11TH MEETING

At the April 11th meeting, Mayor Pro Tem Kriebs, in discussing the extension of the 15-month grace period (the grace period referring to the fact that certain activities can continue on the Michillinda Parking Lot for a period of 15-months), said the extension occurs upon a finding of force majeure or agency delay as determined by the city manager and is not an extension as requested by the applicant. Mayor Garcia concurred stating that those reasons are reasonable. (See Meeting 7:01:19 to 7:02:09.)

Upon reviewing the draft resolution circulated by the city attorney, appellants' counsel did not see this language reflected in the permit conditions. The city attorney thus committed

error by not properly memorializing the Council’s intent. Thus, appellants requested that the following language be inserted into the resolution to capture this intent:

6.A.4. The Applicant may not request an extension under this permit condition. Rather the consideration of an extension under this subsection is made on the City Manager’s own volition.

Applicant has now raised an objection, which was not raised at the hearing, that this language would somehow raise constitutional issues with respect to a right to petition the government for redress (i.e. request an extension). The notion that the constitution requires that a jurisdiction must provide an applicant with a mechanism to request an extension of an entitlement is ludicrous. If a jurisdiction decides that there will be no extensions for a certain entitlement, that decision in and of itself cannot constitute a constitutional violation. In that scenario, the applicant either uses the entitlement or loses it. It really is as simple as that.

But here, the city has not even gone that far because here, the city HAS provided the applicant with a mechanism to obtain an extension of the 15-month interim grace period. It is of no consequence that the extension can only be made on the city manager’s own volition because as stated above, the applicant has no constitutional right to request extensions of entitlements, let alone extensions of permit conditions, in the first instance.

If the applicant gets its way and is therefore permitted to request an extension of the 15-month grace period under 6.A, then the public and appellants will be prejudiced because there is no notice mechanism and no appeal mechanism in the permit condition. Thus, applicant could engage in a back-channel process with the city manager, out of the public view, to request an extension based on evidence which will not be subject to challenge by the public. Permit Condition 6.A.4 memorializes the Council’s intent that this back-channel process not occur.

Additionally, the council must also clarify for the public, applicant and appellants that Sierra Madre Municipal Code Sec. 17.60.170 cannot be used by the applicant to request an extension of the 15-month interim grace period. **First, allowing the applicant to request an extension of the 15-month grace period under Sec. 17.60.170 would eviscerate the intent behind Permit Condition No. 6. This is because Permit Condition No. 6 is based on the limited excuses of city delay or force majeure. However, Sec. 17.60.170 is based on a broad “good cause” standard.** Second, Sec. 17.60.170 applies to extensions of *entitlements* when the use granted by the CUP has not commenced within the applicable time frame. However, here, the Permit Condition No. 6 is not an entitlement, but a permit condition that is more akin to a mitigation measure. Moreover, the Academy has been using the property as a school for decades and thus, the use contemplated by the *entitlement*, i.e. the CUP has already commenced. Thus, for the sake of clarity, Appellants request that the following language highlighted in red be added to 6.A.4 as this would serve to clarify the Council’s intent.

6.A.4. The Applicant may not request an extension under this permit condition. Rather the consideration of an extension under this subsection is made on the City Manager’s own volition. **Nor can the applicant use SMMC Sec. 17.60.170 to request an extension of the 15-month grace period.**

THE COUNCIL MUST ADOPT APPELLANTS' VERSION OF PERMIT CONDITION NO. 11.B BECAUSE THEIR VERSION ACCURATELY REFLECTS THE COUNCIL'S INTENT AS EXPRESSED ON THE RECORD AT THE APRIL 11TH MEETING AND COMPORTS WITH COMMON SENSE

It defies logic that the language of Permit Condition 11.B is not considered resolved. The Council must recall that the May 9th meeting is taking place not because the record at the April 11th meeting lacked clarity on Permit Condition No. 11 B, but rather because the Council needs to see a copy of the final resolution before approving it. **There is absolutely NO reason for the city attorney not to treat the language of 11 B as settled.** The Council has spoken on this point twice. During the April 11th meeting, the Council clearly communicated that all recess activity on the Michillinda Parking Lot would end after the 15-month grace period. In a subsequent poll conducted by the city attorney, the Council reaffirmed that intent and their agreement that appellants' version of Permit Condition No. 11 B accurately reflected that intent.

Yet, here and apparently at the whims of the Academy, the city attorney is refusing to memorialize the resolution in a manner consistent with the Council's direction. Despite being clearly directed to do so by the Council on two occasions, the city attorney has unilaterally refused to treat Appellants' version of Permit Condition No. 11 B as a settled point in the final resolution. Thus, it was error for the city attorney to ignore direction from the Council and instead entertain an 11th hour plea from the Academy to put a settled point back at issue. The city attorney takes direction from the Council, not the Academy. The Council must resoundingly reject any attempts by the Academy to reargue a point on which the Council has now spoken twice. **In fact, any change in position on Permit Condition No. 11 B by the Council, given the clarity of the record and the poll, will undoubtedly be a failure to proceed in a manner required by law and an ultra vires act.** (e.g. California Code of Civil Procedure Sec. 1094.5.) Put another way, there is no issue before the Council with respect to Permit Condition No. 11 B because the Council has already spoken clearly on that point, twice.

Nevertheless and for the sake of analysis, Appellants will confirm the evidence and address applicant's arguments. At 2:11:17 to 2:12:09, Council Member Goss proposed that in exchange for a permanent suspension of activity on the Michillinda Parking lot, that appellants agree to endure certain ongoing activities on the Michillinda Parking Lot until the 15-month grace period expired.

The "Goss proposal" was picked up by the rest of the council members and discussed at various points in the meeting. Beginning at 6:34:03 Council Member Lowe and Mayor Garcia both concur that general recess activity would in fact be removed before the commencement of the next school year. At 6:36:49, the city attorney proposed placing end dates after certain enumerated activities under Permit Condition No. 11. At 6:39:01, Appellants' counsel suggested "end dates" be placed after sports, P/E and recess. The Mayor said that makes sense. (6:40:20.) **Immediately thereafter, even the counsel for the Academy said that the end date for all of these activities should be 15-months. (6:40:24 – 6:41:24.) This exchange underscores**

everyone’s understanding that play, recess and P/E would all be removed from the Michillinda Parking Lot after the expiration of the 15-month grace period.

At 7:56:47 – 7:58:22, Appellants’ counsel once again made clear that all types of recess, P/E and sporting activity will be prohibited on the Michillinda Parking Lot after the 15-month grace period expires and the Council and city attorney agreed.

This general understanding was appended with a caveat that general play/recess (i.e. not involving basketball during morning recess) on the Michillinda Parking Lot would end earlier than other activities covered by the 15-month grace period and would in fact cease at the end of the current school year. There is absolutely **zero** discussion of the weather exception (whereby the Michillinda Parking Lot could be used for general play recess during weather events that make the Multi-Sports Field unsafe) lasting longer than the 15-month grace period during the April 11th meeting.

Upon reviewing the draft resolution circulated by the city attorney, appellants’ counsel did not see the intent of the above exchanges reflected in the permit conditions. Accordingly, the city attorney committed error in not memorializing the Council’s intent. Appellants suggested a revision to 11 B that stated:

11. B. For a period of 15 months from the date of the approval of this conditional use permit/entitlement (subject to extensions granted by the City Manager under Planning and Community Preservation Department Condition No. 6(A) and subject to Condition 11.F), play, recess, and sporting activities during play or recess on days where the Applicant’s landscape contractor makes a determination that the Multi-Purpose Sports Field is unsafe for those uses to occur on the Multi-Purpose Field due to weather conditions resulting from rain or flooding.

This matches the intent of the council as expressed in the citations above. The city attorney subsequently notified the parties that on a poll of the council members, the majority of the Council agreed that this language reflected their intent.

However, the applicant now challenges this language based on an allegation that on days when the Multi-Sports Field is unsafe due to rain or flooding the new sports courts will not provide the play area size that is purportedly required by Title 22. This is unsubstantiated saber-rattling by the Academy for several reasons.

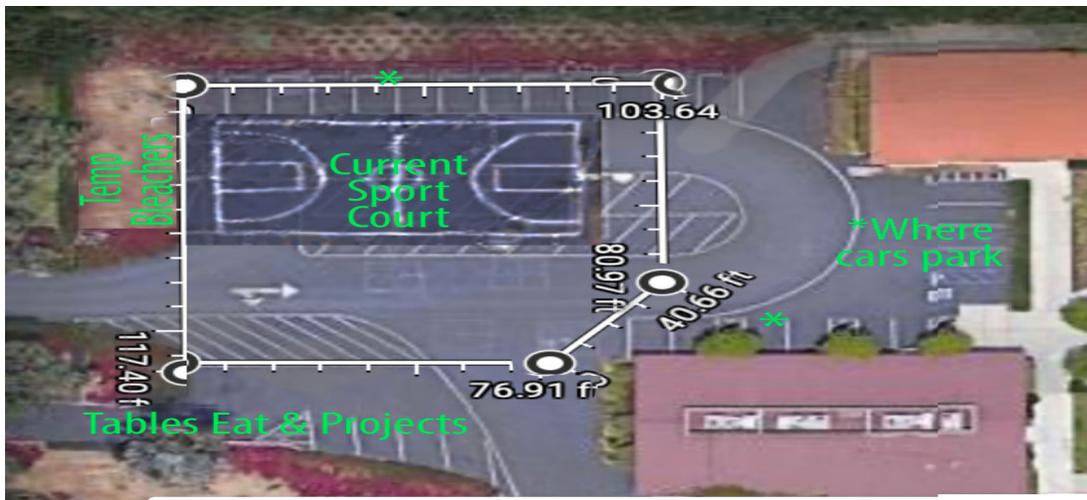
First, there is no evidence that Alverno Heights Academy qualifies as a child care center as defined under Title 22, nor has a license to operate as a child care center. A search of the child care licensee database maintained by the California Department of Social Services reveals no child care centers in the entire city of Sierra Madre. Alverno also does not appear in the list of licensed facilities in the county of Los Angeles.¹ There is no evidence that the Academy is otherwise exempt from licensing. If Alverno is not a licensed child care center, then it is not subject to the regulations contained in Title 22.

¹(<https://www.cclld.dss.ca.gov/carefacilitysearch/FacList?facType=840&facility=&Street=&city=&zip=&county=Los%20Angeles&facnum=>)

Second, even assuming that Alverno is a licensed child care center, for the last several years, Alverno has been holding weather event recess on a portion of the Michillinda Parking lot that does not clearly comply with California Department of Social Services Regulation 101238.2.

At 7:03:54 in the April 11th meeting and in response to a question from Council Member Parkhurst about what happens on the Michillinda Parking Lot now during weather event recess, the Academy's Athletic Director stated that, if the field is wet, the kids all take recess on the Michillinda Parking Lot, which includes playing basketball and foursquare.

The Academy's claim that the Michillinda Parking Lot provides approximately 27,000 square feet of space for play is a fabrication. As the image below illustrates, at least some of the space in the parking lot is currently used for parking or other activities. At best, the illustration shows around 12,000 square feet of space.



While it is unclear what the size of the final sports courts will be, the Academy has indicated that the current plan includes two 60 x 90 courts, including borders. That translates to 10,800 square feet. It should be noted that 10,800 square feet would accommodate 144 children under the 75 feet per child standard in Title 22. **That would accommodate the anticipated staggered recess population for the next school year for 120-130 kids at a time.**

The Academy would have this Council believe that on a 507,000 plus square foot parcel, consisting of hundreds of thousands of square feet of outdoor space there is not one other hard surface area that could be provided to increase the square footage available for kids during weather event recess besides the Michillinda Parking Lot. That position is a poignant illustration of the lack of creativity and short-sighted planning vision that has plagued the Academy's land-use planning decisions throughout the decades. It should also be noted that the Academy always has the option of making the two new sports bigger. It should further be noted that the revised project description for this project now includes "use of a play space at the Wilson Avenue parking Lot".

The location of weather event recess is not a minor point. As an environmental practitioner, appellants' attorney warns the Council that weather events will likely be increasing

in California due to climate change and the atmospheric rivers that were experienced this year will likely become the status quo. On top of this, the Academy wants to include an exception for “field maintenance”, but field maintenance can occur on weekends or before or after school hours. Thus, the Council must adopt Permit Condition 11 B as proposed by the appellant.

THE COUNCIL MUST ADOPT APPELLANTS’ VERSION OF PERMIT CONDITION NO. 11.C BECAUSE CLARIFICATION OF THE CURRENTLY AMBIGUOUS CONDITION IS REQUIRED TO PROVIDE MUNICIPAL ADMINISTRATIVE ECONOMY AND AVOID UNNECESSARY COMPLAINTS

At the April 11th meeting, the parties agreed that certain activities related to traversing the Michillinda Parking Lot could continue. Although Appellants did not see the need to include an express permit condition to allow students to walk or run across the lot on their way to other destinations, the Applicant insisted.

Permit Condition No. 11 C currently allows: “Ancillary outdoor activities (e.g. track team running through site or children crossing it to reach different destinations”) This language does not satisfy the Council’s intent that certain activities are prohibited on the Michillinda Parking Lot after the 15-month grace period because it is too vague to gauge what activities fall under the condition. Thus, to bring this condition in line with the Council’s intent, the condition must be revised as follows:

11. C “Ingress or egress to or from the property and to or from different areas of the property (e.g. track team running through lot to enter or exit property or students crossing lot to reach different areas of the property), however there shall be no loitering.

Use of this language provides clarity. Clarity leads to reduced complaints. Reduced complaints equals reduced city resources devoted to fielding and investigating said complaints. Thus, by providing a bit of clarity now, the Council can devote city staff time and resources to other important issues. This also provides certainty for both the Academy and the Neighborhood.

Sincerely,



Jason Sanders

Amber Tardif

From: [REDACTED]
Sent: Monday, May 8, 2023 12:04 PM
To: Public Comment
Subject: 1. APPEAL OF PLANNING COMMISSION DECISION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT AMENDMENT 5/9

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Please accept my 4/25 letter in regards to the 5/9 meeting. Our concerns and appreciation still stand but with respect to the new numbering of the conditions as found in the A-2 attachment. That language was clear as a bell on April 11.

The A-2 attachment is correct with the exception of the part in red. It is new. It should stay in light of Alverno's latest shenanigans. The parking lot use stopping after 15 months for all play and sports was a topic agreed in unison by the council. There were no allowances even for weather after 15 months. The Alverno attorney agreed on the video when the city attorney read it. She was fine with it and those were her words. I think it's called a Hail Mary and it looks desperate on Alverno's part to try and rewrite the record as part of her magical thinking after the CUP has been approved. Like Commissioner Hutt said, Alverno just can't seem to, or won't make a commitment although we tried to get one. The neighbors, the families of Alverno and the city need a commitment. In fact no one, including Alverno brought the weather up as a "what if" after 15 months. I know what I heard watching from home. Alverno's version is not correct. It should be tossed.

When will playground move to the Wilson parking lot? My husband read the notice. He said the blue card proposal states that the new play space will be the Wilson Avenue parking lot. I am baffled as to what happened to the talk about the playground moving? It keeps expanding beyond what is on the proposed Master Plan. The current site was never discussed or approved. As it grows so does the noise from the students, the teachers and the whistles. Those darn whistles. This changing and new size was not studied. On Sunday we had to eat dinner with a loud Alverno gathering taking place in the lot and playground which we did not have notice of. When leaving they honked their horns (which is illegal under the noise codes). What happened to the discussion regarding the playground?

Unfortunately no one in my family will be able to attend on Tuesday. I have to teach on Tuesday night. My son and daughter-in-law will be on a 12 hr late shifts. The conditions were approved on 4/11 in the the city council chambers and should not be altered. It is time to sign this CUP as the council approved. We want to start counting down the 15 months.

Thank you. Thank you. Thank you from myself and all of my fabulous family.

----- Forwarded Message -----

From: [REDACTED]
To: publiccomment@cityofsierramadre.com <publiccomment@cityofsierramadre.com>
Sent: Sunday, April 23, 2023, 05:26:11 PM PDT
Subject: April 25 off agenda about the Alverno CUP

Dear Mayor Garcia and City Council persons,

We hope this email finds you well. As a neighboring family of Alverno we feel the discussions by the city, the appellant and the applicant were thoughtful and super thorough on April the eleventh. We had hoped for a little more concession by Alverno lower school but thrilled that the parking lot use as a sport venue will end with a date certain.

Upon reading the upcoming agenda there is only one condition that seems to be in the wrongly placed:

Section 11. Noise Attenuation at Michillinda Parking Lot – There shall be no sound amplification devices used on the Michillinda Parking Lot at any time. Use of the Michillinda Parking Lot will be limited exclusively to the following uses:

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B. Play or recess, physical education, or sporting activities, only where the Applicant's landscape contractor makes a determination that the Multi-Purpose Sports Field is unsafe for those uses due to weather conditions, including but not limited to rain, flooding, or other natural conditions that make it unsafe for children to engage in the listed uses.

The notetaker put this temporary condition under the wrong category. We want to move on with the conditions that were agreed upon April 11th with one exception that needs correction before you sign. It's probably just an oversight because we heard the discussions and the following was not agreed as permanent. Activity that is now occurring lasts up to 15 months but without exception of returning. Please fix this. The council said they don't care if the courts were built or not. Alverno reps offered that the school would use the two sport courts if there was a weather or other unsafe field conditions! Alverno states they spent \$1.5 million for a multi-sport complex field. They are now trying to say is subpar for drainage and other reasons. We hope they will have a talk with the company that built the field to fix this.

All agreed that there was no returning student body activity due to weather to the parking lot. We had hoped for the original 12 months the city proposed but we accept Alverno's need for a 15 month deadline. We will be marking our calendars for all of the activity on the parking lot to come to an end, to be gone and not return under any circumstance, bar an act of god short extension. We expect our city permit process to be smooth knowing that Alverno has a lot riding on this for their kids. The Michillinda parking lot noise after 15 months will come from the vehicle use as it was prior to the unpermitted lower school use. Alverno needs parking for their school events. They were granted enlargement of the lot under the 2011 CUP. Just like the landscaping, also granted in the 2011 CUP. There didn't need to be another condition for something already in the 2011 CUP for landscaping. Alverno lower school came into the neighborhood without permits for activities like using the parking lot for play and sports. Alverno is not St. Ritas, apples and oranges.

We are forever grateful that the city council heard the neighbors and worked hard to accommodate Alverno as well. The intensely noisy impact from Alverno lower school using the parking lot for the last two years has a final date to be removed forever more after 15 months. We thank you all for the untold hours put into these negotiation. Bless all of you for staying so very late so that this appeal hearing could be fine tuned, with everyone on the same page (with the exception of moving 11 B to it's proper condition) and not having anymore city meetings to beat a dead horse.

It has been too much time and money for all the parties involved. We are all so tired of this fight but happy with the outcome as it was agreed on April 11th.

Warm regards,
Ms. Rosadella and extended family

Amber Tardif

From: robert NYDAM [REDACTED]
Sent: Monday, May 8, 2023 1:42 PM
To: Public Comment
Cc: Joanne Harabedian
Subject: Alverno Heights Academy

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear City Council Members,

I am making a public comment on the CUP addendum for Alverno Heights Academy. I live at [REDACTED] Directly across from Alverno Heights Academy. I have lived here since 2003 with my wife and 2 children. In the 20 years of living here the primary issue has been the cumulative effect of the the non-school activities on the neighborhood by the school. Let me state clearly state that I am FOR the school and support everything they do for the students enrolled on campus. We moved here with our eyes wide open knowing we moved in by a school. We actually like only having neighbors on one side of the street and the beautiful view of the villa. What we are AGAINST is the cumulative effect of non-school activities such as weddings, filming, usage by non-Alverno and non-City of Sierra Madre sports teams, non-Alverno camps etc. The activities the school has currently is more than enough and to pile on all these other non-school activities pushes the neighborhood beyond the tipping point of what it is to be a "good neighbor".

I frame this whole discussion on being Good Neighbors. Myself and the other neighbors as well as the school. We are each others neighbors and we need to act with courtesy, consideration and kindness to co-exist.

I am very disappointed by the excess traffic diverted to little, one block Wilson St. as a result of the addition of a lower school. Weekly we encounter parents and students speeding on Wilson as well as impatient driving. For example, when we are trying to back out of our driveways, parents will speed up and swerve around us rather than politely wait 5-10 seconds for us to exit. This may not sound like a big deal but on a consistent basis it becomes a major irritation and a public safety issue as I myself have had multiple near misses on accidents with Alverno parents and students. I would implore the school to consider putting in speed bumps between Grandview and Highland and the Wilson parking lot. This is would permanently solvate problem. Alverno's Board chair explained that "This is not Alverno[s] problem because it is not on their campus." He seemed to forget that they brought the traffic and fail to manage it appropriately.

When I inquired about the schools solution to the traffic on Wilson St. next school year, as this was the High school lot this year. They replied that they would be funneling half of the lower school to Wilson. This is is a poor solution as a high school only has 4 grades. Now they will be funneling more cars on Wilson as they have 9 grades (K-8) plus PRe-K. This was presented as a solution but it is actually creating a bigger problem by diverting more cars on to Wilson st. Wilson is quiet one block street that prior to the addition of the lower school saw only faculty parking and limited sports parking. We have seen the the inappropriate traffic for a small residential street go up 100 fold and this solution actually makes the problem worse not better. I have also encouraged Alverno to use Pasadena Poly as a best practice as they have an efficient drop and pick up system on one street with double ingress/egresses. My sense is Alverno should look at this solution on Michillinda with double ingress/egress which is a high volume traffic street. To overload Wilson st. with more cars is a recipe for conflict and displays Alverno as "Bad Neighbor" who does not listen to their neighbors or

take their needs in to account. I am hoping the council can take into account the traffic issue on Wilson and the big problem Alverno is about to create next school year

As stated above, I am FOR the school and their expansion plans as Alverno is a hidden gem and it is ready for improvement. That said Alverno and their Administration & Board need to consider all expansion plans including traffic flows on Wilson with the question---Am I being a Good Neighbor? The answer to this right now is Yes in some ways and No in others. I look forward to a time when I can emphatically say--- Alverno is Good Neighbor.

Thanks you for your consideration.

Bob Nydam

██████████
President/Owner Totally Kids Sun Valley ██████████

Amber Tardif

From: Carolyn [REDACTED]
Sent: Monday, May 8, 2023 8:13 PM
To: Public Comment
Subject: Alverno

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear City Council and Mayor Garcia,

The council need only to accept the language of Attachment A-2, along with any other phrasing Mr. Sanders has provided to strengthen the conditions, and sign it. The council spent hours deliberating on the 11th of April. You agreed to in the wee hours of April the 12th. I heard the council's vote to approve the conditions at the end of the video. On behalf of my family, I would like to thank you for the many discussions and careful consideration you gave this appeal. Thank you Mayor Garcia for acknowledging this appeal represented neighbors of 200 N. Michillinda on the Sierra Madre *and* the Pasadena side.

My family will not be able to attend the meeting so please accept our appreciation for what has been accomplished. There were some good things about the negotiations. Please don't waste the meeting to discuss Alverno's version. Their attachment is out of the blue and not what was captured on Youtube. My family and I are looking forward to only parking being the use in that lot after 15 months. That is the purpose of the Michillinda parking lot with the exception of a safety demo, or a disaster gathering spot although the field would be a far more comforting place than a hot blacktop.

Discussion by the council was either build the sport courts or not. The council was firm on the removal and phasing out of all activity such as the play, PE, recess, eating, gathering, sports practices, games and so on. I do not recall any discussion to use the parking lot past 15 months if the field is indisposed. It was only for the duration up until 15 months to allow the school to raise the funds and build 2 sport courts. The Stephens' attorney clarified the wording. The city attorney said he would write it like that. It was even agreed to by AHA's attorney.

My family was happy to read the project descriptions that mentioned a Wilson Avenue play area. When will the temporary Michillinda playground move? I am grateful to know the portables which cause a glare into my home will be gone after a year. We also see the lights from portables in our bedroom at night. We like the language regarding extensions and how that will be tightened up so there is no frivolous excuses dragging this out like the Multipurpose Building.

I agree with everyone that students need a proper sport court. Alverno has had years to do fundraising for the Multipurpose Building for court sports and gathering. Originally Alverno requested one sport court and one play surface. Now they intend to build two sport courts. We couldn't agree more with the person who stated this will allow a nice level surface for play if the field is soggy or otherwise unavailable after 15 months. Hopefully this will rarely occur because we are done with surprises circumventing permitted conditions of use.

The intense noise from all of the various uses shoved onto the parking lot has greatly interfered with my ability to teach. I also care for my husband who has cancer. He often needs to rest during the day and just can't. I also just need to unwind but it is difficult with all of the noise in the afternoon when I come home. It sounds like the students are not being monitored.

I really wanted to see something else in place of the whistles. I am a teacher that has a different methodology than Alverno's. Whistles are hard on the little one's ears. In 2011 Alverno offered to

forgo school bells in favor chimes which the students favored. Maybe Alverno will realize the benefit of how tour guide flags could be used like they are used on tours. They quietly signal their patrons when it's time to join the group, gather and leave an area.

The lot needs to be open to cars to reduce the long lines on Michillinda. Some parents arrive a full hour prior to pick up and sit in front of my home. It's difficult for me, coming home down Highland from SME, to make a right turn onto Michillinda, because I can't see the oncoming traffic, blocked by Alverno parents. The Alverno staff needs to get out and manage the traffic at pick up time as discussed at the council and planning commission meetings. Also, splitting up the grades for drop off and pickup between Wilson and Michillinda might offer some traffic relief for the neighbors and a safer alternative for all. The traffic is a joke and nothing has been done about it even though many people in the Sierra Madre government have made numerous comments about that infamous line.

Everyone will benefit from very specific language in AHA's CUP so that there is no confusion going forward. I urge you not to allow for any further railroading by the Alverno attorney. She is trying to rewrite the conditions so we neighbors have even less than what was originally proposed. To do so would be removing the teeth of the conditions the council already fleshed out and agreed to on the 11th. Don't allow them anything else. Thank you.

Yours,

Carolyn Halpern



PUBLIC COMMENT

Leesa A. Puleo

████████████████████
Sierra Madre, CA 91024

City Council Meeting
May 9, 2023

COMMENT RELATED TO DISCUSSION ITEM #1. APPEAL OF PLANNING COMMISSION DECISION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT AMENDMENT AND AN ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION TO UPDATE THE ALVERNO HEIGHTS ACADEMY (AHA) MASTER PLAN.

I am out of town and cannot attend tonight's meeting but would like to provide comment on behalf of the Coalition of Alverno Neighbors. First, we would like to express our gratitude for the Council's time and energy in resolving this matter. We also appreciate the Stephens' engagement in the appeal process as they are representing all of us on W. Highland, Grandview, Wilson, Montecito, and our Pasadena neighbors on Michellinda. Their voices are our voices and there are a lot of us and we have a lot to say! Unfortunately, we are terribly concerned that the appeal is again before the Council tonight when we thought everything was resolved during the March 14th meeting. Although we were not privy to the discussion, we know that the Stephens, their counsel, and AHA staff and their representatives, met for several hours during the meeting and agreements were made. The Council told the parties, under no uncertain terms, to come to agreement on specific points and avoid needless time and money spent by the City and both parties. We thought that is exactly what they did. We are unsure why the debating continues at the expense of the city, AHA, and the Stephens. We expected the City Attorney to simply draft a resolution of what was agreed upon that night and it would go to the Council for signature. But, apparently, that did not happen and there has been quite a bit of back and forth with AHA and the Stephens. We are disheartened that things that were agreed upon by AHA, in both the CUP and appeal process, are AGAIN open for discussion. It is not shocking to us that AHA is backpedaling, as we are well aware that that they have made commitments to neighbors in the past that they cannot keep, but we simply do not have the resources to continue trying to get our voices heard. We ask that you approve the agreements made by both parties on March 14th and not allow AHA to default on items that were already agreed upon.

Thank you.



May 8, 2023

VIA ELECTRONIC MAIL ONLY

Honorable Mayor and Members of the City Council
City of Sierra Madre
232 W. Sierra Madre Blvd.
Sierra Madre, CA 90360

Re: Clarification of the Use of the Michillinda Lot – Resolution No. 23-13

Dear Honorable Mayor Garcia and Councilmembers:

Alverno Heights Academy (AHA) appreciates the City Attorney's request to bring Resolution No. 23-13 back to Council to seek further clarification of certain conditions of approval as evidenced by the highlighted portions of the two versions of the Resolution attached to the staff report. It should be noted, the only condition, the City Attorney needed clarification on was Condition No. 11B. However, it has turned into a review of more conditions because true to form, Appellants used this as an opportunity to raise new issues once again after the hearing was completed and agreements were reached.

We also note, we had informed your City Attorney that May 9th was not a good date for AHA because Mr. Martinez is out of the state. We requested that the hearing be scheduled for the first meeting in June, but that request was denied.

Next, the clarification sought on Conditions 11B centers on a very limited issue - the use of the Michillinda play area in the very limited circumstances that the Multi-Purpose Field is deemed unsafe for student use by the school's field maintenance contractor. Mr. Sanders maintains that this exemption only applies to the 15-month period that the sports courts are under construction. We believe that at the night of the Council hearing the matter was settled and this exemption applies for the life of the master plan (see Exhibit 4). Regardless, as a matter of prudent master planning, this exemption should apply both during and after the 15-month period. Adoption of the Appellants' proposal will create an undue hardship on the school, will be short sighted and will create an unsafe situation for our students for reasons explained below.

AHA respectfully requests that the Council limits the May 9th Council hearing to the issue of Condition No. 11B. However, to be safe, in this letter, AHA will also address the other issues raised by Mr. Sanders in his letter dated May 4, 2023.

Honorable Mayor
and Members of the City Council
May 8, 2023
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I. Planning and Community Preservation Condition No. 6 – Phasing

At the April 11th Council meeting, the Council was clear that the City Manager could only grant AHA an extension to build the sporting courts, under 2 very limited circumstances:

1. Occurrences of force majeure, or
2. Delays in obtaining a government agency permit that is required for the construction of the sports courts, but only if the delay is caused by the government agency.

This was read into the record on April 11th. Mr. Sanders fully participated in the discussion. The City Attorney drafted a Resolution based on this language for AHA and Appellants' review. After the hearing, Mr. Sanders modified this condition, to add that "an extension cannot be granted based on the Applicant's failure to obtain funding" and that AHA may not request any extensions at all from the City.

AHA will accept Appellants' request for an additional condition that "an extension cannot be granted based on the Applicant's failure to obtain funding" because it is at least consistent with the nature of the deliberations of the City Council that night. However, AHA vehemently objects to the condition that AHA cannot ask for any extensions. AHA cannot agree to an illegal and unconstitutional condition that would infringe on its first amendment rights and the right to participate in a public process. Appellants go too far and AHA is shocked by their request.

II. Planning and Community Preservation Condition No. 11 C – Ingress and Egress

Council discussed access through the Michillinda Parking Lot at the April 11th meeting. We believe that the language provided by the City Attorney is clear and again verbatim the language that was read into the record that night after a long dialogue on the issue. Mr. Sanders however now wants to change this condition to state "Ingress or egress to or from the property and to or from different areas of the property (e.g. track team running through lot to enter or exit property or students crossing lot to reach different areas of the property), however there shall be no loitering." AHA objects to this change since the language was thoroughly discussed and settled upon at the April 11th hearing.

If the Council is willing to consider Appellants' request, the last part "there shall be no loitering" must be stricken out. Mr. Sander's proposed language will create confusion since the common definition of loitering is for a person to remain in an area for no obvious purpose. This language presumes that the complaining party will need to determine the intent of the supposed loiterer and the school will have to enforce a condition with no clear definition. Would a person quietly eating their lunch be considered loitering by the Appellant?

III. Planning and Preservation Condition No. 11B - Use of the Michillinda Lot During Unsafe Field Conditions

Now, to the heart of the issue, the City Attorney is requesting clarification of the Council’s intent regarding the time period for the use of the Michillinda Lot when the field is determined unsafe for use by the school’s landscape contractor. The Appellant believes that the Council should dictate no physical education or outdoor play use of the Michillinda lot after 15 months from the approval of Resolution No. 23-13. Council should consider the fact that the master plan should consider future conditions. What may work for the current enrollment, will not work if and when the school reaches the 400-student enrollment.

A. Multi-Purpose Field Usage limitation due to unsafe conditions

First, let us put things in perspective. This exception involves a very limited number of days. Below is the data of the number of days that the Multi-Purpose field has been found unsafe for student play if there are weather and field maintenance issues. AHA notes that 2022-2023 has been an unusually rainy year so this data is worst case scenario.

AHA Field Use Data/ Weather/ Field Maintenance

<u>Year</u>	<u>Total # Days Field Not In Use</u>	<u>Rain</u>	<u>Field Maintenance</u>
2021-2022	19	11	8
2022-2023	41	33	8

B. Sports Court Size Limitations

The Appellant’s counsel list the gross size of the two sports courts at 10,800 square feet in area and argues AHA should just use the sports courts during unsafe field conditions. The sports courts however are designed to have a fifty-foot (50’) x eighty-foot (80’) play space, with ten feet (10’) of border for safety purposes. This results in a play surface of four thousand (4,000) square feet in area. The two courts would total eight thousand (8,000) square feet in area (See Exhibit 1 – Concept Site Plan – Sports Courts – safety areas illustrated in red).

Under Child Care Centers Title 22, Division 12, students are required to have seventy-five (75) square feet of outdoor play surface per student. Although this is a childcare requirement, AHA relies on this standard even though older children need more space. Relying on this standard, the two courts could accommodate up to 110 students, in a less than ideal situation. Even with rotating and staggering recess schedules, we have one hundred twenty (120) to one hundred thirty (130) students outside during the fifth through eighth grade recesses.

Mr. Sanders calculated the Michillinda play area as twelve thousand (12,000) square feet in size. His intent is to demonstrate that the sports courts are similar in size to the Michillinda playground.

Honorable Mayor
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However, the playground is over twenty-six thousand six hundred (26,600) square feet in size (See Exhibit 2 – Michillinda Play Area). He opines that the school can make the proposed sports courts larger, not taking into consideration the need for setbacks, tree preservation and the construction of a large drainage basin.

His final conclusion is that it should be easy for AHA to find additional space for sports courts. As stated at the Council meeting, the campus site is over 5% in grade, making it difficult to find flat areas for playgrounds. As it is, the school will be adding retaining walls to construct the proposed sports courts.

We completed an analysis for the school based on California Department of Education (CDE) requirements. These are public school requirements, but they give a fair sense of what is needed for outdoor activities for a school based on enrollment and grade levels. CDE standards require two hardcourts for Grades One through Three (60' x 75'), 2 hardcourts for Grades Four through Six (80' x 100') and two hardcourts for Grades Six through Eight (90"x100"). In reality the school needs more than the two proposed sports courts and should keep the Michillinda playground as well (See Exhibit 3). However, we are settling for having it open only during the limited days of unsafe "field conditions" and only for the limited number of students who the sports courts cannot accommodate.

The master plan enrollment is a maximum of four hundred (400) students. Dividing the grades as we do now, for safety reasons, there will be as many as one hundred sixty (160) fifth through eighth grade students outside during a recess. There will not be sufficient space for these students on the sports courts as enrollment grows. Hopefully, we all agree that the master plan should plan ahead for future uses. If AHA agrees to the Appellant's' proposed condition 11(B), the Council will have created a hardship and the school will be back before the City Council in no time.

C. Potential Liability

I respectfully caution the City to consider future liability issues. The Council may be creating an unsafe condition for our students. The City has experience with the liability issues arising from unsafe public playgrounds. A similar liability extends to private playgrounds. We can find no other private faith-based school in Sierra Madre where the City Council has imposed playground restrictions. We believe there is a very good reason that prior City Councils did not regulate private school playgrounds.

Honorable Mayor
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Proposed Condition 11(B)

The school is willing to accept the following language on the use of the Michillinda lot during unsafe field conditions:

Play or recess, only where the Applicant's landscape contractor makes a determination that the Multi-Purpose Sports Field is unsafe for those uses due to weather conditions, including but not limited to rain, flooding, or other safety conditions that make it unsafe for children to engage in the listed uses. Under such circumstances, the school shall maximize the use of the sports courts first and only allow the necessary number of students in the Michillinda lot to comply with safety protocols.

Again, we urge the City Council to consider the safety of our children, the limited number of days per year the Michillinda lot will be needed, and the many permit conditions that AHA has agreed to implement which will benefit the neighborhood.

Very truly yours,

ALESHIRE & WYNDER, LLP



Sunny K. Soltani
Partner

SKS:ly

Attachments:

- Exhibit 1 – AHA Sports Courts Site Plan (with safety zones)
- Exhibit 2 - Michilinda Play Area
- Exhibit 3 – Outdoor Play Areas – CDE Requirements
- Exhibit 4 – Relevant Transcript

cc: Mr. Jose Reynoso, City Manager
Mr. Vincent Gonzalez, Director of Planning and Community Preservation
Mr. Aleks Girogosian, City Attorney
Ms. Julia Fanara, Head of School
Alverno Heights Academy Board of Trustees
Ms. Joanne Harabedian, AHA Lower School Director

EXHIBIT 1

Exhibit 1

Alverno Heights Academy

Concept Site Plan

Sports Courts

City Council Resolution No. 23-13

Sports Court Dimension

Gross Area - 70 feet width x 100 length = 7,000 square feet

Net Area - 50 feet width x 70 feet length = 4,000 square feet

Safety Area - 10 feet for safety zone

USA Basketball Recommended Court Size:

Ages 12-14 - 50 feet width x 94 feet length

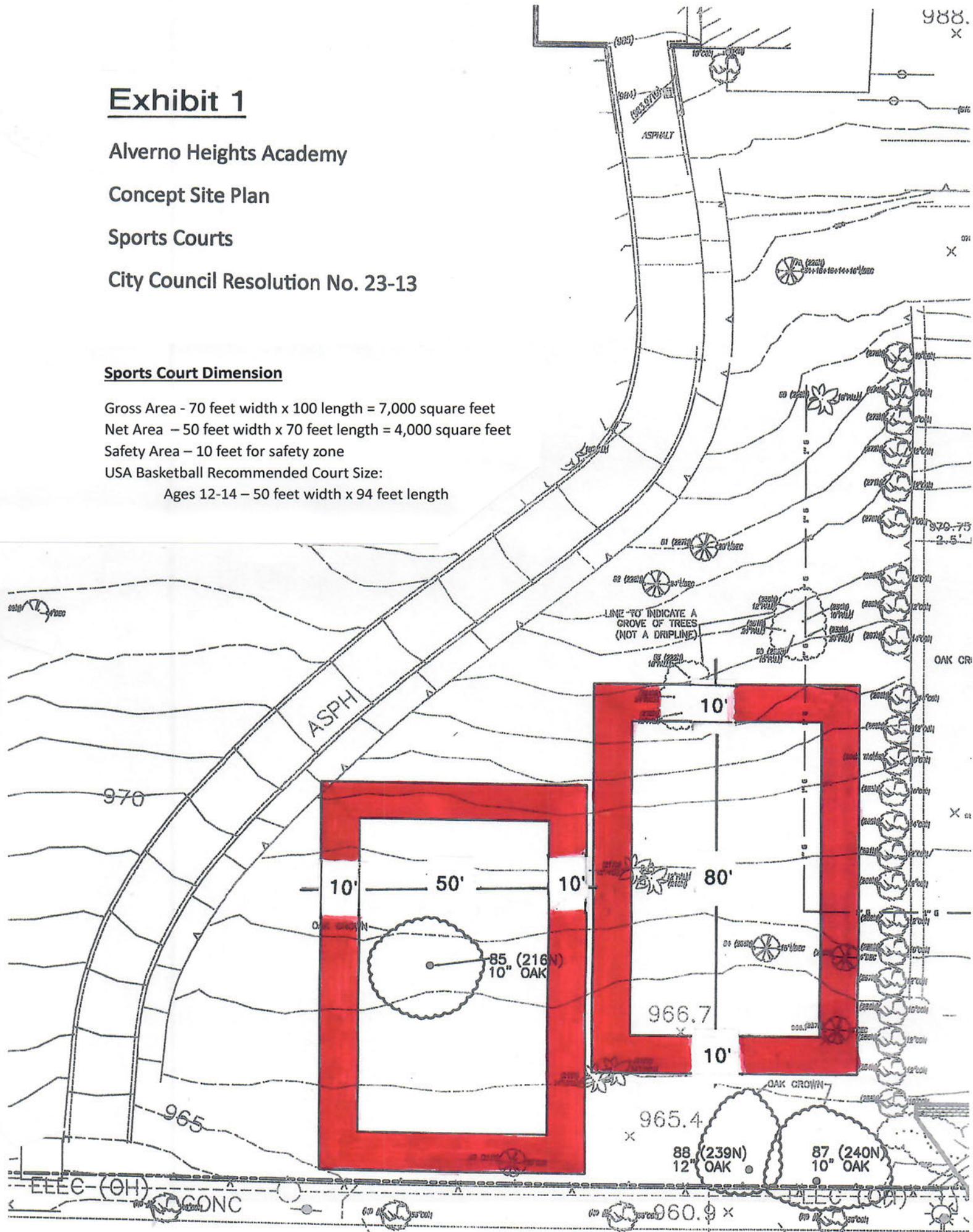


EXHIBIT 2

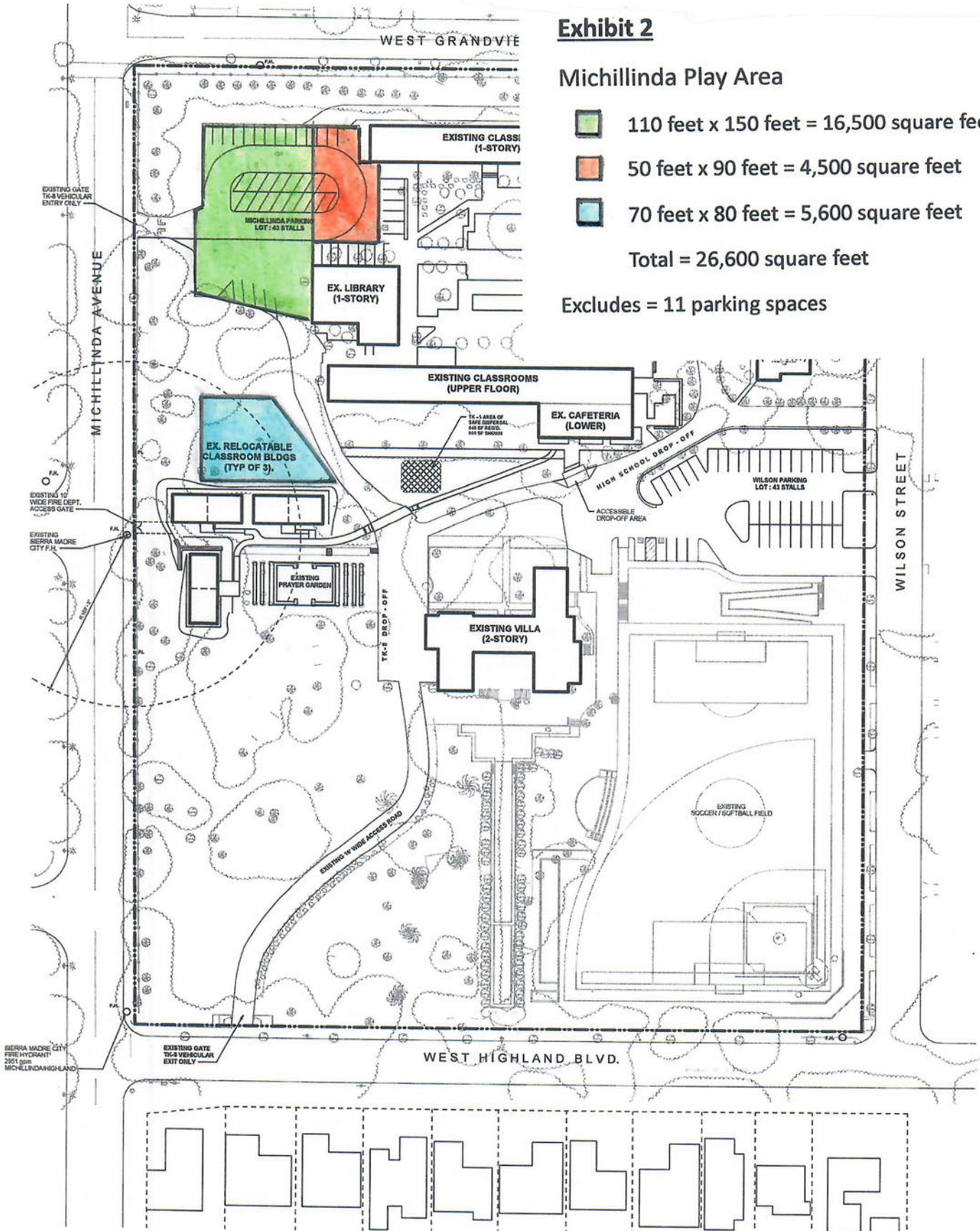
Exhibit 2

Michillinda Play Area

- 110 feet x 150 feet = 16,500 square feet
- 50 feet x 90 feet = 4,500 square feet
- 70 feet x 80 feet = 5,600 square feet

Total = 26,600 square feet

Excludes = 11 parking spaces



Existing Site Plan

EXHIBIT 3

Table A.1 - School Size Categories, by Grade Span and Enrollment

School Size	Grade Span/Enrollment	Grade Span/Enrollment	Grade Span/Enrollment
Very Small	K-5 or K-6/1-100	6-8 or 7-8/1-300	9-12/1-600
Small	K-5 or K-6/101-300	6-8 or 7-8/301-700	9-12/601-900
Medium	K-5 or K-6/301-600	6-8 or 7-8/701-1200	9-12/901-1500
Large	K-5 or K-6/601-1000	6-8 or 7-8/1201-1500	9-12/1500-2400
Very Large	K-5 or K-6/1000+	6-8 or 7-8/1500+	9-12/2400+

Table(s) 3 - Site Requirements for Elementary Grades (In Schools with More Than Six Classrooms)

Type of Outdoor Facility	Kindergarten site requirements	
	One Classroom/ Facilities Required in square feet	Two Classroom/ Facilities Required in square feet
Turfed Area	3,000	5,500
Paved Area	2,000	4,000
Apparatus Area	2,000	2,500
Land Required for Buildings and Grounds	2,800	4,000
Total Square Feet Required	9,800	16,000
Percentage factor for layout	20	20
Total Usable Acres Required	0.3	0.5

Grades one through three site requirements

Type of Outdoor Facility	Enrollment Up to 75/Facilities Required	Enrollment 76 to 150/Facilities Required	Enrollment 151 to 300/Facilities Required	Enrollment 301 to 450/Facilities Required	Enrollment 451 to 600/Facilities Required
A Field Area 90 feet by 120 feet	1	1	2	2	4
B Hardcourt Area 60 feet by 75 feet	1	2	4	6	8
C Apparatus Area 3,200 square feet	1	2	3	4	5
Percentage factor for layout	15	15	10	10	10

Grades four through six site requirements

Type of Outdoor Facility	Enrollment Up to 75/Facilities Required	Enrollment 76 to 150/Facilities Required	Enrollment 151 to 300/Facilities Required	Enrollment 301 to 450/Facilities Required	Enrollment 451 to 600/Facilities Required
C Apparatus Area 3,200 square feet	1	2	3	4	4
D Field area 180 feet by 180 feet	1	2	4	4	4
E Field area 120 feet by 180 feet	NA	NA	NA	2	4
F Hardcourt Area 80 feet by 100 feet	1	2	4	6	8
Percentage factor for layout	20	15	10	10	10

Table(s) 4 - Site Requirements for Grades Six Through Eight

Type of Outdoor Facilities	Enrollment Up to 75 Facilities Required	Enrollment 76 to 150 Facilities Required	Enrollment 151 to 300 Facilities Required	Enrollment 301 to 450 Facilities Required	Enrollment 451 to 600 Facilities Required
G Field Area 260 feet by 260 feet	1	1	NA	NA	NA
H Field Area 260 feet by 460 feet	NA	NA	1	1	1
I Field Area 240 feet by 300 feet	NA	NA	NA	NA	1
J Hardcourt Area 90 feet by 100 feet	1	2	3	3	4
K Hardcourt Area 100 feet by 120 feet	NA	NA	NA	2	2
P Apparatus Area 1000 square feet	1	2	2	3	3
Percentage factor for layout	30	30	25	25	20

EXHIBIT 4

**RELEVANT PORTIONS OF THE TRANSCRIPT OF THE
COUNCIL HEARING ON APRIL 11, 2023**

743:14 motion

Alex restate and city council can adopt as restated or we can push off to another meeting
Criebes said to reread - door #1

Alex - will not put it in order but restate the substance

student body 400 - no specifics
Applicant will adhere to parking

Phasing - construct 2 sports courts - completed within 15 months - city manager can grant an extension force majeure or delay in permitting process by city or county

Traffic flow will adopt application adopt different age kids entering and exiting wilson and michillinda

Nighttime lighting condition

sound attenuation adopted

747:36 #11 - appellant wording use of the Michillinda lot should be limited exclusively to the following

- 1 Vehicle Parking
- 2 Occasional use of religious or liturgical services
- 3 ancillary outdoor activities
- 4 will state that during the 15 month period basketball will be continued mp lot for 5th through 8th graders (criebes for am recess only)

748 11 - Sunny interjects Alex

After the 15 months the Mlot will be used for the following:

1-3 same

4- play, recess, pe, in the event that the academy landscaper makes the determination the the MP field is unsafe for play or recess or PE due to weather conditions, flooding, natural disasters or arreation

749:23 - Sanders said clarification 11 is fine the way it is - he issue is with #3
and the 15 month period should only apply to #4 and #8
PE off the table

If you write it the way the Academy wants is not what the appellant intended - we need to leave it as it is and add a condition after the 15 months expire - courts are built all sports need to move off of the michillinda lot and that is the spirit

Criebes asks about the structure of the sentence

Sanders stay as it is to make it simple to limit what can occur on the parking lot and certain things will not be allowed and he thinks it is fine as it is

752:26 - Sanders reiterated
thereafter 15 months all activity has to move to off

753:14 Sunny - made major revisions we do not agree to sanders
1 - both agree

2 - sanders objects but he knows council is adopting

3 - acellerary uses - Sunny added examples so appealant was clear

754:13 play recess in the event of the Academy landscaper determines..... etc.... that is what we proposed

Sanders asked why natural disaster - sunny said earthquake to be helpful so we do not end up in front of council again

if this condition is meant for the permanent we need this part reads play recess sporting are allowed because of the same statement.... Academy Landscaper

#5- what is allowed in the interim period and the council made that list

Sunny asked does that make sense - council said yes

756:57 - Sanders said play recess needs to stay at 15 months

757:26 - Alex says after 15 months there would be a coma and a date during the 15 month period

AM recess - 5/8

PE only

Amber Tardif

From: Ms Buchanan [REDACTED]
Sent: Tuesday, May 9, 2023 9:22 AM
To: Public Comment
Subject: For the City Council regarding Agenda Discussion Number 1

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

To our honorable Mayor Garcia, Pro tem Kriebs, Councilwoman Lowe, Councilman Goss and Councilman Parkhurst: Everyone deserves to hear some appreciation regarding endeavors like what you achieved as a group on April 11th. I wish I could praise each of you individually for the splendid contributions and insight you brought to the table but my letter would be too long. Good work by all.

What I don't understand is how the council agreed to the final permit of conditions but the city did not correct their version plus there are two more versions in the agenda?

You finalized this or that item and the Alverno attorney would jump up and try to rewrite it so that it did not mean the same thing. She did the same thing to the Steven's attorney. It was all captured in the video. As they say the record is clear. Your constituents should be reading the version of what you extensively discussed since February and voted on in April. The city attorney should have written it as he said he would after the Steven's attorney restated for the record.

The council did not agree to allow additional variations on the parking lot use beyond fifteen months. The city attorney has not written it like he reiterated it would be at the meeting. 11B and the end statement has not been corrected.

11b and the last statement under 11 in Alverno's version is wrong.

Extensions were not to be granted willy nilly over and over again.

There is an end date for the removal of the portables and it should state only 1 extension.

Alverno needs to be clear as to how they will preserve the Oaks they are removing for the sport courts and where they will go. Too many trees have been removed already.

The school already submitted, and has received approval for a landscaping plan around the parking lot. I participated in those meetings. Alverno should implement the plan like they did on Wilson. They should not be saying they have given enough. It's their plan not the neighbors. They keep removing good plants they just planted two years ago.

Traffic is going to be divided with 2 grades going to the Wilson lot and 6 others using Michillinda parking lot.

Alverno has been behaving like missionaries. They just take take take and then say it's all under the guise of religious right. That is not the new spirit of Catholicism.

Verse 26 states "faith without works is dead" Alverno must now do the work and get those children off the parking lot. If they won't build the gym then come up with different games and PE that work on their \$1.5 million dollar field. Let the neighbors enjoy their homes, be outside in their gardens and walk their streets safely.

The neighbors should be able to walk around the neighborhood without fear of being mowed down by cars rushing to and from the campus. Alverno should make room for the cars and get them onto the parking lot which has also been approved to be made bigger.

We should never have had to pay the price for the last two years of Alverno putting the cart before the horse. You seem to have understood that so thank you.

The city council's word and intent should be corrected as stated and final. Write the permit conditions "with teeth" as the honorable Mayor Garcia pointed out.

Mr. And Mrs. D. M. Buchanan
Grandview Ave Sierra Madre

P.S. We hope all the High School families have been able to find the best schools for their daughters. We will miss them.



May 9, 2022

Submitted for the City Council's consideration regarding
Item #1 on the 5/9/23 agenda

Dear Council Members and your honor Mayor Garcia,

Thank you. Hats off to all of the council members, Mayor Garcia, and city staff for taking this de novo hearing to the home stretch on April 11th. It just needed your signatures.

Everyone's expertise became apparent while drilling down into the issues, the options and at times playing devils advocate on the finer points. I appreciate your patience at probably what felt like tedious discussions of minutiae at the late hour. The Alcorn's seemed to be entertained. Please accept my sincerest gratitude. It hasn't been easy.

It makes no sense for the applicant to write and submit a condition that was already rejected. It only serves to frivolously drain resources after an agreement has been reached. I left the April 11th meeting around 11PM but went home to the video stream. I was convinced, as were my parents, that our council members and Mayor had ascertained a final CUP. It was read out loud for clarification. It had specific language for conditions that were equitable to both the neighbors and Alverno. Our family's time and resources are not unlimited. I do not want to see a drain on the city coffers as well. I also know Alverno wants to jump on their fundraising. I would like to see that happen for them without further delay.

The video record couldn't be more clear about what language was expected and that the city attorney agreed he would write it as such. I ask you to accept Attachment A-2 along with the letter Attorney Sanders submitted May 3rd. It is easy to understand and what was agreed upon by the council. *(See following excerpts from verbatim transcript)*

The recording of the city council meeting held on April 11th accurately reflects what was stated, understood and agreed. That is not true with what the applicant's attorney has submitted therefore I ask you to reject it - again. I left in the time stamps but if you wish to confirm via YouTube link of the April 11, 2023 meeting. <https://bit.ly/3mVI6TN>

My parents spent days transcribing a verbatim record even including the "ums" and "ohs" of the April 11 meeting. They wanted to be sure that what was agreed upon really was what we all heard, how it was stated and by whom towards the end of the meeting. I asked for a copy and to include excerpts. The following is specific to the condition regarding the Michillinda parking up to 15 months and the final approval.

Verbatim Transcription Excerpts from City Council meeting held April 11, 2023

J Sanders Attorney 7:50:37 "I just think that we need to, we need to leave it as it is. and then **there also needs to be some sort of condition that says after the 15 month period expires, that, and the sports courts are built, and that all the sports need to move off that lot. so that is something that is not what's in the I guess permit as recited by the attorney but I think that's what that's the intent that's the spirit so I think that should be expressed in the permit expressly.**"

Councilwoman Kriebs - 7:51:38 ". . . you're saying that this **this condition should be a recitation of what will be permitted into the future after the interim.**"

J Sanders Attorney "YES"

J Sanders Attorney 7:51:50 "I think it to make it simple I think it needs to just stay as it is because right now it's it's limiting what can occur on the parking lot and **there are certain time frames where things are no longer going to be are no longer going to be allowed**"

And so I think it's fine as it is - **as we have kind of agreed to today.**

So the use of the Michillinda parking lot will be limited exclusively to the following uses vehicle parking occasionally use religious use - I object to that - but I understand that at the counselors discretion there ancillary outdoor acts I think that needs to be explained a little bit better"

Councilman Parkhurst or Mayor Garcia - "Right"

J Sanders Attorney ". . . **play recess 15 months and then you know thereafter, assuming the courts are built, then that activity goes down to the courts.**"

Mayor Garcia- 7:52:50 "**We don't even have to assume the courts are built. The activity is gone**"

AHA attorney S Soltani - 7:53:11 ". . . **so that the way Mr. Sanders wants this condition drafted, and we've agreed to it, is to say that the use of Michillinda parking lot will be limited exclusively to certain uses we are fine with drafting it that way.**"

J Sanders Attorney 7:56:52 "**I just think that the play/recess needs to be, it needs to be limited to the 15 months. OK?** That's what I'm trying to get out here "

Mayor Garcia 7:57:16 "It's just yeah I think I figure city attorney was talking about language where you have a comma and have a date at the end of it"

Alex Giragosian "**Right** if you could have just **1 final condition to Mr. Sander's point that says during the 15 month period basketball will be permitted on the Michillinda parking lot**
7:57:29

The following activities will be permitted:

basketball for 5th-8th graders during the morning recess, PE and after school sports

and that's it

and then the other things that are permitted that the parties agreed to are: public safety demonstrations and gatherings and that

there is shall be no amplification use on the Michillinda parking lot at any time."

J Sanders Attorney 7:57:56 - "I think that's fine City Attorney, I would really like some language in there that after so . . . if I'm understanding the permit condition correctly

After 15 months all that activity comes off the lot and it doesn't matter if a court is built or not"

Alex Giragosian 7:58:16 "Correct . . ."

Councilwoman Kriebs "It doesn't matter if what is built. ."

Alex Giragosian "Correct . . ."

Alex Giragosian 7:58:20 "I will word it as such"

J Sanders Attorney 7:58:21 "I think I need to be really clear in there, so that's one of the . . ."

Several persons are speaking over each other

Alex Giragosian "I'll word it as such"

Councilwoman Kriebs "Yeah That's the . . ."

Alex Giragosian 7:58:27 ". . . understood, I think all parties agree . . . um"

Councilwoman Kriebs "Yeah I think 15 months"

Alex Giragosian --" It's 15 months. I'm going to draft is as 15 months, subject to any city manager approved force majeure or or or other permitting agency"

—skip to the closing statement of approval.

Councilwoman Kriebs "I move that we approve the conditional use permit amendment and addendum to the mitigated net negative declaration to update the Alverno master plan with the modifications as just recited by the city attorney

All those in favor no motion carries unanimously thank you I mean that's the way compromise works that's the way neighbors treat each other thank you — I'm glad I'm almost in tears this "

I couldn't agree more Councilwoman Kriebs. Please accept this letter as my public comments on the matter. I was already scheduled to be out of town. I am sorry I cannot attend tonight's meeting for which I would hope for my family's sake is the last one.

Your constituent,

Lacy Stephens



Amber Tardif

From: [REDACTED]
Sent: Tuesday, May 9, 2023 10:57 AM
To: Public Comment
Subject: Comments for May 9 agenda item #1 Alverno Academy CUP Final

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

To the City of Sierra Madre Council Members and Mayor Garcia,

I would like to add for the record that the Chow family is also requesting the City Council retain what you agreed upon at the 4/11 meeting. *Please approve Attachment A-2 and any additional language Mr. Sanders submits but we are not seeing in the public portal.* Use language that will eliminate any confusion about the council's intent and approval.

I will not be able to attend the Tuesday meeting. It is inconceivable that Alverno's attorney is the only one who is not on the same page as the council, the city attorney or Mr. Sanders. Alverno's attachment is a revisionist version. Alverno is making a shameless attempt at rewriting the language after their attorney already agreed to and said that the council's language was fine.

On 4/25 I sent you an email along with other neighbors thinking there would be a final read of the CUP and signatures in April. I continue to extend my family's gratitude for the time the council spent in 3 meetings. You heard our concerns, discussed the asks, and then voted on a final CUP. I still don't understand the playground staying where it is but the project description states there will be a Wilson parking lot play area. Divvying up or moving the temporary structures until their classroom is built will be helpful. We are ready to start the countdown until the Michillinda lot becomes a parking lot again.

In March of 2021 Alverno started using the parking lot all day for TK-8 activities. It has been very hard on our health mentally and physically. It is very difficult to explain to a loved one who has Alzheimers what is up with the screaming, the teachers yelling, the whistles, buzzers and equipment hitting the back boards. The incredible impact created by the use of the Michillinda parking lot has been draining.

I agree that the Alverno students should have a good sport court. It is not the Michillinda parking lot for the reasons stated during the 2011 expansion by Alverno's own experts. I attended those meetings. I have looked forward to Alverno's multipurpose building to contain the court sports indoors where weather will not be a factor. 2 sport courts will be a better surface to play should Alverno not want to use the field.

The pros and cons of the sport courts, the field and the parking lot were clearly discussed by the council members, the attorneys, the coach and the Stephens ad nauseam. Knowing that the current use of the Michillinda parking lot will be phased out in 15 months was heaven to my ears. Please do not spend time on Alverno's attempt to divert you from what you already agreed. It costs the Stephens and the city. The Alverno families do not want to drag this out either.

We ALL heard that in 15 months nothing - not the play, the games, the practices, the recess, etc., nothing will return to the parking lot. Alverno has acres of space to conduct what they put by my house without an EIR. No amplification is another condition I am so very grateful for. The parking lot needs to be available and used to bring Alverno traffic off the street. The parking lot has always been intended for Alverno families, their visitors, suppliers and contractors. It's a step to addressing the unsafe conditions the heavy traffic brings to the surrounding streets.

Thank you for reading this, and hearing the neighbors regarding the sudden and noisy change of use for the Michillinda parking lot. You all deserve a big round of applause. This has been a huge exercise in balancing the needs of your constituents and the school. And may this truly be our last letter on this expansion.

Signed,

The Chow family

Michillinda

May 9, 2023

Comments sent to publiccomment@cityofsierramadre.com via email



Re: Discussion Item #1.

APPEAL OF PLANNING COMMISSION DECISION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT AMENDMENT AND AN ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION TO UPDATE THE ALVERNO HEIGHTS ACADEMY (AHA) MASTER PLAN AT 200 NORTH MICHILLINDA AVENUE PURSUANT TO CITY COUNCIL RESOLUTION 23-13, etc

Dear Honorable Mayor Garcia and Councilpersons - Goss, Kriebs, Parkhurst and Lowe:

1. Thank you for all the time you have spent on this appeal.
2. Please accept Attachment A-2 and refer to Attorney Sanders most recent letter submitted for additional information as how the final condition number 11 and others should be written.
3. The council's intent to approve the project is apparent from the video record in the last 10-15" of the video online found in the public portal. Dated April 11th, 2023
4. Another meeting to endlessly deliberate what Alverno has submitted would waste everyone's resources. Besides, the hearing is over for introducing new conditions.
5. The City Attorney should have drafted the resolution to match that intent that we heard him say he would on April 11th. We are not seeing this in the city's version included in the agenda.

His statements of understanding can be confirmed by watching the last 15" of the video. Further confirmation would be to read the verbatim transcript that we have painstakingly made. We wanted to be absolutely sure of the council's language and your approval upon hearing Alverno's attorney was submitting a different interpretation. Our daughter has written her own letter and used parts of the transcript so we will not do that here. We can produce a copy of the transcript upon the asking.

If you have already made this determination then please accept this as our heartfelt thank you for the depth in which the council deliberated this matter. We hope everyone will have a signed copy of the CUP tonight that actually reflects the council's intent and approval stated on April 11th, 2023

Warmest regards,
Mr. and Mrs. K. Stephens

Amber Tardif

From: Cindy S [REDACTED]
Sent: Tuesday, May 9, 2023 11:26 AM
To: Public Comment
Subject: May 9 Meeting - Public Comment on CUP 21-03 Appeal

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear City Council Members,

My husband and I live at [REDACTED] We received the blue postcard regarding tonight's meeting (unfortunately we cannot attend) and we have a couple questions:

- The blue postcard states, "Use of a play space at the Wilson Avenue parking Lot...". It is our understanding that Alverno's CUP does not allow for a play space at the Wilson St parking lot and we're wondering if this is a mistake?
- It is also our understanding that Alverno's CUP says the Lower School shall use Michillinda for dropoff/pickup and that the Upper School shall use Wilson St for dropoff/pickup... with the closure of the Upper School/High School for next year, will the Wilson St lot then be used exclusively for faculty?

Thank you,
Cynthia Swenka