



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

# Memo

**Date:** July 14, 2020

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

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

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

**Re:** July 14, 2020 Planning Commission Meeting Item No. 2 – Letter from the Applicant’s Attorney and Additional Public Comments for Moffat Street Extension Received (Project No. 2191-HDP/TRP)

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The Applicant’s Attorney has provided a letter in response to the discussion in the staff report of an alternative street design with the Moffat Street extension connecting with Lowell Avenue. This letter is included as **Attachment 1**.

After posting of the staff report, public comments were received from two people in opposition to the project. These comments are included as **Attachment 2**.

**Attachments:**

1. Letter From the Applicant’s Attorney in Response to an Alternative Street Design
2. Public Comments Received After Posting of the Staff Report

# **ATTACHMENT 1**

Letter from the Applicant's Attorney in  
Response to an Alternative Street Design

# PALMIERI TYLER

ATTORNEYS AT LAW

**Stephen A. Scheck**  
Direct Dial (949) 851-7221  
Direct Fax (949) 825-5417  
sscheck@ptwww.com

Refer To File No. 37056-003  
Document I.D. 2970018.1

July 14, 2020

## VIA E-MAIL

Joanna Hankamer  
Director of Planning and Community Development  
Planning and Building Department  
City of South Pasadena  
1414 Mission Street  
South Pasadena, California 91030

Re: Project No. 2191-HDP/TRP - Hillside Development Permit and Tree  
Removal Permit

Ms. Hankamer:

As you know, our firm represents HDP Moffatt Street LLC ("HDP") and Planet Home Living ("PHL") (collectively the "Developer"), the owner of seven lots ("Developer's Property") on the south side of the former Moffatt Street, west of May Crest Avenue, in the City of Los Angeles immediately adjacent to the southerly boundary of the City of South Pasadena (the "City").

Developer's Property is landlocked and has access to the existing Moffatt Street via a Right-of-Way Easement ("Access Easement") granted by the City across the privately owned property immediately to the north of the lots, which property was formerly owned by the City. Such Access Easement (recorded on June 14, 1962 in Book D1649, Page 122) was granted in place of the former Moffat Street which was a public street vacated by the City in 1962.

In connection with Developer's proposed development of Developer's Property, Developer has made application with the City to construct a private access drive over the area covered by the Access Easement, which application is identified as Project No. 2191-HDP/TRP. Developer's application and the proposed construction of the private access driveway was discussed at the March 10, 2020 meeting before the City's Planning Commission. The Planning Commission did not issue a determination with respect to my client's application at that time and continued the hearing. Due to technical issues with the City's telephone messaging system that impacted public comment, Developer agreed to further continue the matter to the Planning Commission meeting scheduled for this evening, July 14, 2020.

We have had an opportunity to review the Planning Commission Agenda Report, Item No. 2, dated July 14, 2020 (the "Staff Report") regarding the Project that has been prepared by City Planning Staff for tonight's meeting. At the outset, our client wants to be clear that the

Joanna Hankamer

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proposed conditions of approval set forth in the Staff Report are acceptable. Our client did, however, ask that we prepare this letter in response to the comments set forth in the "Alternative Street Design" section on Pages 4-6 of the Staff Report.

The Alternative Street Design relates to whether the proposed private access drive can connect with Lowell Avenue in the City of Los Angeles, as opposed to constituting an extension of Moffatt Street in the City of South Pasadena. As noted in the Staff Report, the Alternative Street Design from Lowell Avenue was previously rejected by our client "due to multiple constraints". Nonetheless, in response to requests for further information from City Staff, our client provided additional information regarding the issues with access from Lowell Avenue.

In response to such information, the Staff Report notes, in part, that:

*"Staff has not had the opportunity verify the information about Lowell Street with the City of Los Angeles, and more information is needed for Staff to provide a sufficient analysis of the alternative street design for consideration by the Planning Commission. For example, are there smaller fire trucks used in the hillside areas that could make this left turn? Were other auto-turn scenarios tested? Could the road improvements be designed so as not to encroach into the SCE easement? Is the grade change between Lowell Avenue and the proposed access street insurmountable? Staff recommends that additional feasibility studies be performed on the alternative street design, because, if this alternative design is feasible, it has the advantages of continuing to provide access from Lowell Avenue to the garage of the resident on the corner, and routing all construction traffic and future car traffic serving the seven Los Angeles properties within the City of Los Angeles' streets. It is important to note that the Applicant has stated that they are not interested in pursuing this alternative design."*

Subsequent to the issuance of the Staff Report, our client's civil engineer has responded to the specific questions raised by City staff as follows:

- *For example, are there smaller fire trucks used in the hillside areas that could make this left turn? There is only one standard for fire truck access for new construction regardless of the location of said construction.*
- *Were other auto-turn scenarios tested? Yes we tested multiple options and alignments and what was presented was the best case scenario.*
- *Could the road improvements be designed so as not to encroach into the SCE easement? Given ADA access requirements at the street intersection and the existing properties, there are no improvements that would eliminate the encroachment as shown on the exhibit.*

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- *Is the grade change between Lowell Avenue and the proposed access street insurmountable? No.*

Developer's efforts to respond to the City's additional inquiries demonstrates that the facts are clear - alternative access to the private access drive from Lowell Avenue instead of from Moffatt Street is not feasible. Our client's lots, although located in the City of Los Angeles, are legally accessed from Moffatt Street, a public street located in the City of South Pasadena. When the City of South Pasadena decided to vacate that public street in 1962, it granted the Access Easement over the former Moffatt Street to the owners of the lots now owned by our client. Accordingly, the question as to whether Lowell Avenue provides sufficient alternate access to such lots should not be relevant to the City's review of Developer's application. Pursuant to the Access Easement, access was intended to be and is legally required to be provided from Moffatt Street. Nonetheless, in response to the City's request, our client acted in good faith and asked that its civil engineer investigate the alternative access from Lowell Avenue. As set forth above and in information previously provided to City Staff, that investigation has demonstrated that access from Lowell Avenue is not feasible. In light of the foregoing, we do not believe that any further investigation relative to such alternative access is necessary or appropriate.

As you know, our client has acted diligently and in good faith throughout this process to provide requested information, documentation and responses to the inquiries of both City Staff and members of the Planning Commission. Although we acknowledge that COVID-19 has added an unanticipated delay into this process, our client has been working to obtain City approval of the private access drive for many months. We believe that the language of the Access Easement and California law are both very clear, and that access to our client's lots from Moffatt Street is required. To facilitate such access, our client has designed the private access drive in compliance with the City's Hillside Development Ordinance, which is what is required to develop the currently existing legal access owned by our client from Moffatt Drive. No other option is required to be pursued, nor is any other option viable.

As noted during our March 10, 2020 appearance before the Planning Commission, access from Moffatt Street was granted by the City in 1962. To the extent that our client has complied with current City ordinances and California law in the design of the private access drive, which we believe is the case, approval of such private access drive must be granted.

Joanna Hankamer

July 14, 2020

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Please let me know if you have any questions regarding the foregoing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen A. Scheck". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

Stephen A. Scheck

cc: Kanika Kith, Planning Manager (via e-mail)  
Malinda Lim, Associate Planner (via e-mail)  
Michael Marini (via e-mail)  
David French (via e-mail)

**ATTACHMENT 2**  
Public Comments Received After  
Posting of the Staff Report

## Malinda Lim

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**From:** Micah Haserjian [REDACTED]  
**Sent:** Tuesday, July 14, 2020 9:37 AM  
**To:** PlanningComments; Planner1  
**Cc:** Diana Mahmud; Marina Khubesrian; Brenda ♥ Contreras; Dr. Richard Schneider - Personal; Michael Cacciotti  
**Subject:** July 14th Public Comment Opposed to 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.

Dear South Pasadena Planning Commission and Planning Department,

As greatly concerned residents/owners of [REDACTED] we are writing to urge you to deny the proposed Moffat St Extension- Project Number: 2191-HDP/TRP, agenda item 2 for the July 14th, 2020 Planning Commission meeting.

As previously stated, this project creates a number of serious concerns for many residents of Los Angeles and South Pasadena (SP) and I thank you for listening to them on multiple occasions. Based on all of the recent plans submitted there are no feasible ways for this project to occur while protecting the needs and legal rights of the property owners surrounding the site. Below are just some of the reasons why this project must be denied:

- The community of South Pasadena and Los Angeles are strongly opposed to the development
- The development provides no benefit to the public interest; in fact, it creates harm to the people's livelihoods, their health, their property, and the environment
- The development is not within the rights of ingress and egress and it would overburden the easement
- The plans would violate our rights as property owners of 4519 Lowell Ave and the prescriptive easement we have a right to
- The plans for connection to Lowell Ave and the city of Los Angeles are not feasible for reasons stated by the developer's civil engineer themselves.
- The easement states only rights for ingress and egress to streets in the City of Los Angeles
- The development induces future growth for which the developers refuse to submit design plans on, thus a CEQA exemption is invalid

As discussed and shown to the planning department staff, we have been in discussion with the developer, Planet Home Living (PHL) regarding their plans to demolish our driveway, deck, protected trees, and landscaping to make way for their project. They have been unable to show us a design plan that accommodates access to our property as is, for which we will be proceeding through the courts to obtain our prescriptive easement proving our legal right to this access. The lot owner (2050 La Fremontia) is in agreement with us on this as the structures have existed unopposed by them and prior owners, the Grantor (which is the city of South Pasadena according to the City Attorney) and all Grantees (including PHL) of the ingress/egress easement it sits upon for decades -- thus our improvements give us legal rights through adverse possession.



On the contrary, developer PHL has no legal right to construct a private street or driveway on the ingress/egress access easement they hold. The easement document from 1962 does not state any right except for ingress and egress to and from their lots to Richard Drive and "Lowell Street" (both in LA). Their proposed development includes elements not in the scope of these rights, and they would be a clear **overburdening** of this easement. Their plans would include various subterranean infrastructure elements such as water lines, retaining walls, and storm drains. PHL has yet to include plans for all of these but it was stated in the LA-32 Neighborhood Council meeting earlier this year that they would indeed run a water line beneath their proposed street to access their lots. In addition, many elements of this project including the huge, long retaining walls proposed would **unreasonably interfere with the use and enjoyment of neighboring properties**. These "improvements" to the current ingress/egress access that they have are clearly not within the scope of their rights as defined by many legal precedents (i.e. [Schmidt v. Bank of America, N.A.](#)).

This project would harm the public, and the developers would be breaking the law by proceeding with such a project, especially without getting approvals from the landowners and affected neighboring lots. There is no reason to continue consideration of this project -- it must be denied.

Thank you for your time spent deliberating on this project and for listening to the community's needs.

Regards,

Micah Haserjian and Brenda Contreras-Haserjian

## Malinda Lim

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**From:** Tom Williams [REDACTED]  
**Sent:** Tuesday, July 14, 2020 2:47 PM  
**To:** Malinda Lim  
**Cc:** Kanika Kith; Joanna Hankamer  
**Subject:** Re: Phone Access to SP Planning commission Meeting

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Thanks

We in LA-32 Neighborhood Council are having the same problems with Virtual Meetings especially for the Committee meetings...both costs and resources on both ends of the Virtuals.

I use Zoom and Google Meet for the video feeds but with phone connection for audio.

Will try...BUT if I can get in then others may not get it...then you got a public meeting issue.

Dr. Tom Williams

On Tuesday, July 14, 2020, 02:17:32 PM PDT, Malinda Lim <mlim@southpasadenaca.gov> wrote:

Hi Mr. Williams,

The (626) 403-7720 number is only for leaving a voicemail to comment on a project. If you are unable to view the meeting on local cable channels, you may follow the meeting in the link I provided you in the earlier email.

Thank you,

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

### COVID-19 PLANNING AND COMMUNITY DEVELOPMENT UPDATES

- For general Planning-related information and questions, please email [AskPlanning@southpasadenaca.gov](mailto:AskPlanning@southpasadenaca.gov) or call (626) 403-7220.

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

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**From:** Tom Williams [REDACTED]  
**Sent:** Tuesday, July 14, 2020 1:30 PM  
**To:** Malinda Lim <[m\\_lim@southpasadenaca.gov](mailto:m_lim@southpasadenaca.gov)>  
**Cc:** Kanika Kith <[kkith@southpasadenaca.gov](mailto:kkith@southpasadenaca.gov)>; Joanna Hankamer <[jhankamer@southpasadenaca.gov](mailto:jhankamer@southpasadenaca.gov)>  
**Subject:** Re: Phone Access to SP Planning commission Meeting

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Thanks again for online directions

BUT

My ATT cable give Ch1.99 as XTRA and shows 600-700pm as being Easy Workout Secret

Got a simple phone line for connecting/listening/speaking public comments - or we use only 626-403-7720

Stay Safe/Stay Home??????

Dr Tom Williams

On Monday, July 13, 2020, 01:24:37 PM PDT, Malinda Lim <[m\\_lim@southpasadenaca.gov](mailto:m_lim@southpasadenaca.gov)> wrote:

Hi Tom,

I'm sorry about that confusion. The Planning Commission meeting is tomorrow, Tuesday, July 14<sup>th</sup> at 6:30 PM. If you would like to leave a voicemail, please do so by 12 PM on July, 14, 2020.

Thank you

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

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- *We appreciate your business and your patience during this time.*

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**From:** Tom Williams [REDACTED]  
**Sent:** Monday, July 13, 2020 1:21 PM  
**To:** Malinda Lim <[mlim@southpasadenaca.gov](mailto:mlim@southpasadenaca.gov)>  
**Cc:** Kanika Kith <[kkith@southpasadenaca.gov](mailto:kkith@southpasadenaca.gov)>; Joanna Hankamer <[jhankamer@southpasadenaca.gov](mailto:jhankamer@southpasadenaca.gov)>  
**Subject:** Re: Phone Access to SP Planning commission Meeting

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When is the PC Meeting, tomorrow 0714 or Thursday 0716???

Thanks

DR. Tom Williams

On Monday, July 13, 2020, 01:04:53 PM PDT, Malinda Lim <[m\\_lim@southpasadenaca.gov](mailto:m_lim@southpasadenaca.gov)> wrote:

Hi Mr. Williams, You may view the live broadcasted meeting by clicking on the orange box in the webpage [here](#) or by tuning in on the local cable channels (Spectrum 19 and AT&T Channel 99). If you would like to leave a verbal comment for the Commissioners to hear, you may do so at this number: (626) 403-7720.

You will need to leave your message no later than 12:00 PM on Thursday, July 16, 2020.

Thank you,

**Malinda Lim** | Associate Planner **CITY OF SOUTH PASADENA** | Planning & Building Dept.

1414 Mission Street | South Pasadena, CA 91030  
[m\\_lim@southpasadenaca.gov](mailto:m_lim@southpasadenaca.gov) | T: 626.403.7228

## COVID-19 PLANNING AND COMMUNITY DEVELOPMENT UPDATES

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

**From:** Tom Williams [REDACTED]  
**Date:** July 12, 2020 at 11:43:32 AM PDT  
**To:** PlanningComments <[PlanningComments@southpasadenaca.gov](mailto:PlanningComments@southpasadenaca.gov)>  
**Subject:** Phone Access to SP Planning commission Meeting

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- Will there be any phone in access to listen to and make verbal comments to the Commission?

The agenda packet and staff's presentation will be posted on the City's website as early as 6:00 p.m. on the Thursday before the meeting or as late as 72 hours prior to the meeting. If the applicant wishes to provide a presentation to the Commission, the applicant's presentation will be available for review on the City's website 48 hours before the meeting.

The City of South Pasadena strongly encourages your participation. You may email comments or questions to [PlanningComments@southpasadenaca.gov](mailto:PlanningComments@southpasadenaca.gov) by 12:00 pm on the day of the meeting. Please provide: 1) your name and address; and 2) agenda item for the comments/questions. All comments/questions received by the deadline will be distributed to the Commission for consideration and will also be posted on the City's website prior to the meeting.

## Malinda Lim

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**From:** Tom Williams [REDACTED]  
**Sent:** Tuesday, July 14, 2020 10:47 AM  
**To:** PlanningComments  
**Cc:** Malinda Lim  
**Subject:** Moffat Extension in City of South Pasadena - Public Comments #3, last  
**Attachments:** Moffatt0609submittal0714.docx

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

**DATE:** 071420  
**TO:** City of South Pasadena Planning Commission  
**FROM:** Dr. Tom Williams, Snr. Techn. Adviser, Citizens Coalition for A Safe Community  
**SUBJECT:** Agenda Item #2 Planning Commission Meeting July 14, 2020 6pm  
Moffat Extension in City of South Pasadena (SoPas)  
**RE:** Public Comments #3, last

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

2. Moffat Street, Project No. 2191-HDP/TRP- A Hillside Development Permit for the street extension extending westward approximately from the terminus of the existing Moffat Street to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit  
(APN No. 5310-006-039, -038, & 5310-005-010, -011, and -004, City of South Pasadena)

See attached for comments.

DATE: 071420  
TO: City of South Pasadena Planning Commission  
FROM: Dr. Tom Williams, Snr. Techn. Adviser, Citizens Coalition for A Safe Community  
SUBJECT: Agenda Item #2 Planning Commission Meeting July 14, 2020 6pm  
Moffat Extension in City of South Pasadena (SoPas)  
RE: Public Comments #3

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

2. Moffat Street, Project No. 2191-HDP/TRP- A Hillside Development Permit for the street extension extending westward approximately from the terminus of the existing Moffat Street to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit (APN No. 5310-006-039, -038, & 5310-005-010, -011, and -004, City of South Pasadena)

**1-1 Please define and consistently use throughout:**

Street, Roadway, Road, Driveway, or Drive

Ex.: **Street** Improvements Conditions PW-15. Show the existing grade, location, and dimensions of all existing and proposed conditions within **street improvements** including, but not limited to: curb and gutter, sidewalk [*singular*], driveway [*singular*], traffic striping, signage, utilities, lighting, landscaping, storm drain facilities, trees, and other features.

**Provide signed/stamped/certified engineering drawings of project, including all geotechnical boring locations and all areas of CLA**

Provide locations for all firewater pipelines and hydrant and anticipated pressures at the end of the Extension. Provide shading, boardleaf evergreen trees on 30ft centers along both sides of Extension

2. Moffat **Street**, Project No. 2191-HDP/TRP- Hillside Development Permit to install a **private roadway** extending westward approximately **600 feet** from the terminus of the existing Moffat Street and Tree Removal Permit for the removal of 5 protected trees. This **private road** will provide access to 7 lots....

**The 600ft Extension from the end of the Moffat Right-of-Way (ROW) passes through or within the five parcels in SoPas and ten parcels in CLA.**

**Provide existing or anticipated developer agreements for all parcels within 50ft of the Extension ROW and require future access to the extension for all parcels.**

**1-2 Provide a typical required cross-section for each showing pavement, gutter, curb designs, and utilities and services provisions and at least 10 section of the pavements, excavated section and filled/compacted sections**

**1.3 Please provide the rights of all adjacent land owners to access by driveway or the proposed street/roadway/driveway.**

**2.6/2 Revised Conditions of Approval** For Planning Commission consideration, if the Commission moves to approve the project as currently designed with the **private street connecting to the public portion of Moffat Street**, Staff requests a change to condition P-12 for the Applicant to submit preliminary development plans for three (3) of the seven (7) lots as long as one of the parcels is lot 26 or any four (4) of the seven (7) lots to the City of Los Angeles Planning for review and clearance....

**The private street would provide access to a total of ten/10 parcels along the south side in CLA and 4+ in SoPas.**

**As public street, all parcels would be served and should/could have driveways to the proposed access. As a private street the "owner" / grantee would have rights to limit access to any parcel they so choose.**



**As special conditions for a building permit require access to all adjacent parcels as they would be for a public access.**

**2.1 2-2/4** The June 9, 2020 Planning Commission Staff Report included a revised set of conditions of approval requiring that, prior to the **City issuing of a grading permit for the proposed access street**, the applicant is required to provide a **letter from the City of Los Angeles** confirming that development of the seven (7) homes do not require discretionary review...

**Provide consistent usage of what the project is: a street, road, driveway, or Extension and whether public or private.**

**Grading for the proposed driveway requires filling of the adjacent downhill slopes from the driveway limits and for at least one driveway connection along the south side of the CLA/SoPas boundary.**

**The proposed project includes ten parcels in the CLA, along most of the 600ft project's southerly boundary. Therefore, considerations of the project involve impacts within two different jurisdictions, SoPas and CLA. Such requires CLA and SoPas designation of lead agency for CEQA considerations of the Initial Study stage and determination of CEQA documents.**

**2.2 2-4/4** The Applicant has yet to submit house designs for the **seven** landlocked properties to the City of Los Angeles for review. The Applicant is hesitant to invest in designing the homes until the **street** design is complete.

**Provide consistent usage of what the project is: a street, road, driveway, or Extension and whether public or private.**

**As proposed, the 600ft driveway could provide access to nine (9) undeveloped and one further developable landlocked parcels in CLA. No consideration has been provided as to which and why two parcels are not included as part of the Project.**

**The proposed approval of a portion of the driveway, then consideration of 7 parcels, then an additional two parcels, and then potential lot subdivision of five/5 SP parcels represents a classical example of "piecemealing" by the developer and SP and avoidance of complete and adequate CEQA consideration of the project and related induced additions.**

**2-6/4-5** Staff is also requesting the addition of condition P-20 which is a **pre-construction meeting** to ensure that all parties involved and adjacent to the private street are familiar with the proposed construction activities and schedule prior to the start of grading.

Below is the proposed condition for P-20:

P-20. The applicant shall participate in a pre-construction meeting with property owners directly adjacent to the **private street**, the City of South Pasadena..., and Southern California Edison, to ensure all parties involved are aware of

when construction will occur,

what to expect, and

to identify potential conflicts to eliminate otherwise unanticipated problems prior to the start of grading.

A new clean set of all proposed conditions has been provided....

### **Internet/webpage**

**2-27 BD-2.** Prior to the application of a building or grading permit, a preliminary Geotechnical report that specifically identifies and proposes mitigation measures for any soils or geological problems that may affect **site stability or structural integrity**...The applicant shall reimburse the City for all costs incurred to have the project soils report evaluated by an independent, third-party, peer-level soils and/or geological engineer. Approval letter of the geotechnical report review shall be copied and pasted on the first sheet of building and grading plans.

**As project designs show extension of project grading and supporting fills of project site into CLA, the application must be reviewed by the engineer approved by CLA and they must agree/approve SoPas presumption of Lead Agency status for CEQA considerations.**

**Alternatively, change the Extension design to eliminate such grading and need for CLA participation.**

**2-28 BD-7.** A grading and **drainage plan** shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from the existing

development in the subject site is carried to the **public right-of-way or drainage structure** approved to receive storm water.

2-44 BD-7. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading...is carried to the public right-of-way or drainage structure approved to receive storm water.

2-28 BD-8. Grading work and **drainage** shall be designed and constructed in accordance with applicable provisions in Appendix J as part of Los Angeles County Building Code.

2-28 BD-9. **Drainage** patterns within the proposed street shall be designed to the extent possible to resemble those in the pre-development stage and be supported by hydrology/hydraulic calculations.... Should the drainage flows across property lines or city boundaries which existed prior to grading, the **post-development drainage** shall continue to follow this pattern without exceeding the existing drainage flow.... **Excess or concentrated drainage and its disposal at the existing segment of the Moffat Street is strictly prohibited.**

2-44 BD-9. Drainage patterns within the proposed street shall be designed to the extent possible to resemble those in the pre-development stage and be supported by hydrology/hydraulic calculations.... Should the drainage flows across property lines or **city boundaries** which existed prior to grading, the post-development **drainage shall continue to follow this pattern without exceeding the existing drainage flow.... Excess or concentrated drainage and its disposal at the existing segment of the Moffat Street is strictly prohibited. Provide drainage map for the entire affected watershed above the Extension and estimate amount of existing stormwater runoff to be diverted from flow into CLA and diverted to drainage structures on Moffat and further downstream.**

**Require all prospective structural development related to the Extension to comply with CLA's Low Impact Development drainage requirements.**

2-35 Prior to Issuance of Grading Permit P-11. The ~~applicant~~ developer shall post a bond in a sufficient amount for maintaining, monitoring, and securing the private road for ten (10) years, or until the **applicant** demonstrates certificates of occupancy ~~demonstrate that they received approved building permits from the City of Los Angeles~~ for the **seven (7) adjacent landlocked residential properties...[ not including 041 & 044, at east and west end of the other parcels]...**in either of the following combinations: a. Three (3) of the seven (7) lots listed above as long as one of the parcels is Lot 26 [=012-019], or b. Any four (4) of the seven (7) lots listed above.

2-38 Grading Conditions

PW-5. The applicant shall provide a **detailed drainage plan** signed and stamped by a CA licensed civil engineer. **Cross lot drainage is not permitted.** Provide a copy of the **approved plan** from the **[CLA or SP] Building & Safety Department.** The **street improvement plan needs to address storm water runoff from the road.**

**Provide drainage plan for all related parcels and the Extension and provide an expected operations and maintenance requirements for all area facilities.**

**Provide a 10-year bond for O&M or until a Homeowners Maintenance Association for all affected parcels and the Extension has been formed and has assumed financial and management responsibilities for all Extension facilities and induced conditions.**

3-17/ 36.340.040 Hillside Development Design Guidelines. ...B. **Street** layout. Any new **streets** should follow the natural contours of the terrain to minimize the need for grading. **Cul-de-sacs...are encouraged where necessary to fit the natural topography,** subject to the approval of the City Engineer and Fire Chief.

**Provide definitions and consistent use of project terminology, is the Extension a Street or a Driveway. Encourage is a meaningless term as the current design drawings clearly show the need for major excavations and downhill filling in CLA. Delete phrase/sentence.**

2-11/ P.C. RESOLUTION NO. 20-A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA APPROVING AN APPLICATION FOR HILLSIDE DEVELOPMENT PERMIT AND TREE REMOVAL PERMIT (PROJECT NO. 2191-HDP/TRP) FOR THE EXTENSION OF MOFFAT STREET WHICH WILL BE A PRIVATE STREET (ASSESSOR'S PARCEL NUMBERS 5310-006- 039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004)

2-11/ WHEREAS, in **December 2020**, the applicant decided not to pursue a variance for the high retaining wall along the northern boundary of the private street and proposed retaining walls to be a maximum height of six feet; and

**Revise Error.**

2-14/ The proposed project was designed to reduce the number of **trees** proposed for removal and to improve the **street** access for **multiple properties**. The height of the retaining wall is conditioned not to exceed six feet in height and will have **landscaping** to help blend the wall into the hillside.

**Acquire pre-development historic aerial photos for the Project area (e.g., EDR, Connecticut sells Fairchild Aerial Photos of area) and review and development of landscaping plan on pre-development tree patterns. Various SoPas parcel owners have cleared natural vegetation for Accessory Dwelling Unit development in or near the Extension project. Exaggerated “brush clearance” by parcel owners has removed trees and saplings prior to this application.**

**Provide California Bay and Black Walnut (2’x2’ box saplings) on all vacant and project lands on 30ft centers.**

2-14/ 5. The obstruction of sunlight to the existing adjoining residences. The proposed retaining walls help to retain the existing hillside and will be a lower elevation than the existing property at 2051 La Fremontia Street. The existing homes on Atlas Street within the City of Los Angeles **are at the top of the slope**; the **proposed development of the single-family homes on the vacant lots would be the cause of sunlight obstruction**. **Provide viewshed map for the Extension and all related parcels, about 20 parcels in CLA and SoPas. Existing Atlas homes in CLA are downhill, NOT uphill of Extension. Preparer is in error and apparently cannot read contour maps and has not visited the site.**

2-15/ 1. The proposed use complies with the requirements of Division 36.340 (Hillside Protection) and all other applicable provisions of this Zoning Code....

Within the AM zone, walls may not exceed six feet in height. As proposed, the concrete block retaining walls are maximized at six feet in height **plus a 3’8” cable safety rail on top**....The conceptual landscape plans show the addition of 16 required replacement trees for the removal of five (5) trees. Toyon, California sycamore, and coast live oak are the proposed replacement trees.... Due to the size of the project, the landscaping will require compliance with the City’s Water Efficient Landscape Ordinance. A condition was added for the applicant to **submit construction landscape and irrigation plans** in compliance with the City’s Water Efficient Landscape Ordinance.

**Provide revised drawings and specifications for cable railings on tops of all retaining walls.**

**Acquire pre-development historic aerial photos for the Project area (e.g., EDR, Connecticut sells Fairchild Aerial Photos of area) and review and development of landscaping plan on pre-development tree patterns. Various SoPas parcel owners have cleared natural vegetation for Accessory Dwelling Unit development in or near the Extension project. Exaggerated “brush clearance” by parcel owners has removed trees and saplings prior to this application.**

**Provide California Bay and Black Walnut (2’x2’ box saplings) on all vacant and project lands on 30ft centers.**

**Provide landscaping plan for Extension and affected parcels (owners of the easement and all parcels with filling or structural elements of the Extension south of the CLA/SoPas boundary.**

2-20 P-15. Retaining walls shall not exceed more than six (6) feet in height and must be separated a distance equal to the height of the retaining walls, not to exceed six (6) feet.

**No mention of guard rail. Provide revised drawings and specifications for cable railings on tops of all retaining walls.**

2-35/ P-15. Retaining walls shall not exceed more than six (6) feet in height and must be separated a distance equal to the height of the retaining walls, not to exceed six (6) feet.

**No mention of guard rail. Provide revised drawings and specifications for cable railings on tops of all retaining walls.**

2-20/ P-16. The applicant shall submit a construction management plan for approval by the Building, Planning, and Public Works Departments. The construction management plan shall include, but not be limited to: a. A **proposed haul route** and **location of a proposed off-site construction staging area** where project construction workers and/or subcontractors will park and equipment will be stored.

**Equipment and construction staging area shall be located away from adjacent residential uses.**

Any construction activity that may require closing public roadways shall be identified and mitigation identified as part of the **staging plan**. The applicant shall obtain input from Public Works to identify haul route and staging area.

**Provide draft copies of all documents to be submitted to SoPas (any department) and signatures from respective authorities of SoPas as to their review and consideration of the draft documents.**

2-28/ BD-10. Separate plan review and permit is required for each detached retaining wall.

2-44/ BD-10. Separate plan review and permit is required for **each detached retaining wall**.

**Provide a locator map/drawing of all detached and attach retaining walls for the Extension and all related parcels (drafts/to-be-revised, as necessary)**

3-19/ I. Retaining walls. Large retaining walls in a uniform plane shall be **avoided**.

Retaining walls shall be divided into terraces with variations in plane and include landscaping to break up the length of walls and to screen them from view.

No retaining wall **shall** be higher than six feet, and **should** incorporate a three foot recessed offset feature every 30 feet, or other methods of articulation.

Retaining walls more than three feet high that are visible from off the site should be screened with landscaping. See Figure 3-28.

**Provide thorough editing of all materials regarding Moffatt/Moffat and what the project is: street, road, driveway,**

2-2/ Right Header - **Moffatt St. Extension (2191-HDP/TRP) -**

2-2/

- The feasibility of an alternative street design, extending a private street from Lowell Avenue to access the Applicant's properties instead of **extending Moffatt Street**.

- Revised Conditions of Approval, for consideration. Grantor and Grantee Determination

**Provide an alternative design of integrating Moffat and Lowell intersection with the westerly intersection with appropriate compensation and coordination with directly affected owners and tenants.**

2-2/ The access easement for the proposed private street (**Moffatt Street extension**) spans over four (4) properties within South Pasadena. In the Access Easement document, the words "Grantor" and "Grantees" are used.....The Access Easement document identifies "Grantees" as "the owners of the [landlocked] lots located in the City of Los Angeles abutting the south [boundary] line of **Moffatt Street**, a public street..."

2-3/ Staff is concerned that developing a **segment of road** that serves only vacant properties,...Staff had recommended a condition of approval that the Applicant obtain building permits for at least four of the seven land-locked properties, which are in the City of Los Angeles, before a building permit can be issued in South Pasadena for the **Moffatt Street Extension**.

2-4/ Alternative Street Design The June 9, 2020 Planning Commission staff report included an exhibit showing several alternative routes the Applicant considered to access the landlocked properties, including an explanation of why each one was deemed infeasible by the Applicant. Following the continuance of the June 9, 2020 Planning Commission item, and in response to comments from the public and Commissioners, Staff had a conference call with the Applicant on June 18, 2020 and requested additional information on an alternative street design that would connect directly to Lowell Avenue in Los Angeles rather than extend from **Moffatt Street** in South Pasadena.

2-11/ P.C. RESOLUTION NO. 20- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA APPROVING AN APPLICATION...FOR THE EXTENSION OF **MOFFAT STREET** WHICH WILL BE A **PRIVATE STREET** (ASSESSOR'S PARCEL NUMBERS 5310-006- 039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004)

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

WHEREAS, on July 12, 1961, the South Pasadena City Council adopted Ordinance 1373 for the **vacation and abandonment of a portion of Moffatt Street as a public street**,...; and  
WHEREAS, on April 4, 1962, the Community Redevelopment Agency of the City of South Pasadena approved an easement for ingress and egress to the owners of the seven lots located in the City of Los Angeles abutting on the southern boundary line of **Moffatt Street** and...; and  
WHEREAS, on November 15, 2018, Planet Home Living, (developer), submitted an application for a Hillside Development Permit for the extension of **Moffatt Street** westward and a Variance for a +/- 18 foot high...; and  
**Provide a thoroughly revised set of documents with appropriate editing.**

2-12/ WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on March 10, 2020, at which time it considered...for the extension of **Moffatt Street** which will be a **private street**; and  
WHEREAS, on May 28, 2020,...; and  
WHEREAS, on May 29, 2020, the City of South Pasadena Planning Division, published a legal notice...; and  
WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on June 9, 2020,...for the extension of **Moffatt Street** which will be a **private street**...; and....  
**Provide a thoroughly revised set of documents with appropriate editing.**

2-13/ ...Hillside Development Permit and Tree Removal Permit for the **extension of Moffatt Street** which will be a **private street**.

2-16/

**Provide a thoroughly revised set of documents with appropriate editing.**  
**Provide a map and designs for existing "private streets" in SoPas.**

2-44/ BD-9. Drainage patterns within the proposed street shall be designed to the extent possible to resemble those in the pre-development stage and be supported by hydrology/hydraulic calculations based on the current Los Angeles County 50-Year, 24 Hour Isohyet. Should the drainage flows across property lines or city boundaries which existed prior to grading, the post-development drainage shall continue to follow this pattern without exceeding the existing drainage flow in accordance with Section J109.4. Excess or concentrated drainage and its disposal at the existing segment of the ~~Moffatt~~ **Moffatt Street** is strictly prohibited.

2-47/ - 2-57/ June 25, 2020

Ms. Hankamer: As you know, our firm represents HDP Moffatt Street LLC ("HDP") and Planet Home Living ("PHL") (collectively the "Developer"), the owner of seven lots ("Developer's Property") on the **south side of the former Moffatt Street**, west of **May Crest Avenue**,.... Developer's Property is landlocked and has access to the existing Moffatt Street via a Right-of-Way Easement ("Access Easement") granted by the City across the **privately owned property immediately to the north of the lots, which property was formerly owned by the City.**

**Provide a thoroughly revised set of documents with appropriate editing, Moffat and Maycrest.**  
**Provide consistent definitions and usage of Applicant and Developer and Owners (of all affected parcels upto to 20).**

2-29/ FIRE DEPARTMENT: FD-1. The **private street** shall meet the following slope requirements: a. The turn-around landing at the west end of the street cannot have a slope greater than 3%; and b. The average slope of the entire **private street** cannot be greater than **17%** from the top of the turn-around landing to the bottom of the **private street**; and c. The maximum slope for any portion of the **private driveway** shall not exceed **20%**.

3-22/ / 3-52/ E. Driveways. The **ramp** to any garage or carport shall not have a grade steeper than five percent within 10 feet of the garage or carport entry. **The finished grade of driveways shall not exceed an average of 15 percent.**

**Provide documents and specific and detailed drawings to confirm such parameters for the proposed Extension and for "private" streets and driveways.**

Dr. Tom Williams, Citzns.Coalition for A Safe Community, [REDACTED] [REDACTED]