



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 ARE COMMENTS RECEIVED
FOR THIS MEETING

Mayor Gene Goss
Mr. Bob Spears
Mr. Tom Denison
Mr. John C. Hutt
Mr. William Pevsner
Ms. Peggy Dallas

Dear Planning Commission Members and Mayor:

We are started this letter November 24th, 2021 after another particular noisy event at Alverno. We never sent it but should have. Not only do we feel the TUP code needs addressing for loop holes and tightened up so that violations are actually addressed, we feel so does the city code regarding Filming.

In September of 2013 Principal Anne Gillick wrote in her letter to the City of Sierra Madre requesting the next year's TUP for the Villa:

"As explained in our letter of June 12, 2012, Alvemo was prepared to submit an Adaptive Reuse Permit application for continued use of the Villa in April 2012. This is part of the School's ongoing commitment to the City to resolve the use issues of the Villa with our neighbors. The TUP as part of a negotiated compromise with the neighbors and the School and it requires various conditions for the operation of the Villa."

So how did the changes in the 2022 TUP come about and were never approved with any input from the neighbors? These changes are completely unreasonable and profoundly interfere with the use, possession, and enjoyment of the surrounding properties the TUP is supposed to be protecting.

The City of Sierra Madre's TUP process is inadequate in scope and specifics to let there be changes to the Villa's TUP without any input per the negotiated compromise with the neighbors. We are sick of our city doing things that fail the residents that Alverno borders or engages in negotiations that allows AHA to continue a commercial business that affects our home.

We don't know who, or how the Alverno Villa TUP for 2021 was changed regarding the use of noise. AHA's 2022 TUP changes do so in a profound way that negates the spirit of the TUP's from the last decade. There is no benefit to the neighbors with the changes. The neighbors who signed the petition provided to you at the 11/18/21 PC meeting feel betrayed by the someone in the city that led to the AHA TUP blatantly moving away from the 2011 negotiations, the terms of the 1998 mediated settlement between neighbors have been ignored and AHA running what amounts to be a giant AirBNB on it's campus. AHA is not honest as they have prove time and time again. We need answers and to be part of the conversation that Principal Gillick spoke of in her original letter. We appreciate being part of the initial discussion. Not sure how this will work so the TUP covers the commercial businesses AHA is running but call us if you want a neighborhood representative.

- TUP requirement is still ignored and it's 2022. After September 2019, Alverno stopped having the required quarterly meetings with the neighbors and continues to do so. That's a violation of the TUP. Even after complaining to the city and pointing out infraction after infraction the city of Sierra Madre gave AHA ANOTHER TUP for 2022 *with changes and without any neighbor input.*
- No pandemic stopped AHA from moving on and opening their K-8. AHA has had various meetings with the city, prospective parents, builders and planners. Zilch with the neighbors to discuss their filming and other rental business.
- As it is now Alverno Heights Academy held a lame meeting in January 2020 on zoom to tell the neighbors they needed a K-8. Our family was cut off midstream. Calls and emails to get ahold of

Andrea Bertollini led to being told she could not allow us back on. We asked for the minutes.

- The January 2021 AHA was on zoom and neighbors muted. The meeting was for AHA's benefit to tell the city they had a meeting with neighbors. Neighbors submitted questions for AHA's purposes. Our questions and concerns were never answered.
- We requested the minutes of the zoom meeting for January 2021. We have never received them.
- Our many emails asking to AHA to meet with the neighbors regarding our complaints have been ignored
- The January 2022 meeting was held by AHA regarding their expansion. We were not told until we arrived that the meeting was "listen to the concerns of the neighbors regarding the expansion." We cannot count a meeting that was not mutually agreed upon in location, date, time the terms dictated, and nothing else held at AHA as a neighborhood meeting. Again, AHA does what it wants if it can make them look like they are doing what the city thinks they are.
- The meeting was a joke. With each neighbor's concern AHA staff literally dismissed what every neighbor said with an excuse. That's NOT listening.
- AHA dictated the meeting for their benefit so as to go back to the city and say they held a meeting. A meeting that did NOT include a robust outreach. When neighbors asked why, AHA excused away their last minute changes to the terms of the meeting. AHA failed to just reschedule with the new terms and location, AHA said they never even tried to reach all the neighbors. That was not good enough.
- The January 2022 was NOT a meeting in the spirit of the TUP. Instead the meeting was so AHA could write a set of minutes that benefited their narrative when it comes to the expansion they desire and how they want to look before the Planning Commission and the City Council.
- We received a copy of the January 2022 AHA Expansion meeting minutes. Keith's input is not even recorded. Kristin's comments say things she NEVER said. We reserve the right to respond with a set of minutes by using the notes we took. We feel our minutes will more accurately reflect what was actually said at the meeting by neighbors.
- The changes to the 2022 TUP unreasonably interfere with the neighbors right to privacy, the quiet enjoyment of our homes and property. The TUP allows for a greater than acceptable production of unreasonable noise levels using amplification as well as sound in the form of vibrations that are transmitted via the structure of the Villa. It's all more noise that is causing adverse impacts that is not allowed elsewhere in other R-1 neighborhoods.
- The 2022 TUP for Alverno's Villa does not address the voracious use of DJ's, levels of decibels and their use of amplification outside on the grounds of the Villa and school. There is nothing regarding the amplification for where it will be used and quite often is outside with live musicians with bass driven music - not string quartets.
- The 2022 TUP does not address the constant use of Alverno, their surrounding property and the Villa as a commercial business and well of funding to pay for a school that should be funded by their parents, not the neighbors.
- Just two days after the 11/18/21 Planning commission on 11/20/21 was another AHA wedding/ party rental with a TUP. The noise levels reached well over 80DB for hours. Our noise level reading is attached.
- Our evening at home began a blasting of the musical strains of "Here Comes Santa Claus" and progressed to every wedding standard known to man plus a DJ's voice via amplification. In

addition, there was a thumping bass transmitting the vibrations from a subwoofer into our home that there was no escaping.

- We called the security guard number. They did not answer their phone. The mailbox was full as it always is during events.
- We walked over to look for the security guard to ask they take a noise reading. There was no one, including the facilities manager Andrea Bertolini.
- Ms. Bertolini always sends letters and cc's the city so it looks as if we can reach her with telephone numbers. She is mostly unreachable at the times she is needed. In the past she would answer and tell us the noise was not that bad. No reading was ever taken by the guard. Now-a-days, Ms. Bertolini's phone is either never answered, or voice mails are not responded to or her mailbox is full again, and again, and again.
- No one was stationed at the gates or available as we were told there would be during rentals which goes against what Ms. Bertolini tells the neighbors and the city.
- Another violation. The doors to the front and backside of the Villa were wide open further dispersing the noise from the party guests, the DJ and the music to the North and South of the grounds. We met other neighbors walking around trying to get the noise turned down and the doors shut.
- We called the police department and were told they had already been out and talked to neighbors. They did not respond to us. We never experienced a reduction in the bass or other noise for that party just like so many others be it a film, a wedding or party rental, or grey area pro-bono or in kind use by one of AHA's friends/staff/alumnae.
- There needs to be a plan for Noise Assessment and a Noise Management Plan for potentially loud rentals such as weddings, pro-bono usage, or filming. Mostly any noise assessment should be a part of the TUP to test when it is too loud. Not to "catch them" but to point out their lack of noise mitigation.

We are requesting the original stipulations be returned to the spirit of the negotiations by the city, Alverno and the neighbors worked on in 2011 immediately. We request Alverno and neighbors ACTUALLY meet unlike they are trying to pretend we are. We wish to address the changes and come up with less vague and structured language with sanctions for when broken that be part of the city's TUP for the Villa.

AHA needs to stop funding their school on the backs of the neighbors. Let's close up the TUP business of rentals in our neighborhood.

Respectfully yours,
Mr. & Mrs. K Stephens
[REDACTED] W Grandview Ave

K Stephens

Attached:

2021 09 21 AHA grey area too late use After Hour Weekend Events Calendar

Stephens family correspondence to Alverno wedding on 7/27 that projected the events outside using an amplifier, a drummer, and digital music. Alverno's response is included.

2021 11 20 Villa wedding noise evenings PM

2017 07 26 Beg Alverno to stop Funding over load Redacted

1998 07 24 Lawsuit against Alverno wedding filming



Noise measurement report

Date: 11/20/21, 7:56 PM

Operator: Ks

Place: [REDACTED] W Grandview Ave

Measurement results

Measurement time (hh:mm:ss)	00:30:13
LAeq	49.0 dB
Max. level	88.8 dB
LCpeak	101.5 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Wedding or event rental at Villa d oro 200 N. Michillinda. This reading does not measure the bass. Doors were open on the North and South of the Villa. A DJ was announcing dances, generating crowd swelling, playing digital music with a very heavy bass. It started with Christmas carols so loud we could make out every word. Extremely loud, then it gave way to dance bass heavy music. We could see guests outside dancing when we walked around the property looking for a security guard or the facilities manager. All we saw were party guests. We did not feel comfortable asking them to find the guard. We tried calling and the voice mail box was full. Police were called but told someone else had already done so they would not need to dispatch their officers for this. No response from the police, stayed loud until after 9 or 9:30

From: K S ks4accts365@cloud.com

Subject: Re: Averno Heights Academy After Hour and Weekend Events Calendar

Date: September 21, 2021 at 3:19 PM

To: andrea.berton@aberton@avernoheights.org

Cc: Vincent Gonzalez VGonzalez@tyofserramadre.com, Julia Fanara jfanara@avernoheights.org, Robert Parkhurst rparkhurst@tyofserramadre.com, Kelly Kruebs kkruebs@tyofserramadre.com, Edward Garcia egarcia@tyofserramadre.com, Rachele Arzomendrarzomendrar@tyofserramadre.com, Gene Goss ggoss@tyofserramadre.com, Ken Farsng kcf817@aol.com

KS

Dear Ms. Bertoni,

We note that some event hours for your weekend and after hours are too late for the neighborhood. There are already many events and gatherings being held during the school day, after school sports, weekend construction, landscaping and tree trimming. There is still no limit on the weekend hours any day of the week (which we want stopped). These events bring even more traffic and noise for neighbors and it's just unbearable. We'd like to see evidence of Averno wanting to be a good neighbor by adjusting these times to be no later than 10PM and not using amplification on projecting your events onto our property.

Averno is pushing the limits and we are pushing back. We do not agree with any event and/or persons partying, memorizing, carrying on under the guise of a "faculty" or "alumnae" or "PTA" event/gathering past 10PM. Even a wedding for "faculty" does not allow for extensions of the TUP hours because it's "faculty". We have noticed the trend of Averno to state that or that event or gathering is for "faculty" but it's an event rental or kind donation of space, but a rental is the same. Everyone needs to be gone by 9:30 PM and closed up by 10PM.

As someone from this calendar is the current WB film crew you acknowledge you are on site. They have been working without permission for a major film and are now back dating the request to film on site which started 9/17/21. This type of omission seems to be becoming the norm and makes Averno not appear honest.

Please work with your neighbors and send us a plan adjusted schedule. Thank you.

Respectfully yours,
Mr. & Mrs. K Stephens

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On Sep 16, 2021, at 5:38 PM, Ms. Bertoni <aberton@avernoheights.org> wrote:

Good evening,

September

9/15 – Back to School Night– Main School Terrace

9/25 – Alverno Family Memorial – Main School Terrace - 8AM-3PM

October

10/3 – Blessing of the Animals drive through - 8AM-3PM

10/09- Alverno Parents Association - Villa - 3-1100pm

10/10 Alverno Parents Association - Villa - 11-700pm

10/15 – Father Daughter Movie – Main School Terrace 5-1100

10/23 – Alverno Parents Teachers Association Event - Villa - 4-1200

10/29 – Halloween Drive through - 4-1000pm

November

11/14 – School Open House- 9am-5pm

December

12/04 – Faculty Wedding – Villa - 12:00-11:00pm

12/09- Candlelight Celebration – Villa - 6:00 - 900pm

12/12 – Santa’s Villa - Villa - 9-4pm

Rented Villa Events

September

9/18 – Villa – Wedding 2pm-10pm

October

10/08 – Villa Wedding Ceremony - 3:30-830pm

November

11/06- Villa Wedding-2pm-10pm

11/20 – Villa Wedding-2pm-10pm

December

12/11 – Wedding – Villa - 2pm-10pm

***All dates and times are subject to change.

Sincerely,

Andrea Bertollini

On Wed, Sep 15, 2021 at 7:25 PM K S <ks4accts365@cloud.com> wrote:

Good Afternoon,

Thank you we have been waiting since your school started to get some kind of calendar.

Could you kindly give us the times ?

Why has part of your student body drop-off/pickup and the teachers parking lot changed? We have created an enormous shift in additional traffic on GrandVew during these times.

When will Alverno stop holding sports on the Michouda parking lot? The noise is too impactful on our health and peace of mind.

We look forward to your response..

Respectfully yours,
Mr. & Mrs. K Stephens

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On Sep 14, 2021, at 6:51 PM, Ms. Bertoin <abertoin@avernohighlights.org> wrote:

Dear Neighbors,

Here are the dates of After Hour and Weekend Events.

School Events:

September

9/15 – Back to School Night– Main School Terrace

9/25 – Alverno Family Memorial – Main School Terrace

October

10/3 – Blessing of the Animals drive through

10/09- Alverno Parents Association - Villa

10/10 Alverno Parents Association - Villa

10/15 – Father Daughter Movie – Main School Terrace

10/23 – Alverno Parents Teachers Association Event - Villa

10/29 – Halloween Drive through

November

11/14 – School Open House

December

12/04 – Faculty Wedding – Villa

12/09- Candlelight Celebration – Villa

12/12 – Santa's Villa - Villa

Rented Villa Events

September

9/18 – Villa – Wedding

October

10/08 – Villa Wedding Ceremony

November

11/06- Villa Wedding

11/20 – Villa Wedding

December

12/11 – Wedding – Villa

*Wednesday Nights the school lends the cafeteria to the Pasadena Community Orchestra for their rehearsals. Practices run from 6:30-10:00 PM.

**Dates are subject to change and events may be added. AHA will notify the neighbors as soon as possible.

School Thanksgiving Break November 22nd-26th

School Christmas Break December 17th thru January 4th

If you have any questions please don't hesitate to call or email.

Have a Blessed day.

City Office as CC'd on this email:
Vincent Gonzales
Lauren Henz
Erika De La Cueva
The Serra Madre Police Department

Sincerely,

Andrea Bertollini '91

Facilities Director - Wedding, Events and Film Coordinator

Assistant for Development and Institutional Advancement



Alverno Heights Academy

200 North Michillinda Avenue

Sierra Madre, CA 91024

626-355-3463 Ext. 250

626-826-9742 Cell

www.alvernoheightsacademy.org

BE WHO YOU IMAGINE.

The mission of Alverno Heights Academy Lower School is to **EMPOWER** each individual to be exactly the person they want to be.

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Filming overload

Wed, Jul 26, 2017 at 3:54 PM

To: Cindy McLoughlin <cmcloughlin@alverno-hs.org>, jpeterson@cityofsierramadre.com, rsilvaBARRON@cityofsierramadre.com

Dear Ms. Silva_Barron, Ms. McLoughlin and Ms. Peterson,

If you are considering granting or inviting more filming at Alverno, we are implore you not to. We are kindly asking the city of Sierra Madre and Alverno Academy to give us a break for the rest of the summer (through September) from the onslaught of filming permits and films, including photoshoots.

We have not always been notified of when there would be filming this summer. When we called to register our complaint by the 3rd or 4th film shoot in July we were told we were on a list when we called Sierra Madre City Hall --- please provide us a copy of the list that says not to notice us. We did not ask to be on a list as such.

The constant activity and expectation that we put up with the varies. Overall the intrusive filming and surrounding activities that has come into our home has been too much and too often. We derive no benefit from this activity that precludes us from living in our home and using it as we would like. It is our home, not a school, nor a soundstage and we certainly feel the promises to curtail such intrusions has been exceedingly lax and careless with this onslaught of massive productions one after another.

Thank you,

Keith and Kristin Stephens

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**Follow up:
No one responded.
More filming.**

RELEASE AND SETTLEMENT AGREEMENT

This Release and Settlement Agreement is entered into effective the date the last party is signator to this agreement, and is based on the following:

I.

RECITALS

1. Parties. This agreement is made by and between the plaintiffs, JANET OWENS and CHUI CHOW, hereinafter referred to as the "plaintiffs" and the defendant, MT. ALVERNO HIGH SCHOOL, hereinafter referred to as "defendant."

2. Lawsuit. The plaintiffs have filed two separate lawsuits. The first is entitled Janet Owens v. Mt. Alverno High School, Los Angeles Superior Court Case No. GC015546. The second is entitled Chui Chow v. Mt. Alverno High School, Los Angeles Superior Court Case No. GC015547. The causes of action stated in both plaintiffs' Complaint for damages include those for nuisance and injunctive relief. Defendant denies the material allegations of the Complaint, and denies any and all wrongdoing to plaintiffs.

The Complaint arises out of certain functions which occur at defendant's property, including weddings and filming activities conducted in and around the former Barlow mansion

which is a scale model replica of the Villa Collarzi, hereinafter referred to as the "Villa".

3. Purpose of the Agreement. It is now the intention of all the parties to settle, compromise and resolve all of the claims, disagreements, disputes, potential claims and rights between the plaintiffs and the defendant which now exist or which may later exist, relating in any manner whatsoever to the facts and circumstances set forth in all of the pleadings in the lawsuits identified hereinabove, including, but not limited to, the dealings between the parties with regard to defendant's use of the campus of Mt. Alverno High School for the purpose of conducting weddings and other filming activities, and to compromise, resolve and waive any and all claims, disputes, disagreements and potential claims between themselves relating to said operations. It is the contention of defendant that said weddings and filming activities have, at all times, been a legal use of the property and in no way constitutes a violation of any statute or ordinance.

4. Payments and Releases. Defendant agrees that payment may be made on its behalf to the plaintiffs and their attorney in the total sum of \$15,000, which constitutes settlement of plaintiffs attorney's fees and costs. For and in consideration of the payment on behalf of said defendant in the amount of \$15,000.00, and in consideration of the mutual covenants and promises contained herein, the plaintiffs, for

themselves, their assigns, present or former spouses, heirs, agents and attorneys do fully and forever release and discharge defendant and its predecessors, successors, partners, employees, former employees, members, students, administrators, assigns, agents, owners, directors, officers, affiliated entities, attorneys and insurers for and from any and all manner of claims or causes of action in law or equity, liabilities, damages, expenses or costs which plaintiff now has or may have had in the past against said defendant arising out of the use of the Mt. Alverno campus for wedding receptions and filming activities.

The parties agree that the terms of this settlement, including but not limited to, the amount of money paid.

Finally, the plaintiffs and defendants agree that the continued operation of the campus for wedding receptions

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and filming activities shall be subject to certain rules of operation, and set herein below more fully, and that all parties agree to be bound by the terms and conditions set forth herein below.

5. Dismissal of Claims and Pending Lawsuits. Upon receipt of the settlement amount, the plaintiffs agree as part of the settlement to tender to the defendant an executed Request for Dismissal, without prejudice, of the entire consolidated action, entitled Janet Owens v. Mt. Alverno High School, Los Angeles Superior Court Case No. GC015546 and its consolidated, companion action, Chui Chow v. Mt. Alverno High School, Los Angeles Superior Court Case No. GC015547.

Any grievances the plaintiffs may have hereafter regarding the operation of the campus for filming activities and wedding receptions, will be resolved by way of the Alternative Dispute Resolution, grievance procedure, set forth more fully below.

II.

AGREEMENTS

1. Weddings and Wedding Receptions. Defendant and plaintiffs agree that weddings will, at all times, be conducted according to the following rules:

1. Weddings will only occur on weekends.

2. Amplified music will be allowed within the Villa only. There will be no amplified music outside of the Villa.

3. Weddings must end by 10:00 p.m. sharp. All music must end by 9:30 p.m. As soon as is practically possible, all attendees at the wedding and caterers, musicians, and other vendors rendering services at the wedding, must vacate the premises, but in any event no later than 11:00 p.m.

4. There shall be ample parking for all weddings on campus, and said parking shall be made available to wedding attendees at least an hour before any scheduled wedding.

5. Private security shall be provided at all weddings, and they shall enforce the rules. Their activities will include, but is not limited to, the following:

(a) They will take decibel readings at each wedding on a periodic basis, and record these decibel readings in a log.

(b) The decibel levels at all weddings shall be in compliance with the Sierra Madre Municipal Code. Furthermore, the findings of the court appointed referee were that sound emanating from the Villa was reasonable if it was within 70 db at the Villa, allowing 84 db for 15 minutes per hour, 89 db for 5 minutes per hour and 94 db for 1 minute per hour between the hours of 7:00 a.m. at 10:00 p.m. These findings shall serve as a baseline for evaluation of whether or

not the noise emanating from weddings at the Villa are in compliance with the applicable Sierra Madre Code.

(c) The private security guard shall have the authority to close down any wedding which does not comply with any of the rules set forth herein.

(d) The plaintiffs shall be provided with a pager number to contact the security guard directly. When plaintiffs attempt to contact the security guard, he will conduct himself as follows:

(1) He shall respond to plaintiff's call within fifteen minutes.

(2) In the event there is a complaint by a neighbor about the noise emanating from the wedding, the security guard shall take a decibel reading from immediately outside the Villa and immediately outside the residence of the neighbor, with all doors to the residence closed, and said readings shall be recorded by the security guard in his log.

(3) The security guard shall also keep a log of each complaint, the date and time thereof, his response thereto, and what efforts, if any, were made to rectify the problem.

6. In the event any of the neighbors, or the school, believe that a wedding and its reception are not in compliance with the agreements stated herein, or that the neighbor is unnecessarily interfering with the continued operation of the Villa for purposes of weddings and wedding

receptions, the aggrieved party shall follow the grievance procedure set forth herein below.

2. Filming Activities.

1. All filming activities on the Mt. Alverno campus must be licensed by the City of Sierra Madre.

2. All filming activities shall be coordinated with the film coordinator designated by the City of Sierra Madre. Presently, this film coordinator is Awest of Awest Productions.

3. A private security guard shall be hired by the school for every licensed film activity, and he or she shall be present at all times on the Mt. Alverno campus when filming activity is engaged in. His duties will include the following:

(a) He shall enforce all of the rules and regulations of both Mt. Alverno, the City of Sierra Madre, and those set forth herein in this settlement agreement.

(b) He shall be equipped with a pager so that plaintiffs can make complaints to him at any time. In the event plaintiffs make a complaint, he shall keep a log of those complaints, his response thereto, and the outcome of the complaint.

(c) The security guard shall have the authority to close down any film activity which fails to comply with any of the rules or regulations of the City of Sierra Madre and Mt. Alverno High School or as set forth herein.

4. On all occasions when film activity is conducted on campus, all property owners immediately adjacent to campus shall be given advance written notice of the proposed activity. In order for any filming activity to go forward, at least three-quarters of the property owners immediately adjacent to the property must consent to such filming activity.

5. All trucks and heavy equipment used during filming activities must enter and exit campus between the hours of 7:00 a.m. and 10:00 p.m. They may, however, remain parked without their engines running on campus during the hours when the campus is otherwise locked (between 10:00 p.m. and 7:00 a.m.). Furthermore, trucks and heavy equipment are to abide by the following rules of operation:

(a) Trucks are not to stop, park, idle, or await the opening of campus on that part of Michillinda Avenue immediately adjacent to campus between the hours of 10:00 p.m. and 7:00 a.m.

(b) Trucks and heavy equipment are to park and wait for opening at the shopping center located on the northwest corner of Michillinda and Sierra Madre Blvd. Access to the campus by trucks, heavy equipment and other vehicles used in conjunction with film shootings shall not be allowed prior to 7:00 a.m., and any trucks and heavy equipment seeking entry onto campus shall not come before 7:00 a.m.

(c) No trucks or heavy equipment used in conjunction with filming activity may be removed from campus between the hours of 10:00 p.m. and 7:00 a.m.

6. All passenger cars or vans used by film crews in conjunction with filming activities are to be parked at designated sites off campus. All participants in the filming activities are to be transported to campus by vans provided by the film producers. No film personnel are to park their vehicles on the "public streets immediately adjacent to campus.

7. Filming activity is to be confined to the area in and around the Villa. At all times, filming activities at the Villa shall use a blank generator and it shall be located on the paved area adjacent to the northeast corner of the Villa. Trailers and dressing rooms shall, whenever possible, be placed on the stretch of lawn between the north end of the Villa and the south side of the high school, so long as they can be reasonably accommodated in that area.

8. All filming must end by 9:30 p.m.

(a) All activity on the film sets must end by 10:00 p.m.

(b) In the event filming activity on the set on campus continues after 10:00 p.m., the security guard and/or the fire inspector shall shut down the site and cause all persons involved with the film activity to leave campus.

(c) All personnel involved with the filming activity must be off campus no later than 10:00 p.m. and the campus shall then be locked by the security guard. The security guard shall be the last to leave campus, and may do so only after the campus has been locked.

(d) No film activity may commence on campus before 7:00 a.m., nor are any film crew members allowed on the campus between the hours of 10:00 p.m. and 7:00 a.m.

9. "No rock video may be filmed on campus.

10. There will be no overnight filming activities on campus.

11. No filming activities will involve the use of explosives or fireworks.

3. Alternative Dispute Resolution, Grievance

Procedure.

1. Plaintiffs shall not attempt to close down any filming activity on their own, and shall at all times abide by the agreement set forth herein. In the event a neighbor feels that the rules are not being complied with, they shall first contact the security guard who shall respond to their complaint in accordance with this agreement. The security guard is to make a written request of any such complaints and what response, if any, he made to said complaints. In the event that plaintiffs feel the guard has been non-responsive or the rule violations have persisted, plaintiffs are to follow the grievance procedures set forth below.

2. The defendant shall conduct the weddings and film activities on campus in compliance with the rules and regulations set forth herein and the laws of the City of Sierra Madre. Furthermore, they will make a good faith effort to respond to each and every complaint of the plaintiffs. In the event the defendant feels that the complaints of the plaintiffs are frivolous or taken in bad faith, or that the plaintiffs are attempting to interfere with the defendant's lawful use of their property, the defendant is to follow the grievance procedure set forth herein.

3. The parties agree that any and all grievances by either party shall be reviewed by way of a previously selected arbitrator who shall serve as permanent arbitrator for all purposes during the tenure of his services. The parties shall agree to a permanent arbitrator who shall sit until the parties agree to his or her replacement. The cost of the arbitrator shall be borne equally by each of the parties. Presently, the parties agree that the Honorable Gabriel Gutierrez, Retired Judge of the Superior Court, shall serve as the arbitrator until the parties agree to his or her replacement.

4. In the event one of the parties wishes to pursue a grievance, then they are to serve a formal, written demand for arbitration on the other party and the arbitrator. All demands for arbitration must contain a statement as to the nature of the grievance and the date of its occurrence. The

arbitrator shall then select an arbitration date at least 30 days thereafter, but in no event more than 45 days thereafter. Under extraordinary circumstances, each party has the right to petition the arbitrator for an earlier hearing date, but only upon showing by way of written affidavit that there is a good faith need for the order shortening time.

5. At least 20 days prior to the date selected for the hearing by the arbitrator, the party filing the demand for arbitration shall serve a statement and brief setting forth with particularity the nature and extent of the conduct allegedly constituting the grievance, the date of its occurrence, all witnesses to be called at the hearing and identify all evidence (written, documentary, film or otherwise) to be presented at the hearing. Any law which the petitioning party relies upon shall be set forth in the brief.

6. At least ten days prior to the hearing, the party responding to the demand must serve a reply brief, responding to the allegations and identifying all witnesses and evidence (written, documentary, film, or otherwise) to be used at the hearing. Any law which the other responding party relies upon shall be set forth in the reply brief.

7. At any time, plaintiffs may make demand on defendant to produce at the time of the hearing the logs identified hereinabove. Said demand must be in writing and served no less than ten days prior to the hearing.

8. All hearings shall be conducted under the California Code of Evidence, the Rules of Court, and the Code

of Civil Procedure. The court hearing the arbitration shall have subpoena powers as set forth under the Code of Civil Procedure. All testimony will be taken under oath, and if a party chooses, at his or her expense, all proceedings shall be recorded by a certified, shorthand reporter. The transcript of any such proceedings can be used at any subsequent arbitration hearings or at trial in the above-referenced matters.

9. The parties shall attempt to agree to a set of guidelines as to the type of relief that the arbitrator may award. If the parties cannot agree, the matter of relief shall be submitted to the arbitrator for his or her determination.

10. After each arbitration hearing, the arbitrator shall prepare a written statement of decision, setting forth all of its conclusions and orders in response to the arbitration, and shall serve a copy on all parties.

11. For the first three arbitration hearings, each party shall bear their own costs, other than sharing jointly in the cost of the arbitrator. In the event either party chooses to record the arbitration hearing by way of a certified shorthand reporter, the party desiring the court reporter shall incur the costs of said court reporter. From the time of the fourth arbitration onward, if the arbitrator concludes that the demand for arbitration was brought or opposed in bad faith, the arbitrator shall award costs, including attorneys' fees, to the prevailing party. The award of the arbitrator in this regard can be reduced to a judgment

under the laws of the State of California under this or any other action which may be pending between the parties.

12. The parties agree to be bound by the terms and conditions of this agreement. They further agree to the dismissal, without prejudice, of the cases of Janet Owens v. Mt. Alverno High School, Los Angeles Superior Court Case No. GC015546 and Chui Chow v. Mt. Alverno High School, Los Angeles Superior Court Case No. GC015547, each party to bear their own costs.

APPROVED AS TO FORM AND CONTENT:

DATED: 7/24/98

LAW OFFICES OF KEITH F. ROUSE

By: Keith F. Rouse
KEITH F. ROUSE
Attorneys for plaintiffs,
JANET OWENS and CHUI CHOW

APPROVED AS TO FORM AND CONTENT:

DATED: 9/25/98

MARQUEZ & ASSOCIATES

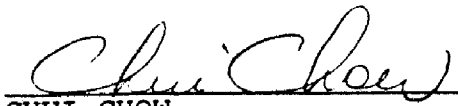
By: Robert B. Marquez
ROBERT B. MARQUEZ
Attorneys for defendant,
MT. ALVERNO HIGH SCHOOL

I AGREE TO BE BOUND BY THE TERMS AND CONDITIONS SET FORTH
HEREIN ABOVE:


DATED: 7-24-98

Janet Owens
JANET OWENS

I AGREE TO BE BOUND BY THE TERMS AND CONDITIONS SET FORTH
HEREIN ABOVE:

DATED: 7/24/98 
CHUI CHOW

I AGREE TO BE BOUND BY THE TERMS AND CONDITIONS SET FORTH
HEREIN ABOVE:

DATED: 9/23/98 
PRINCIPAL
OF MT. ALVERNO HIGH SCHOOL



**Public comment regarding the need to change the city code
for TUPs
3/17/22**

*Mayor Gene Goss
Mr. Bob Spears
Mr. Tom Denison
Mr. John C. Hutt
Mr. William Pevsner
Ms. Peggy Dallas*

Dear Members of the Planning Commission;

Speaking for the residents of Gurhardy Heights who are unable to attend but signed the petition submitted to the Planning Commission on 11/18/21.

Thank you for initiating a long overdue conversation which allows our family to speak on the topic of what amounts to Alverno Heights Academy's long running commercial rental businesses and how it negatively impacts our home and the well being of our family. There needs to be changes to our city code for filming after the TUPs are revised.

We, along with our neighbors of Gurhardy Heights, appreciate the opportunity to discuss our desire to preserve our rights and be stakeholders in this process. We will be cutting our trip short in order to be at the meeting. We will not have had time to review the proposed changes in the agenda because of the short notice to calendar this meeting.

We have been out of town in order for some much needed rest from the unrelenting impact by Alverno Heights Academy and the commercial businesses they run. The failure of Alverno to abide by the various stipulations and agreements have been a negative force upon our home and lives. An impact that has intensified since the K-8 started. The filming which Principal Fanara has publicly bemoaned is needed to pay for the tuition of her students has gotten out of hand.

The party's and wedding rentals are coming back to the Villa as well. What is not noted and what we wish to have addressed are the pro bono usages for party's and other non-school events Alverno has been engaging in but tells us non-regulated. This commission should include what we call the "grey area" usage because we feel it has been abused and should not be allowed to skirt TUP stipulations. Usage is usage be it a staff baby shower, an alumnae businesses all day dance recital, staff weddings and sadly even the wakes or memorial services that draw crowds to the campus.

We want to know why is Alverno Heights Academy now listing the Villa as being 675 W. Highland Ave on their permits? The usage is the same. Weddings and parties take part outside and around 200 N. Michillinda Ave as are films. Will a separate addresses benefit the TUP process for them but make it more difficult for the neighbors to get help with non-school usage? We never agreed to the bifurcating the Villa from Alverno. It's made it harder for neighbors to address the films and wedding rentals. There is a lot of buck passing between the city and Alverno.

The blue card language as was the agenda wording was confusing. It is hard to separate the TUPs for Alverno and the Villa from just the city's code for TUPs.

We can provide documentation in the form of images, video, emails, letters, and sound recordings of much of what we write about below and concerns us. It would make this lengthy commentary even lengthier so we are not included attachments unless requested to produce.

What good is anything the city puts in it's code, or a TUP or even a CUP if there is no enforcement? There must be language that addresses what happens if there are violations such as fines, or sanctions as a remedy. Address repeat offenders.

Please review the language of other cities who have faced the same issues of an outdated city code when it comes TUPs, institutions and filming.

Temporary uses allowed under this section should be sensitive to the health, safety and general welfare of persons residing and working in the community (surrounding homes) and shall be conducted so as not to cause any long term detrimental effects on surrounding properties and the community.

We think there needs to be a discussion of regarding filming in Sierra Madre and the abuses heaped on the neighbors surrounding Alverno Heights Academy. Unfortunately the City of Sierra Madre link to the city code is a broken link so there needs to be more public discussion after residents are able to access the section [Chapter 17.88](#).

Temporary Use Permits provide temporary uses of private property which are not normally allowed as long as the temporary use is consistent with [Chapter 17.88](#) of the Municipal Code which sets forth operational standards and requirements for temporary uses, and provides for the protection of the public health, safety and welfare.

We suggest the Planning Commission and City Council look at cities with more restrictive or banned short term rentals for language.

Thank you
Kristin Stephens
717 W. Grandview Ave

Issues | Concerns | Remedies | Links

Alverno Heights Academy will be referred to as AHA

- TUP code needs to address the neighborhood fatigue from excessive TUPs for film and party, and other rentals This should include paid or pro-bono non use because usage is usage in terms of noise, traffic, public nuisances, resident safety, etc.
- TUPs need to address in-kind, probono and grey area usage. Why should AHA continue having events under the guise of just saying it is a school event when it is not? Alumnae, city and other in kind use needs to have some kind of permit.
- The TUP code needs to address frequently rented facilities in residential neighborhoods. If an institution has a CUP within a residential neighborhood to operate then **it should not be allowed** to operate as a commercial business too.
- the SM City Code needs to address frequently filmed locations, See <https://www.cityofpasadena.net/planning/arts-and-cultural-affairs/film-office/guidelines/>

- Limit the hours like noise, 7AM - 7PM or 100% of the surrounding neighborhoods approval to allow up to 10PM for onsite usage
- Violators need to be sanctioned for not making sure the TUP is followed. Past complaints need to be reviewed and noted for the record. Deny permits for repeat offenders in Sierra Madre or other cities.
- We want to see sanctions and penalties for permit and code violations.
For example: No TUPs for 30 days after the first infraction, the second - no TUPs for 60 days and a fine, the third - Pull their permit, send the violators packing if it is film or party related. They don't get to return for a permit for 2 years.
- In this digital age there should be a section on our City of Sierra Madre website to see what permits are underway. <https://www.cityofpasadena.net/planning/arts-and-cultural-affairs/film-office/film-calendar/>
- AHA should honor their 1998 mediated settlement agreement between neighbors. There is good language. AHA has been acting in bad faith by knowing they agreed to the terms but have chosen to violate the terms.
- The TUP code should include other communities in California where the temporary use has been previously conducted by the party responsible for the temporary use. Ask them if they have ever been fined, reprimanded, reported or had a permit pulled because of TUP violations. Repeat offenders should not be issued a TUP
- Whittier <https://www.cityofwhittier.org/home/showpublisheddocument/5022/637221257697300000> The Chief of Police may suspend a temporary use permit if he finds that the permittee has violated any condition of approval imposed upon the permit; has violated any provision of law; or is, by the actual conduct of the activity, threatening the preservation of the public peace, safety or general welfare, or unreasonably interfering with the use and enjoyment of other property.
- What would this language look like? Would neighbors have to file a formal complaint? Make a call to the police and have someone dispatched? What about if the police cannot make it in a timely manner because they are out on other calls? What about an offender such as a film crew member who is in and out during filming set up and driving too fast, or idling in front of a home prior to permit hours? A party rental at the Villa is playing bass driven music? Transmittable sound vibrations are not measurable but are a nuisance.
- Applications for all events utilizing outdoor space must be accompanied by a site plan showing the areas to be used, parking spaces, sidewalks, and any other information City staff may require to make a timely and informed decision on your application.
- Some events should require the provision of security personnel to assure that the public peace, safety or general welfare is preserved.
- The issuance of a temporary use permit should not be a waiver of any requirement of any other provision of the City Municipal Code or other County or State law.
- How will the city address when an institution tries to hide behind a religious exemption? Does the city use their CUP definition? Does claiming religious exemption trigger different language for an institution who tries skirting the code?
- What language should be drafted so that a school can't claim religion exemption as a way around TUP code? What if a school starts offering their facilities for free or in-kind as a church? Alverno Heights Academy has been hosting activities which are not addressed such

as religious services, wakes (Irish excuse to party), memorials, What about a funeral gathering prior to burial? We disagreed that these were categorized on Aha's calendar as a "school event". These might be free but as witnessed in 2021 one memorial service at AHA filled the surrounding neighborhoods with cars for a Saturday. No guard or parking valet and it was well over a hundred cars. Is it a CUP and TUP violation ?

- TTUPs must better address entertainment at AHA when the Villa is rented (paid or in kind) such as band music, recorded music and any amplifying equipment must be restricted to a volume that does not disturb residents AND INSIDE THE VILLA or school classrooms.

The applicant should be required to undertake appropriate measures to ensure that the level of noise associated with the rental will not disturb the neighboring businesses' and residents' right to the quiet enjoyment of their premises or violate the provisions of the city code.

- FOIA requests should not be ignored and turn into an out of compliance issue.
- Residents are entitled to see what permits have been issued and the language of the permit - COMPLETE transparency without resorting to getting legal help to demand compliance.
- We feel permits should be pulled if the TUP is violated. When it comes to violations not addressed until after the date of a nuisance problem such as a wedding/party then fine the host and applicant.

This should be a stipulation in their permit that the parties (the rentor and rentee) will be responsible for the fine. If it's a film then the production house should be put on a list and not be allowed to return to the location. Ex.: WB, Paramount, etc.

- Our family who work in the film industry and they tell us the issues we are experiencing is only happening because nothing is being enforced. They suggest we seek damages for every film that shoots at Alverno and it be written into the permit that neighbors be paid \$1000 a day for each day they are onsite.

Frankly, we don't want money. We want a less frequency of filming on the school grounds of AHA and other rentals of the Villa so that it is being used to fund AHA on our backs. We want the inconvenience and disruptions of our lives from AHA to stop. Filming is only a part of the constant use of the school.

- Both addresses at AHA and the Villa needs to be put on the TUPs unless the neighbors can be assured ONLY the Villa is being used.
- Rentals should require offsite accommodations within the city for crews, trucks, support vehicles, catering for filming, etc.
- Generators should not be left running after hours. And they should be on dirt or grass towards the Villa, not on hard surfaces or surrounded by building that will project the noise and vibrations.
- There is no clear cut boundary between the Villa and AHA. TUPs need to delineate where exactly the rental usage can occur because this information is not provided to the residents on the Notice of Intent to Film. Often AHA has a TUP for a party or film and yet they use the school grounds. Live and taped music is blasted from speakers, Dj's have no decibel limits, film crews use the parking lot and grounds even though the permit is for the Villa.
- No more "Courtesy Notice for filming" It is not a courtesy and it is misleading when neighbors are asked to approve or not. Cover sheets should always be labeled Notice of

Intent to Film along with a signature sheet that CLEARLY states what is asked for on the permit, #of days, the equipment, # of crews, # of trucks, etc. Permits information is being withheld from residents and it should be clearly spelled out.

- AHA needs to be sanctioned or fined or something for violating their k-8 drive through and pick up TUP. The whole time filming took place in September and October of 2021 they willfully abandoned the TUP for the sake of the film crews.

Our calls and emails to AHA and the city were ignored. It was profoundly noise and disruptive to have a few hundred school kids being schooled in front of our home. Not to mention the traffic and safety issues. All the traffic was forced onto Grandview and caused numerous traffic issues with the way parents drove on Grandview after leaving they were routed out of the Michillinda parking lot and onto Grandview

- Limit the amount of filming at AHA. Film shoots have grown exponentially in size and equipment over the years. They want to use the property for even longer and more extended periods with huge amounts of crews, equipment and vehicles.
- The weddings are limited already but the TUP was changed without the neighbors involvement even though the city started requiring our input in 2010. The previous principal wrote the city to say they wanted to AHA should not be allowed to ignore their CUP stipulations without consequences and how they use their property, or ignore their K-8 traffic TUP in order to cow tow to the film crews desire for quiet where they are working. They did and told us the reason was for the film.

The filming that took place during September and October (the information is in our files along with photos and dates on our calendar) meant the whole K-8 moved to the Michillinda parking lot for pick up and drop off, pe, recess, classes, lunch, after school daycare, sports, camp - we mean EVERYTHING for over a month. And then very little ever left the parking lot once the crews left.

- We are not sure why Alverno is using 200 N. Michillinda and the permits being issued have just started using 675 W. Highland on film permits. This seems like a way to get double the TUPs but the property is the same. Both addresses must be on the TUP. Crews are onsite at 200 N. Michillinda. The do set up, film and set removal in and around the property.
- No drones! Filming or weddings. Drones have been used and flown outside the property over the neighborhoods during filming and Villa rentals. They are noisy and invasive. There are state laws governing drones and our right to privacy. Drones have been flown over us while walking outside of AHA on Michillinda. The drone was first seen over the filming area. We have documented another drone with camera hovering over our property and a red light which meant they were filming.

They had no permit to fly outside of Alverno. We have concerns this practice will increase with the school use. This kind of unpermitted usage erodes our right to privacy.

- City police should be able to look up a TUP instantly. Any TUP film permit needs to be available to the neighbors and the police if we have to call and ask for assistance regarding a nuisance or other issue. Everyone should be aware of what has been permitted by putting the permit online like other cities do.

For example, we called to complain about the drone. Dispatch stated they didn't know what's wrong with a drone flying and filming our residence. They said they don't know the if

there was even a city code and would have to get back to us even after we pulled up the state law which states: "You cannot fly a drone over private property in California. In August 2015, the California State Assembly passed legislation that would make a drone pilot who flies his drone over private property guilty of trespassing."

- Permits need to be pulled for permit violations like the drone, light trespassing or any other violation such as crews staying late, arriving too early, failure to obtain the correct percentage of signatures, crews parking where they shouldn't. If a crew violates their permit the film liaisons and location managers should not be dismissive to the neighbors and let it continue.
- When Con Air filmed at AHA and detonated an explosion the neighbors complained. We were told by AHA that Buena Vista films would never be allowed to film there again. They came back. And more explosions have been detonated for other films. We have been lied to by Lawren Heinz and AHA too long and too often. They just want their money.
- We don't want filming to stop completely. The city of Sierra Madre needs to share the filming a bit more equally amount the city so others can understand why it is not what they think.
- The City of Sierra Madre film office has no right to tell film crews to avoid our home when collecting signatures. We were unaware of this until we watched survey takers delivering to our neighbors and asked why not us. They have told us Lawren Heinz and Andrea Bertolini tell them not to approach our home or talk to us.
We have emails to Lawren Heinz as far back as 2013 requesting we not be blacklisted. The practice continues since we do not know until there is a film underway. Please see the neighborhood survey of addresses for Athena. It shows for this film that went on for months we were still on a DO NOT NOTICE or "STAY CLEAR" list. Our address, and another neighbor's has an X saying Stay Clear
- The City of Sierra Madre film office has no right to tell crews we are on a DO NOT APPROACH list without our knowledge. We have requested that we be apprised of ALL films since learning about this a few years ago.
- ALL homes need to be surveyed for each film. The Sierra Madre film liaison cannot cherry pick when to survey homes on the Pasadena side and when to only notice them. Film crews were told to only notice West of AHA even though there are many residents who are within the 250' perimeter for films like Athena. Crews were seen onsite in January all the way through late May, early June! See the Athena film.
- Postponements and returns to film need new surveys for neighbors signatures.
- 45 days for extended TUPs like filming is too long
- No film shoot should be longer than two weeks. Maybe film companies should only be allowed to film once in a year but they can just get another name and scoot under that regulation. Of course FilmLA.org would not let that happen.
- Ms. Heinz has effectively created a negative bias against our home by telling crews to "stay clear" of our home. We get nowhere with Location Managers if we have a complaint.
- Film crews are not getting approval for films. That is outrageous.
- It is unconscionable that film surveys have been dropped off with neighbors listing contacts that are unreachable, phone numbers that are non-existent, emails come back as

undeliverable. Lawren Heinz does not check the film surveys for accuracy before they go out.

- Film surveys have been dropped off with less than a day to review or contact anyone if we have a question. Neighbors are told to sign and put out to be picked up with less than 24 hours.
- We should have a 72 hour window not a mere few hours to respond. Many times these signature sheets go out on a Friday. The city film office is closed on Fridays. Crews are not responding on the weekend either.
- Quarterly neighborhood meetings are not being held. They were stipulated to take place “so as to let the neighbors air grievances and work on alleviation” yet AHA hasn’t held one since 2019 where neighbors could speak.
- The 1/22 expansion meeting was NOT a neighborhood meeting. A neighborhood meeting is described as being held quarterly as stipulated by the TUP. Times and dates to be mutually agreed by the neighbors not dictated by Alverno.
- AHA needs to stop dictating the dates, time and place of the quarterly meeting. MUTUALLY AGREEABLE
- The police chief and other city officials should be a part of the meetings at a minimum bi-annually.
- Violations have been reported to the police. The police have been called and they are clueless about the TUP, or CUP and won’t enforce the city code. There was a party rental just after the Planning Commission meeting that several neighbors called to ask for the music to be turned down and the party moved indoors, and shut the doors (per the TUP) and all our police would say was, “they are having fun” So what about the neighbors? We should suffer?
- Without relief, where should the neighbors go for help? Call the police if the problem needs immediate attention? What do we do when they don’t understand the TUP and bemoan on social media that the neighbors are a “bunch of F***** Karens.” “F*** them, I won’t dispatch my officers” quote. Yes, we have screen shot this. And been told about a person in uniform was publicly overheard at the local Starbucks complaining about the AHA neighbors.
- What is the process for making a complaint? For ex. Bass driven music is heard and felt from a rental event. If we call the police and ask them for help in getting the level turned down, is that not logged as a complaint?
- We have called the police on more than one occasion when lighting from film sets or what is called bank lights or lights used for the crews benefit to build sets is directed at our home. Police have had empathy but tell us, “they have a permit.”
- For ongoing issues or stipulation violations what do we do? File a complaint, with who? Provide one concrete process. This having to make twenty attempts to find someone who will address the situation so that we are beyond frustrated is not working
- AHA claims to be receptive but they make it incredibly difficult to just get ahold of someone on campus such as the facilities manager or when she becomes the film liaison for the school.
- AHA has started a bad precedence of grey area usage of their school, the Villa and surrounding grounds that needs to stop. It is really a pro bono rental use of the property that

subjects our homes to additional unchecked noise, traffic, and pollution under the guise of being a “school function” by, or for alumnae, or staff to hold personal parties. Alverno seems to be doing this so as not to have to categorize or adhere to the usage stipulations of the TUP.

- Film crews come in “smaller” groups to work onsite without permits. Neighbors are told they don’t need a permit yet within days we are asked to approve the actual film shoot. It is a deceptive practice that needs to stop. They still run their lights, equipment and trucks back and forth and make noise.
- We are requesting after years of problems with production taking place across from our home that the city of Sierra Madre film contract with FILMLA.org as does almost every city in LA County. After dealing with the city of Sierra Madre film liaison for three decades, we don’t trust them to uphold the city code - ever. We find their judgement and bias in favor of AHA is so blatant it has caused us no end in grief.

We have called FilmLA.org who will tell us they have no jurisdiction. They have understood our situation twice and have even reached out on our behalf to location managers to ask that this or that issue be rectified as a courtesy. We don’t know where to get help when egregious behavior is ignored or waived off by Lawren Heinz, Andrea Bertollini Alverno’s film liaison, and our own police tell us they can do nothing.

Sierra Madre needs to get out of the rumor mill of the film industry as “anything goes.”

- FilmLA.org is respected and knows all the LM’s - Location Managers. Film crews know that Sierra Madre is very lazy. Film crews tell us they would never get away with what they do if FilmLA was managing the permits, overseeing the production, or they were filming in cities like Pasadena.
- The Sierra Madre film office is not respected within the filming industry. Word among location managers and others in the industry is that the rules are lax in Sierra Madre and they can get away with a lot - explosions, street closures, etc.
- Calls to AHA went unanswered on a Friday and again on a Sunday to complain about the noise from semi trucks for a film unloading equipment and set were left idling in the Michillinda parking lot. The response on a Monday was that they were not that loud. We recorded it and disagree.
- On a Sunday we had to leave our yard and quit our planned outside activity and lunch. We had to close up our home because of the noise and the smell of diesel. We had to listen to the trucks which were left idling for an unnecessary length of time while the drivers chatted. One truck stayed in reverse leaving it’s back up sensor to beep incessantly while a flat bed loaded up a condor, another moved porta potties around to different locations then moved them again, it just went on and on. The trucks were then backed into spaces that faced our home their windshields produced a blinding glare into our home all weekend. We took film to prove our experience was real. Sick of Andrea Bertollini’s gaslighting
- Semis and other film trucks will show up early and idle in front of our home until they can get onsite at AHA.
- Crew members quite often violate the permit requiring they park at an offsite location and be bussed in. They will park in front of our home. The problem is some shoots have lasted until 3 AM or early like 5AM. We are woken up from their coming and going outside our bedroom.

Or we get to pick up their trash. Or they arrive too early for a shoot so they park on Grandview engines running. Just having a semi truck pulling up and backing into a space will wake us up with their back up sensors beeping. We have pictures.

- Crews and deliveries should have a number on the gate to call and be instructed NO HONKING. Trucks will honk to be let in at the Michillinda gate. If they are sent to the Wilson gate, they will honk there too. Trucks will honk in the middle of the night to be let out. Honking is disruptive.
- Hire guards that can understand English or are bilingual so we can communicate. Security guards stationed at the Highland and Michillinda gates on 1/6 and 7th did not speak English. We were trying ascertain why there was a massive film set up, equipment and crews onsite. The man at Highland, and the female at Michillinda just put up their hands in confusion when we asked to speak to whomever was in charge. Calls went unanswered. We emailed the Lawren Heinz and Andrea Bertollini
- Stop gaslighting neighbors when they see something such as a film with 100 crew members, 26 bodyguards, 6 actors, 26 trucks, a honey wagon, catering, a condor and untold number of cars sitting on the grounds of AHA
- The city needs to stop ignoring our records requests for the filming that occurred onsite 1/6, 7, 10, 11 and 12. We were never asked to sign a survey sheet. We were never given a notice. We did obtain a notice days after the shoot.
- Our request for records from 9/21 regarding another film is still outstanding and being ignored.
- Film surveys should make clear what is going to take place. The same information that they are putting on the film permit. A one day shoot recently was massive, had semis, catering and other trucks ran their engines in the Michillinda parking.
- Film surveys should be fully filled out. Often there are spaces on the survey where information such as dates are left blank.
- Neighbors should not have to make calls or send emails for that information
- Parties and Weddings should take place inside the Villa, not in and around the property.
- No amplified music outside for weddings. We never know what will be played at full volume. During one wedding we tried calling the security number and Andrea Bertollini. Our calls went unanswerd. Voice mailbox was full. We walked over and no one could find them. We spoke to the DJ standing at the Highland gate. We asked if he knew there was no amplification to which he told us no one ever told him. We asked if his musician would lower the volume on the speakers because the drumming was too loud he said no. He told us to call the police. He then proceeded to yell into his microphone to encourage hooting and hollering of the 25 guests. (We took a noise reading and filmed the situation)
- Weddings are taking place out of doors with amplification of bass driven music by DJs. This needs to be stopped. AHA grounds cannot mitigate this type of sound.
- AHA does not make it easy in any manner to get ahold of their staff who are supposed to be the point person for the parties or when acting as the film liaison. Since the 90's AHA has failed to consistently be available or reachable even though they love to write on their letters and put a plethora of numbers after their signature. We have tried calling but have been met with,

A closed office - no one answers yet staff can be seen onsite -or-

We have to listen to a myriad of options to then enter several digit code that then goes nowhere

Then the phone system answers and asks us to punch our party's extension. An extension we don't have, we just want a live person to answer

The facilities manager - has stated she won't answer blocked numbers yet it's best practices for an entity who has given out their number to call when one has an issue or concern then they should not cherry pick answering their phone.

Voicemails are left but not returned by the facilities manager's. Her apology for not returning calls is hollow.

The facilities manager is rude when we have reached her on the phone. For example: We were able to get the facilities manager on the phone the night our home shook like a bomb went off without warning. We determined it came from AHA. Her response to our being traumatized was to respond with, "It was on Facebook." And that was all.

Calls to security guards we are given go to an offsite location who AHA hires from. They tell us they will make a note of our call. That is non-responsive

Calls to the facilities manager go nowhere because her voicemail box is full, same as the security number

We have documented seven ways to Sunday all the ways we cannot get through to AHA.

We have walked over during filming and the film liaison is not reachable and we are made to wait in the freezing cold to draw attention to a problem.

or we are told AHA's film liaison is not on site.

It should not be that we have to get dressed after midnight to ask film trucks to stop running their engines for an hour or the crew to turn down their walkie talkies.

- The lying and gaslighting by AHA administration when responding to our questions needs to stop.
- If allowed AHA will request a watering down of some of the 2011 CUP stipulations such as use of amplification, lights on the field, simultaneous events - school or rental.
- We do not agree there is a demonstrated need for the use requested but a want for lining the administration's pockets regardless of how it wrecks the neighborhood and neighbors right to quiet enjoyment
- Alverno has demonstrated an unwillingness to work with the neighbors for years in spite of the CUP and TUP for the Villa operations stating they want to when they go before the city and there are no sanctions being enforced by the city
- The city of Sierra Madre staff changes are ignorant of the terms of the CUP and refuse to enforce it. How will any new CUP be enforced?
- The proposed request for expansion is designed, to be constructed, operated and/or maintained so as to be wholly incompatible with the R-1 village character of the surrounding area
- This project shows no indication they have considered how years of construction, noise and traffic will impact the surrounding area nor offered one iota of mitigation in it's plans
- This proposed expansion will only further serve to unreasonably interfere with and undermine the use, possession and enjoyment of surrounding and adjacent properties

- This project will irrevocably change the essential character of the surrounding R1 area from that intended in the general plan with it's noise, traffic and usage.
- The height, bulk, scale, mass and siting of the proposed project fails to be compatible with the existing neighborhood and surroundings
- The proposed project does not reflect the scale of the surrounding neighborhood in which it is proposed and it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting; in that the project maintains its single- family use in kind to many of the uses within the immediate vicinity of the site,
- We see very little in the last decade that has mitigated the appearance of Alverno's visual dominance. It has increased in noise and loss of trees become more dominant.
- School and other event traffic is not monitored for safety on our streets in spite a showing by Alverno for a two week period after the November Planning Commission.
- that the proposed project that would do nothing to enhance the surrounding village neighborhood. The architecture detracts from the mostly one story homes
- Siting of structures in keeping with landforms maximizes Alverno's footprint while ruining the neighbor views and privacy along with the public views
- Noise from the school has increased exponentially without any consideration of the neighbors request for mitigation. We are concerned that AHA will not be held accountable without a lot of effort on our part. Where is the assurance that the city will do it's job when it comes to overseeing the current and any future CUP?
- In spite of the proposed parking facilities Alverno has for decades created a nuisance; in that there exists on- site open parking that they don't use instead ignoring when their usage, events and rentals overload street parking and cause nuisance and safety concerns.
- The after school sports noise study presented at the 11/18/21 planning commission is a fraudulent show of wishful thinking by AHA. The noise levels do not reflect with any accuracy the reality of the noise levels that intensely impact the neighbors ability to use their property as intended.
- Why weren't the noise studies placed where the most impact was, not where they were put on Grandview?
- Requests for information are not responded to from Alverno facilities manager or other representatives. How will it be any different if the K-8 TUP becomes permanent?
- Requests to turn down the music for events go unheeded.
- We have concerns that any additional CUP will not be enforced by the city now or by future city employees.
- The pick up and drop off TUP (Temporary Use Permit) for the K-8 has been abandoned for the sake of the film crews. Filming shoots have grown exponentially in size and equipment over the years. They want to use the property for extended periods so Alverno makes changes to the property and traffic patterns disregarding the safety and rights of the neighbors

- Drones have been used and flown outside the property over the neighborhoods during filming and Villa rentals. We have concerns this practice will increase with the school use and erode our right to privacy.
- Persons and vehicles are entering the site via the Michillinda gate at hours when the neighbors are sleeping. The metal gates are heard being unlocked and opened. Persons chatting. Vehicular lights point directly into homes from midnight to 4AM. These have been documented at times when there is not supposed to be any filming. Staff has the gate key. Why are they on campus during those hours?
- This went on for months and when questioned Alverno administration and the facilities manager responded that they knew nothing about this. We find this a safety issue to our homes and neighborhood that so many persons could be coming and going on this campus without key personnel's knowledge
- Traffic from school functions continues to create unsafe streets in our neighborhood without any monitors per the CUP
- Parents continue to drop off students and staff park outside of homes instead of on campus
- Students are leaving campus and waiting for pickup offsite in front of homes.
- Neighbors are complaining of having to pick up trash left behind, trampled vegetation and students sitting on their property.
- Alverno allows for filming on site as early as 5AM and trucks leave as late as 4AM.
- Calls and pleas in writing from neighbors to limit the hours are ignored by Alverno and the city's film permit custodian are blatantly ignored.
- In spite of a city code ordinance stating any street closures require 100% neighbor approval. Street closures have been allowed in spite of the lack of approval by the neighbors.
- The 2022 TUP changed without neighborhood input yet Alverno tells the city it is a shared agreement. It is not. The neighbors want the protections for their right to peace and quiet enjoyment of their homes and property returned
-
- Get rid of the bright white canopies. Glaring (check city code on canopy use)
- Calls regarding the noise are not picked up regardless of what looks like so many ways to get a hold of AHA administration or their facilities manager. Voice mail boxes are full. They won't answer blocked numbers even though it is a business and a best practice. Always a new excuse for lack of being contacted or doing anything to address the problem.
- The security number for the guard changes often. Or there is no guard to get a hold of.
- Security guards are not available and if the call goes through, it's often an after hours offsite location that can do nothing.
- During the recent stealth filming the guard outside the gate did not speak English so communication was never established to get staff beyond the gates.
- Neighbors have given Andrea Bertollini their preferred contact information but have not been put on the email blast or snail mail for announcements, monthly calendars or meetings.
- During loud Villa rentals residents have tried going to the property to speak to a site monitor or the guard and they are not to be found. Wedding event staff can't find them and say they have no instructions on noise limits.

- Neighbors are sick and tired of 90% of the filming permitted in Sierra Madre being done at Alverno. They want the filming to be done elsewhere.
- Neighbors feel they are unfairly being imposed upon and burdened by Alverno's need for funding a school they cannot afford to run in spite of they're getting millions in PPE loans they don't have to pay back.
- Use of amplification on the field is not permitted in the CUP. Alverno recently purchased a portable system and is using it. Defying the CUP
- AHA will just continue their ignoring the CUP because they know the residents can't keep up with calling the police or filling out complaints once they get their expansion
- Alverno noise has increased noise exponentially since the K-8 and refuses to rent the facilities at Sierra Madre Elementary School as they previously did.
-
- Villa party rentals have a lack oversight when it comes to noise limits.
- There have been explosions and other unsafe practices that are not allowable.
- There have been sparklers used at weddings in spite of drought conditions.
- Use of amplification for weddings continues although Alverno tells the city on their request for the TUP that the music will not be amplified and is acoustic only.
- Monitors, no one is reachable onsite. Calls have gone to voicemail or the mailbox is full.
- Calls to school representatives from the neighbors are not returned if we can even leave a message.
- Emails are not responded to and if they are it is with non-answers, gaslighting and a "we'll get back to you" but never do.
- AHA is putting the lack of appropriate tuition commensurate with other private schools on the backs of the neighbors. It's ok to keep purposefully low tuition that AHA will fund through rentals of their site. At the cost to the neighbors quiet enjoyment of home and property. It's OK to ruin the neighbors sanity. Why do we have to suffer? There are other schools that offer fine educations in the area for students to attend
In 2011 the principal told the city and news organizations "Parents pay an average of \$11,000 per year for tuition for their girls to attend the small school of 230 girls. That figure is approximately half the average tuition for most private schools in the area. *That's why Alverno relies heavily on private funding such as renting out their grounds and facilities in order to stay afloat* while still providing an education to area girls at an affordable cost.

Yeah and we pay for it in loss of privacy and quiet enjoyment

- Continued destruction and removal of vegetation and trees to make way for temporary buildings and increased hardscape have increased the noise projected onto the neighboring homes. Neighbors have concerns as to what even more building do to increase the noise.
- Traffic is a concern on every street surrounding Alverno and pushing more traffic onto the secondary streets which those neighbors are not happy with.
- Large trash bins from the property are noisily dropped off on Grandview, emptied and left up to 7PM before being put back on site. These cans make getting in and out of driveways

difficult. Not to mention parents park haphazardly on the street waiting to pick up students on the Wilson drive

- Vegetation on the parkway is not maintained properly allowing it to become weed infested and lay across the walkways making it ADA non-compliant.
- Gardeners blow the dirt around on Grandview creating dust storms, blows weed seeds towards the homes. On the walkways they blow debris into the street and towards storm drains. The blowers are noisy, pollute and do little to maintain the walkways.
- The gardeners will not pick up trash.
- Gardening crews start well before 7AM on Saturdays and holidays too no matter how many calls we make.
- Gardeners run noisy equipment on Sundays before 10Am no matter how many times we call after disturbing our home.
- Sprinklers are going during the day. Neighbors have watering restrictions, why doesn't Alverno?
- LED lighting was not used nor discussed at the time of the planning. Concerned the Kelvins will be too cold and not in keeping with the warmth of surrounding city and neighborhood lighting.
- In 2011 AHA went to city council and stated: **“that the new buildings were not intended to be used for non school-related activities.”** Yet during this expansion AHA keeps touting the availability for the city and other entities. We don't want this. AHA staff admitted they didn't know people were arriving after midnight for months, film crews were coming onsite when they weren't suppose to, the gardeners arrive and start well before 8AM, and so on. There is a clear lack of control regarding who is using this property, weddings are convening on the perimeters of the property blasting music with portable loudspeakers, sparklers were used again at 2 weddings in 2020, and more. These non-school usages demonstrate time after time a failure to comply with either city code and the CUP or TUP stipulations.

Mayor Gene Goss
Mr. Bob Spears
Mr. Tom Denison
Mr. John C. Hutt
Mr. William Pevsner
Ms. Peggy Dallas
Mr. Vincent Gonzalez
Mr. Greg Silva



March 17, 2022

Public Comment

The abusive use of TUPs by an institution aka Alverno Heights Academy for a commercial business

Dear Members of the Planning Commission;

Thank you for addressing the use of TUPs and the woefully inadequate language in the City of Sierra Madre's code. There has been a flagrant misuse and overuse of TUPs by our neighbors Alverno Heights Academy at 200 N. Michillinda Ave and 675 W. Highland Ave.

Alverno is the mother of all Airbnb nightmares. It takes up a full city block, anything goes and there's no consequences after repeated offenses for unreasonably interfering with the use and enjoyment of my home and property.

I would like to see language in the city code that actually deals with the problems. Language that stops what my family, and our neighbors, have been having with Alverno using their school as a commercial business. ***Alverno has repeatedly used TUPs over the years to fund the school. Every principal has stated so publicly. Alverno does not have a viable business model funding their school in this manner.*** The neighbors are sick and tired of being imposed on as a result of the frequency of TUPs issued.

I'd like to see more specific language in the code. None of this "at the discretion of" one person in the city permit office who has shown a clear bias to Alverno for over a decade. We have repeatedly asked her to stop issuing permits for back to back, late night and early filming which she has ignored.

Use our issues and concerns as a jumping off point when drafting the city code. I will be assisting my wife with a running list of issues we have experienced when Alverno and the city fail to hear our complaints and calls for relief. Look at other cities who have already changed their city code to address TUP overuse and abuse.

To name a few: Calabasas, Honolulu, San Francisco, Las Vegas, Whittier.

Thank you for your time.

Keith Stephens

■ W. Grandview Ave

March 16, 2022

Mr. Vincent Gonzalez
Director of Planning and Community Preservation
City of Sierra Madre
232 W. Sierra Madre Blvd
Sierra Madre, CA 91024

Subject: Municipal Code Text Amendment – Chapter 17.88 (Temporary Use Permits)

Dear Mr. Gonzales,

Alverno Heights Academy (AHA) submits the following information concerning the proposed amendment to Chapter 17.88 (Temporary Use Permits). We are providing this information for the Planning Commission's March 17, 2022 meeting. City Council Resolution No. 10-33 approved Temporary Use Permit No. 09-17 for rental events in the historic Villa Sol d'Oro ("Villa"). We request that you distribute this letter to the Planning Commission for consideration at the March 17th meeting.

AHA's concern centers on the proposed limitation of twelve rental events per calendar year and the detrimental impact on the maintenance and restoration of the Villa should the proposed ordinance be applied to the Villa. The Villa is designated in the city's general plan as a Historic Landmark. The general plan encourages adaptive reuse of historic landmarks to facilitate their preservation. The Villa is eligible for a conditional use permit and for adaptive reuse. AHA will be submitting a conditional use permit application for the Villa.

Brief Background on TUP 10-33

History of the Villa

Alverno Heights Academy is located in the Institutional zone. The campus is a twelve acre site, surrounded by R-1 zoning in Sierra Madre and Pasadena. The Institutional Zone includes all schools and religious institutions (i.e., churches, schools, monastery). Prior to 1949, the property was the estate for the Barlow family. The main feature was the Villa, which was constructed as a residence in the 1920s. The Villa is a designated "Landmark" in the city's general plan. The Villa provides a setting for events and social gatherings because of its stunning architecture and historic significance, the outdoor terrace, and surrounding mature gardens.

The Villa was designed by noted architect Wallace Neff, as a replica of an existing Villa Colazzi in Tuscany, Italy designed by Michelangelo. Built in the 1920s, its original use was a private residence of Dr. and Ms. W. Jarvis Barlow. Dr. Barlow is an important figure in Southern California history, having constructed and operated the Barlow Hospital in Elysian Park for the treatment of lung diseases. In 1949, the estate was purchased by the Sisters of Saint Francis for use as a convent. By 1960, an independent all-girls Catholic High School was constructed. During the early decades of the school, the Villa functioned as a convent, chapel, and school library. AHA recently added a Catholic co-ed TK-8th grade Lower School and maintains an all-girls Catholic Upper School.

Villa Activities and TUP 09-17

Alverno uses the Villa for school events, such as retreats, music classes, religious services, receptions, dances, and fundraisers. Non-school events are community events, wedding receptions, fundraisers, worship services, and retreats. Beginning in the 1980s, the Villa has been used for private rental events. The Villa's rental events are currently regulated under City Council Resolution 10-33, adopted on May 11, 2010 (TUP 09-17), which is an annually renewing permit.

Although the typical rental events are weddings and/or wedding receptions, the Villa has also been rented for marriage anniversaries, birthday parties, memorial ceremonies, and similar special occasions. These are secular and non-secular events. A joint use agreement exists between the City and Alverno allowing for City events and community group events, such as fundraisers for the Friends of the Sierra Madre Library, the City Fire Department, Citizen Awards Ceremony, and the Wisteria Festival. These events are exempted from the cap of a total of 30 rental events in a calendar year. AHA has applied annually for extensions of the TUP since 2010, where staff can review and discuss any issue with the school.

The TUP's conditions were negotiated with the neighbors, are comprehensive, and well-thought out.

The Villa TUP was the result of two years of facilitation efforts between Alverno's neighbors and the school. Based on the city's recommendation, the school retained the planning firm of MIG to conduct a facilitation effort with the neighbors. The agreements reached between the neighbors and Alverno became the basis of the TUP's conditions.

Private rental events are capped at 30 per calendar year. Rental events are limited to Fridays, Saturdays, and Sundays. The resolution allows two private events at the Villa from the months of May to October (which is considered the peak season for weddings).

The resolution established specific hours for events, with Friday and Saturday events required to end at 10 p.m., with the parking lots cleared and the vehicle gates locked at 11:00 p.m. The ending time for any Sunday rental is 8:00 p.m. AHA contracts with catering companies to provide food and beverages, including alcohol. The caterers are required to maintain an ABC license and follow additional city conditions regulating alcohol.

TUP 09-17 regulates noise, parking, circulation, and deliveries and pick-ups, including ingress and egress to event staff and patrons. No live bands are allowed. Stringed instruments can be used outdoors without amplification. Microphones are only allowed during the wedding vows, toasts and processional music and recessional music. Dancing is only allowed inside the Villa. Due to restrictions of the Los Angeles County

Health Department, dancing was held on the Terrace during the Covid pandemic. All events are required to comply with the city's Noise Ordinance.

The Villa's TUP requires that Alverno meet with the neighbors quarterly to discuss issues related to the private rental events. Over time the meetings transitioned from discussing Villa events, into school activities. After several years of quarterly meetings, the neighbors suggested semi-annual meetings (at the beginning and end of the school year). The City approved the semi-annual meeting request. During the pandemic, the school could not conduct face to face meetings, switching to Zoom meetings. Alverno has currently been meeting with the neighbors on the master plan. It should be noted that school events are not regulated under the TUP.

TUP Rationale and City Council Findings

The City Council determined that the Villas' private events were ***"a reasonable use of land consistent with the general plan and zoning classification."*** (Resolution 10-33). This resolution anticipated the eventual filing of a conditional use permit for the Villa. The City Council found that Alverno was located on a large, 12-acre parcel, in the Institutional Zone and General Plan land use designation, with primary access from a Michillinda Avenue, a designated major street in the general plan, and with sufficient on-site parking for events. Alverno believes that the current TUP has provided practical regulations to mitigate impacts from for these events.

The City Council also found that ***"The Villa is located entirely within the Alverno High School campus, and therefore, private rental events will occur entirely on private property and will not impede the reasonable use of nearby properties. With the conditions imposed, such as restrictions regarding operating hours, maximum number of events per weekend and the maximum allowed within the period of one year, restrictions to limit noise emanation, and the requirement for an events manager, the temporary use will not impede the reasonable use of land, or the orderly development of land, in the immediate vicinity."***

Master Plan Amendment

AHA currently operates the school under conditional use permit/master plan (Planning Commission Resolution No. 11-10) last amended on July 7, 2011. Alverno has applied for a master plan amendment/conditional use permit for new school facilities, including TK-8th grade classrooms. The Villa's TUP was discussed at the Planning Commission's November 21st public hearing. The Commission observed at the public hearing that a more appropriate approach would be regulate the Villa under a conditional use permit.

The school conducted a master plan neighborhood workshop on January 24, 2022. Both the master plan and the Villa's TUP were discussed. Two conclusions were evident from the neighbor meeting – that there was confusion between the requirements for the school, school events held in the Villa and for the Villa's rental events, and that a review of the TUP's conditions would be helpful. A neighborhood meeting is scheduled for April 4th to discuss the master plan's traffic and noise concerns. Additional neighborhood meetings can be scheduled to review the TUP's conditions.

Issues and Concerns with the Draft Ordinance

I. The Villa is not a “Commercial Use”

The city staff report states that *“Residents have expressed concern that Temporary Use Permits (“TUPs”) are being used to convert certain institutional and residential uses to commercial uses. Of particular concern are the issuance of TUPs to Alverno Heights Academy ...”* AHA is a non-profit corporation and is not a “commercial use.” There is no profit from the operation of either the Villa or the school. The City determined that the Villas’ rental events were eligible for a Temporary Use Permit, anticipating the need for a future conditional use permit. The school acted in good faith to obtain the TUP. After a public hearing, the City Council adopted TUP 09-17 in May of 2010 (City Council Resolution 10-33).

II. The Villa is located on a large institutional parcel and a major street

The Villa is located on a large 12 acre parcel that is Institutional in its general plan land use and zoning designation. There are 114 fully developed parking stalls on the site. Private events are capped at 200 persons. Sierra Madre has developed its own street classification system and has designated Michillinda Avenue as a “Major Street.” The street has an existing capacity of 15,000 vehicles per day and carries far below this level.

III. Hardship Created by the Limitation to One Rental Event Per Month per Calendar Year

Staff is recommending limiting the approval of TUPs to one event per month on properties Zoned Institutional or Commercial. The one event per month is classified as a type of secondary use. In Alverno’s case, this rationale is inconsistent with the historic use of the Villa, where multiple events have occurred throughout the year.

Permitting only one private event per month will create a hardship by eliminating the sole source of revenue for the maintenance, operation, and restoration of the Villa. Historic structures the size and age of the Villa are difficult and expensive to maintain and restore. For example, recent estimates of replacing the Villa’s tiled roof are in the range of \$220,000 alone.

Sierra Madre values its historic structures and Alverno wishes to continue to make this resource available, however the dramatic reduction from 30 events to 12 events per calendar year will lead to further deterioration of the structure. This action will necessitate a reconsideration of the Landmark status of the Villa if revenues are longer available to maintain the historic structure and grounds. (The Commission should note that a portion of the Villa’s rental revenues support scholarships to students in need.) The current TUP is consistent with Policy L36.2 of the City’s Institutional General Plan to *“preserve historic structures to the maximum extent possible.”* AHA believes that a similar finding would support approval of a conditional use permit.

IV. The One Event Per Month Restriction Requires the Voiding of Legal Contracts

Alverno has substantially relied upon the TUP for the last twelve years to approve rental contracts for the private/non-school events. These events often require considerable advanced planning. The Villa currently has 16 private events contracted for the remainder of 2022 and four in contract signing. Cancelling these events could possibly expose both Alverno and the City to litigation from persons who have in good faith relied upon the TUP.

V. Exemptions

The proposed ordinance amendment contains a list of exemptions. One exemption is for events held on City property. The Alverno TUP exempts city events and community events at Alverno. Alverno believes that this policy is beneficial to the City and to the community. This policy can be implemented through the conditional use permit for the Villa.

Conclusion

Alverno believes that the Villa is eligible for a conditional use permit. Among the conditional uses allowed in the Institutional Zone are ***“Churches and other place of worship”*** (Section 17.38.030A.3) and ***“Places of assembly”*** (Section 17.38.030A.11). The Villa has historically been used for private events as demonstrated by TUP 09-17 and prior events in the last three decades. There have also been numerous private religious events held at the Villa in this time period.

The staff report for TUP 09-17 anticipated that the school will apply for a conditional use permit for the Villa’s private rental events. The findings of City Council Resolution 10-33 discusses the need for the future conditional use permit ***“a CUP and Master Plan is still required for any permanent uses; this temporary approved use is merely temporary”*** and ***“...the issuance of a TUP does not override the existing requirements for a CUP and Master plan for permanent development.”*** AHA will be applying for a conditional use permit for the Villa in order to preserve this valuable Historic Landmark.

We appreciate the opportunity to comment on the proposed ordinance amendment and to present information to the Planning Commission.

Sincerely,

Julia Fanara

Julia Fanara
Head of School

cc: Board of Trustees

From: [Sue Smrekar](#)
To: [Public Comment](#)
Subject: comment on amendment to Chapter 17.88 TUP codes
Date: Thursday, March 17, 2022 2:51:38 PM

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

Dear City Council

We live on Olive Ave and have been heavily impacted by the activities conducted by “The Lavender Marketplace, Workshops and Event Venue” (<http://www.lavenderworkshops.com/>). There is absolutely no doubt that this is a commercial activity. Even their supposed fundraisers (which are held roughly once/year in comparison to dozens of commercial events) donate an undisclosed portion of their profit to a charity. Yet the city has continuously granted temporary use permits as if this was the occasional personal function. We frequently can’t enjoy our own backyard due to the noise coming from this venue. There have been many evenings when we can’t even escape the amplified noise and yelling going on at this venue even by going inside and closing all the windows. The activities have been so loud that neighbors have called the police multiple times, which has resulted in a reduction in noise only as long as the police are present. While we personally find the noise to be the primary intrusion to our quiet neighborhood, there are many other nuisances, including commercial vehicles and large numbers of people and cars on the street. We did not move to a commercial neighborhood. However our neighbors have opened their business, which also includes 2 temporary rental houses, in the middle of our residential street by obtaining a continuous stream of TUPs. The city needs to put an end to this public disruption. Allowing residents to conduct for profit commercial activities should not be the purpose of the TUPs.

Sue Smrekar and Steve Rostker

From: [Anthony Sweeney](#)
To: [Public Comment](#)
Cc: [ACSweeney](#)
Subject: Chapter 17.88 (Temporary Use Permits) - Municipal Code Text Amendment
Date: Wednesday, March 16, 2022 7:06:30 PM

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

Municipal Code Text Amendment - Chapter 17.88 Temporary Use Permits

Major Concerns

The Lavender Marketplace, Workshops and Event Venue is a commercial business operating illegally in a residential neighborhood. It has been doing business without proper permits (and licenses) for over six years. The Lavender Marketplace, Workshops and Event Venue is a nuisance and disruptive to the quality of life for residents of Olive, Auburn and Mira Monte Avenues. Its existence is detrimental to the character of the neighborhood.

Temporary Use Permit Violations

See "Reference" below

Home Occupancy Code Violations

- The business activity is conducted primarily outside of the residence
- The business is located in close proximity to other homes
- The business has caused an increase in pedestrian and vehicular traffic
- The business has increased noise levels on the street
- The business has increased commercial vehicle traffic on the street
- The business has decreased available parking for paying residents
- The business attracts hundreds of people (non-Sierra Madre residents) to the street
- Employees are not all residents of the home
- Alcohol is served/consumed on premises
- Activities flow out onto the street and in front of neighboring homes

Closing

The small street of Olive Avenue sees heavy traffic during the week due to St Rita's school. It should not have to also endure the increased traffic and activity imposed by the existence of a commercial workshop and event venue. The owners of The Lavender Marketplace, Workshops and Event Venue had the opportunity to raise their children on our safe, quiet little street here in Sierra Madre. The current residents of Olive Avenue are only asking for the same safe and quiet environment to raise their children.

I look forward to resolving this issue for the benefit of the residents of Olive Ave., as well as

for those on neighboring Auburn and Mira Monte.

Best regards,
Anthony Sweeney
■ Olive Ave
Sierra Madre

Reference

Temporary Use Permit Violations

Partial list. Dates listed have photo documentation.

2021

2021-02-08 Wedding - No TUP
2021-02-16 Wedding - No TUP
2021-03-10 Wedding - No TUP
2021-03-26 Wedding - No TUP
2021-05-16 Wedding - No TUP
2021-06-19 Wedding - No TUP
2021-06-26 Wedding; Commercial vehicles unloading at 10:00pm on night prior - No TUP
2021-07-03 Wedding - No TUP
2021-07-10 Wedding - No TUP
2021-07-24 Wedding - No TUP
2021-09-18 Wedding - No TUP
2021-10-02 Wedding - No TUP
2021-10-09 Wedding - No TUP
2021-10-23 Wedding - No TUP
2021-10-24 Wedding - No TUP
2021-11-13 Lavender Market Place: "Charitable" Business Marketing Event (TUP Acquired)
2021-11-29 Filming - No Permits
2021-11-30 Filming - No Permits

2020

2020-05-16 Wedding - No TUP - During pandemic lockdown
2020-06-28 Wedding - No TUP - During pandemic
2020-07-11 Wedding - No TUP - During pandemic
2020-07-25 Wedding - No TUP - During pandemic
2020-07-31 Wedding - No TUP - During pandemic
2020-08-03 Wedding - No TUP - During pandemic
2020-08-29 Wedding - No TUP - During pandemic
2020-10-03 Wedding - No TUP - During pandemic
2020-10-10 Wedding - No TUP - During pandemic
2020-10-11 Wedding - No TUP - During pandemic
2020-11-15 Wedding - No TUP - During pandemic
2020-11-21 Wedding - No TUP - During pandemic

Home Occupancy Code (Chapter 17.85 of the Sierra Madre Municipal Code)

A Home Occupation is defined as any ongoing repetitive business or professional use, activity or utilization of residentially zoned and improved property, by the inhabitants of said property, which is incidental and accessory to the primary residential use and does not generate an adverse impact to the surrounding neighborhood. Essentially, the approved business activity in the home must be accessory to the primary residential use and shall be consistent with the residential atmosphere regarding appearance, any change in traffic levels and in the proportion of the residence dedicated to the home occupation.

From: [Carolyn](#)
To: [Public Comment](#)
Subject: TUP's
Date: Thursday, March 17, 2022 4:02:10 PM

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

Subject: Re: TUP's

I cannot count how many times I have called Alverno to "remind" them that the music they were playing or the microphone they were yelling into was too loud and too late in the evening, violating their contractual agreement to cease by a certain time. Each time, I was met with a disdainful and dismissive attitude, void of compassion and understanding for the neighborhood in which Alverno operates.

Whether it be weddings, movie shoots or other activities, the administration of Alverno act as if they are above the law, having a callous disregard for anyone other than what they want to do. They care not!

For instance, and this goes back many years, there was a film being shot on the campus of Alverno. At 11:15 in the evening, a very loud BOOM went off, startling everyone within a several block radius! Soon afterwards, the filming continued for days and nights, reeking-havoc on neighbors who were just trying to enjoy the "Peaceful and Quiet Enjoyment" within their homes.

I live in Pasadena and I'm so tired that this behavior is allowed to continue. Something must be done, as Alverno has been given too much latitude, which has only emboldened them to continue their bad-faith actions, causing ill-will and disruption among so many neighboring families.

And then there is this – fraud, which has already been on the news! Before filming, Alverno is required to have letters circulated to the surrounding neighbors, asking them to sign the letters, thereby documenting that those neighbors do not mind the upcoming filming. However, many of those letters were forged! When asking those very same neighbors if they had signed an agreement to have the filming done, they reported that they did not sign those letters, upon which their alleged signatures were affixed. Talk about their disregard, this takes the cake!

Tell me, please, how much longer are we expected to put up with Alverno's bad-faith actions? And now you can add Fraud to the list!

This is where I live, this is my home. I am fed-up with being forced to listen to extremely loud music, bullhorns, explosions, etc., the list goes on, during film making.

There's no other alternative but to have Alverno stop all filming. They are a school, not a film set! If they cannot make it financially by just being a school, then that's a sign that people voting with their dollars don't want their children going to their school. Therefore, they shouldn't be allowed to supplement the school's income with renting out their property to Hollywood, at the cost of everyone else. But to have them survive at all costs, even the cost of people not being able to live in their home peacefully, is not acceptable. We live here and we have a right to enjoy our homes without such disruption. This is unsustainable, by any measure. Put yourselves in our place.

I ask that you give an order for Alverno to cease and desist all filming on their campus and that this order be permanent.

School or Hollywood Set – It cannot be both!

I cannot count how many times I have called Alverno to “remind” them that the music they were playing or the microphone they were yelling into was too loud and too late in the evening, violating their contractual agreement to cease by a certain time. Each time, I was met with a disdainful and dismissive attitude, void of compassion and understanding for the neighborhood in which Alverno operates.

Whether it be weddings, movie shoots or other activities, the administration of Alverno act as if they are above the law, having a callous disregard for anyone other than what they want to do. They care not!

For instance, and this goes back many years, there was a film being shot on the campus of Alverno. At 11:15 in the evening, a very loud BOOM went off, startling everyone within a several block radius! Soon afterwards, the filming continued for days and nights, reeking-havoc on neighbors who were just trying to enjoy the “Peaceful and Quiet Enjoyment” within their homes.

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From: [Carolyn](#)
To: [Public Comment](#)
Subject: TUP"s
Date: Thursday, March 17, 2022 3:38:26 PM

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

Sierra Madre Planning Commission -

I am a 65 year resident of Michillinda in Pasadena. I have lived across from Alverno all of that time. When my parents bought this house, it was not a school. I listened to the Planning Commission meeting last November 18, 2021.

At the very end of the meeting, after the audience cleared Peggy Dallas stated that she wanted to know more about the filming at Sierra Madre as it has a hot point at Alverno. Victor Gonzalez stated that he was told by community services staff that about 90% of the filming in Sierra Madre happens at Alverno. He said that community services will come to a future meeting to discuss the filming. *Has that happened, yet?* Spears then mentioned, " my impression it seems to be a high intensity use

area and for whatever reason they are doing it the commission needs to look into it as it is impacting the community."

Hutt also mentioned that many of the things in the community are not being TUPed.

So, Alverno is a facility that is a cacophony of weekend and evening noises brought to us by their constant filming and weekend events. It not only disturbs your residents in Sierra Madre

but those of us living in Pasadena as well. This has been going

on for years. It has, however, accelerated in the last 5 years. They are filming without the consent of many of us on Michillinda so permit, smermit!

Here are some of the things that I have had to endure in the last few years from the filming at Alverno:

- 1) explosions at 11:15 pm that rock the communities of Sierra Madre and Upper Hastings Ranch.
- 2) film crew who has come to my home to stop my tile work as well as my tree trimming. Remember, this is a residential area.
- 3) Drones flying above my home.
- 4) Late night filming with excessive noise. We have had to call the Sierra Madre police numerous times.
- 5) Early morning trucks with generators running before 7 am.

Permit, smermit!



I am a very hard working teacher at Sierra Madre Elementary school and couldn't sleep in on a Saturday morning. A huge film truck idling in front of my home. A huge film truck swinging around on Cartwright and Michillinda making uber loud sounds before 7 am. **How can I sleep?????**

The filming is excessive! Alverno is running a commercial venture and getting away with it.

Why do you allow Alverno to run your town?

Evening events like weddings and parties go on for hours with terrible singing and loud music. I can hear the music all the way down on Cartwright and Rexford, right in front of Ken Farfsing's old home. How are they getting away with this time after time even though neighbors complain?

The police do NOTHING. Your TUP's need to be tighter and need to be followed. Alverno needs to be held accountable for their breach of any TUP and your police need to understand and do something about it.

These things need to be dealt with NOW. My greatest fear is the multi-purpose room that is planned to be built RIGHT IN FRONT OF MY HOME by Alverno. The reasoning for use of the multi-purpose room is intentionally ambiguous by the school. Knowing what we now know about how Alverno doesn't follow code, this multi-purpose room will be used for unintended events, thus, creating a lawsuit for both Alverno and the city that approves it. Alverno does not act in good faith. Neighbors are treated like crap. This is continuing. Nothing is being done by Sierra Madre.

Do Something Already!!! Make those TUP's more restrictive and have them followed. Alverno is making their school into a film studio thereby creating a commercial venture. They are getting tons of money for doing so. In fact, Sierra Madre is making a pretty penny off of this as well. Your fire chief attended the explosion that took place right in front of my home. For one night's work, the city made over \$30,00 for that. Not

too shabby. I'm in the wrong profession. What do your Sierra Madre and Pasadena residents/neighbors get out of this? Absolutely nothing financially but a lack of quiet enjoyment in their homes. And, that is everything to us.

Yours truly,
Carolyn inHalpern