



# Altadena Town Council

## Land Use Minutes

April 4, 2017

7:00 p.m. Altadena Community Center  
730 East Altadena Drive • Altadena, California 91001

1. **Call to Order:** Diane Marcussen 7:05 p.m.
2. **Pledge of Allegiance:** Nestor De La Torre
3. **Roll Call:** Pat Sutherlen. Present: John White, Anne Chomyn, Greg Middleton, Daryl Bilanzija, Judy Matthews, Tim Norman, Gloria Sanyika, Dean Cooper, Brent Musson Nestor De La Torre, Pat Sutherlen, Justin Robertson, Jennifer Lee, Anne Lansing, Diane Marcussen, Sylvia Vega.
4. **Approved Meeting Agenda of April 4 2017 as amended by S. Vega:** Sutherlen moved, De La Torre seconded. Unanimous.
5. **Minutes of December 2016 LUC meeting:** approved as amended by Chomyn, Robertson. Vega moved, Chomyn seconded. 13 ayes, 2 abstained (Cooper, Lansing).  
**Minutes of March 2017:** Robertson, De La Torre have provided corrections, Chomyn's corrections came in too late to incorporate. Middleton moved to postpone approval to April 2017 LUC meeting. Lansing seconded. Motion passed with Cooper abstaining.
6. **Chairman's Report:** None
7. **Action Items:** None
8. **Special Presentation and Public Comment**

- 8.1 **Community Standards District Fences and Hedges Revisited** – As announced at the March Altadena Town Council meeting, Los Angeles County Department of Regional Planning has offered Altadena one more review of the Fences and Hedges portion of the revised CSD before it goes the Board of Supervisors hearing.

Chair Marcussen explained that the Regional Planning Commission approved the CSD Revisions. That version is on the Regional Planning website. Prior to the Board of Supervisors voting on the Revisions, the Supervisor received many comments from Altadena residents asking for a more liberal policy on hedge, fence, and wall height in the front yard. The Department of Public Works was approached regarding liberalization of the rules on hedges, fences, and walls.

DPW responded with rules and policy as described on a four-page memo describing driveway triangles, covenants, and liability waivers. Whereas covenants and liability waivers are possible for hedges, walls, and fences not strictly in compliance, driveway triangles are non-negotiable. Altadena has had a moratorium on enforcement of hedge, wall, and fence height for several years. The enforcement moratorium will come to an end, but enforcement will be

complaint-driven.

Richard Marshalian from Department of Regional Planning was present to explain the subjects being revisited and to answer questions. Committee members asked questions and clarifications of what a Highway Line is, is the Highway Line determined per property, does presence of a sidewalk give a good indication of where the Highway Line is, whether 6 foot tall hedges, walls, and fences, could be grandfathered, why a covenant would be needed if the hedge, fence, or wall were in the public right of way, why liability waivers would have to be signed, whether the rules apply on private streets, how a resident can determine where the highway line is, whether there is sunseting of the current rules, what the basis is for the 42 inch rule, how the rules apply to a property on a slope where retaining walls are present, what rights the recipient of a complaint has, how adversarial is enforcement, is the name of the person registering a complaint made known, whether see-through fences would be acceptable in the driveway zone, has the County considered the cost to residents to bring their hedges, fences, and walls into compliance. Marshalian explained that non-compliant hedges, walls and fences could not be grandfathered. However, if the hedge, wall, and fence was included in a permit application, it would be legal. The efforts of the Departments of Regional Planning and Public Works have been directed towards minimizing hardship to residents who have non-compliant hedges, walls and fences.

Marshalian explained that Regional Planning has jurisdiction in front yards, DPW has jurisdiction in public right of way.

Chair Marcussen observed that many fences are solid to 3 ½ feet and see through above. From aesthetic perspective, will Community allow wall right up against sidewalk or set back? We can request that solid fences not be built right up against sidewalk. To consider: do we want to have a 6-foot solid fence or block wall, or say, solid to 3 ½ feet and see through above?

### **8.1.1 Public Comment**

Rene Amy – Questions the wording of the standard. It doesn't clearly define issues such as the purpose of a fence/wall or when a plant would suffice. If an understanding of purpose of fence/wall and if plant can have that purpose, problem would be solved. He believes it was improperly reviewed by County staff and County Counsel. The way it is worded is "asking for litigation to occur."

H. Shakur – What is the purpose of code that is complaint driven? Since it has never been enforced. Why do we have to have it?

Len Zola – The County claims it is coming in a non-adversarial manner, but his introduction to county enforcement is an "8-man paramilitary force." Would also like a clarification if the complaint driven model is the OFFICIAL position of Public Works (the County). The evil triangle: 1) "I can walk on any property and find violations." 2) the county does not have enough resources to enforce violations; therefore, 3) we only enforce on complaint. Council

to get to the bottom and find out is this the country we want to live in. Demand an explanation.

Steve Lamb – DPW doesn't make it easy to find property line info. If grandfathering is not possible, at least accept non-compliant fences/hedges. Accept hedges, fences in historic area. If it is a safety issue, the County is being "criminally negligent" in not proactively enforcing. Adopt 10' not 12.5' from curb.

Monica Hubbard – Claims this is a "deeply flawed process." She appreciates the efforts of the CSD committee and their work with the public, but now the County is doing the same. She claims both the CSD Committee and the public are being shut out of the process by the County. The Land Use Committee and Altadena Town Council should be advocates for the community. She feels trust has been broken between the people and the County. Deeply concerned with how the County has dealt with this issue.

Chair to Marshalian: There is a perception that there is a CSD revision version other than the one that was approved by the Regional Planning Commission. Chair would like to get the official version of the CSD Revisions that would have gone to the board.

Marshalian: There is no other version of CSD Revision than that which was approved by the RPC. It is on the planning website. Also, the documents [prepared by or with DPW] on the driveway triangle are on the website as well (same as those made available at this meeting). Vega suggested to put them on ATC website.

Greg McPhee –The [driveway] triangle makes a lot of sense. He called DRP and has been down there and had trouble getting through. Communication with the County may be lacking. This process we should know what is required - will this need a Director's Review. This could change a lot and be expensive. He also warns the County's right of ways can be much larger than most people think. These things may affect you a lot, so think very carefully about it.

Chair asks for community input to be sent to her to help the LUC understand the wishes of the community. Also, if you have a recommendation, we need to think about how whatever we decide will affect how Altadena will look in the future. We are aware of our fences, be aware of all of Altadena and how it will look. We will take public comment in two weeks as well.

## **9. Presentation Only**

Further discussion of CUP 2016-001849 - CUP to allow the sale of alcoholic beverages in each tenant space. Plans include the sale of alcohol for on-site consumption in the 6 restaurant spaces. The six restaurant spaces will have either Type-41 or Type-47 licenses.

The applicant plans to include the sale of a full line of alcoholic beverages for off-site consumption (Type-21 ABC license) in the 1 small market tenant space. Chomyn, White.

Chair: We are reviewing only alcohol. The building itself is going in by right. In the course of alcohol review, we are able to talk about and look at other issues.

Chair announced that the County has approved a plan to change the vacant lot on El Molino behind the Sheriff's Station into a multifunctional area. In that area, fourteen large parking spaces are to be made available to the Sheriff's Station for their bigger vehicles. This would allow employees to park behind the station, instead of taking up parking space on nearby streets. There would be about 27 additional places in the new lot for the public to park. This lot would be a long block from the Marketplace. The plan has been tweaked to keep the existing trees as much as possible. Let LUC know or let Supervisors know that you are in support before next Board of Supervisors meeting.

Update by Chomyn on Marketplace: County planner Carl Nadela is offering to talk to anyone with questions on the project. Call 213-974-6435. Four neighbors sent emails in support. Neighbors from 12 households on Marcheta and Mariposa signed letter citing concerns with number of liquor licenses, hours of operation, lack of adequate on-site parking for employees and 200 customers, and live music. Developers presented document with 303 signatures to petition in support of CUP approval.

Chomyn went over possible conditions that might alleviate parking and noise intrusion on neighbors living on Mariposa and Marcheta east of Lake Ave. Suggestions included valet parking, signage to direct parking and traffic away from Mariposa and Marcheta, self-closing doors, limits on volume of live music, landscaping. Other possible conditions were presented as well, including requiring alcoholic beverages be served only in conjunction with food, limiting number of licenses, specifying maximum space for market with Type 21 license. Closing hours were discussed. Possibility of limiting CUP to only 5 years.

Comments, questions from Committee Members:

Can we recommend environmentally friendly dishware and glassware (e.g. no Styrofoam)? Warning that number of ABC licenses may preclude other establishments getting a license in the future.

What happens to the other licenses that aren't used? Applying for the license is up to the individual vendors.

Comment that Mint Leaf wanted CUP that allowed staying open to 12; now it closes at 9.

If Marketplace is allowed to stay open later (11:30 p.m.), does food still have to be served?

Yes.

If tenants take 10 year leases, 5-year CUP may not be feasible. Is there an option to include some type of review midway in 10-year CUP?

### **9.1.1 Public Comment**

David M. – In favor. Elected not to speak.

George Buck – He lives near the property, on Marcheta, and has lived in Altadena for 40+ years. He and his wife are opposed to six restaurants. It would cause adverse effects: more noise, traffic congestion, and not enough parking. Where will valet parking be, on the public streets? He also noted the later it stays open, the longer employees will have to stay to clean afterward, which could cause further issues.

Katie Dickinson– They live on Marcheta, near the property. Somewhat in approval. Doesn't want the hours before 6 am or after 10 pm.

Noelia Rodriguez – She is representing her mother, Grace Carrejo, who lives on Marcheta, near the property and has lived there for 20+ years and in Altadena for much longer. She doesn't approve. She claims her quality of life and property values will decrease. She compared the situation to Webster's food truck idea, which were great for the community but caused issues. This will be different from Webster's.

Helen Overstreet – She lives on Mariposa, near the property. She quoted the property's website and claimed she would be in approval of what the website claims. However, what is currently being presented, she is not in favor of. Cited Grand Central Market in Downtown LA has a closing time of 10 pm, why would this property need to be open later? She doesn't believe the current noise reduction conditions would work.

David Howard – Cites concerns with Rancho about noise, parking, etc. It would “decimate the community” to add this project. Doesn't want the hours to be beyond 10 pm. He is concerned with the way the developer is presenting the issues. Will there be outdoor dining? Need a condition to prohibit outdoor dining.

Richard Lambakis – 11+ year resident. Cites issues with hours, parking, noise, and respecting local residents. Would like to move forward, but with the proper conditions. Parking should only be allowed west of the property. Live/acoustic music is ok, but limit the hours of live music. He approves of the proposed hours.

Bonnie Lingle – Lives on Mariposa, near the property. She cleans her street often and finds liquor bottles, condoms, and trash from the Rancho. She hears Rancho patrons arguing in front of her property. She lives directly adjacent to the property's parking lot. She cites the current issues with street parking due to the abundance of apartment complexes in the area. The proposed hours would disrupt her sleep. Goes to bed at 9, 10 at latest.

Todd Avery – Lives on Marcheta, near the property. Cites parking issues. He would like to see allowing only local residents permit parking on the streets. Will probably need permit parking on Marcheta and Mariposa. Has concerns with headlights and if they'd shine into his window.

Steve Lamb – Supports the plan. Doesn't think six licenses would be viable and having that many might be an issue. Can there be one ABC permit to cover all six? Says you can get a review that doesn't trigger another CUP. When he was on Council, they did that.

Kwasi Connor – Live local to the property for 10+ years. Marcheta. He has 2 kids. The area used to be nice, now he experiences junkies, racing in the middle of the night, transients. Has concerns with how this would affect children and newborns near the property. The plan should absolutely not go through. Claims this is a battle between “their commerce versus my commerce.” Operating hours until 9 pm is fine.

Gretchen Seager – Approves of the full line of liquor idea. She says it is a restaurant, not a bar, so 10-11 pm closing hours is reasonable. A shorter length in time for the CUP or some type of review midway would be a good idea. She cites York Blvd. in Highland Park and their successes and hasn't negatively affected property values.

Leslie Aitken – 40+ year resident. She would like Altadena to become what it can be. She supports the project. She claims it is a hard town to run a business in and has direct knowledge of this from the past. We could use a nice centralized business area and it could raise property values. People like to live in towns with goods and services. The issue with transients should be dealt by the community, not the developer.

Cynthia Howard – Lives on Mariposa, near the property. 11 pm is too late, but 9-10 pm might be ok. She would not like alcohol to be served after 8 pm. Too many liquor licenses. She supports valet parking with 80% trigger. She would not like outdoor dining. Who would be preventing patrons from leaving with alcohol? Would like to see DPW post signs saying no restaurant parking on Mariposa, Marcheta. She would like to see permit parking for only local residents on the side streets.

#### **10. General Public Comment**

Tom Cartwright – Previously lived in Altadena and Pasadena for 25+ years and currently lives in Azusa. He has issues with complaint-driven enforcement. Modern Automotive Technology at Grand Oaks and Washington. Supports the auto repair business of Mr. John Berberian, who conducts business in a professional manner. Been there 30 years. An asset to the community. Has done repairs for free for economically disadvantaged. Cartwright doesn't like the aggressive, covert campaign to undermine Berberian and take away his livelihood, and would like to see all parties come together to resolve their issues. When Cartwright was on Town Council he found that best course of action was to get parties together and talk.

[Barbie Ishida – did not speak. Comment card indicated concerns on Burbank school property, Marketplace transparency, AT&T. Support for CSD.]

Eva Garibian. – Learned a lot tonight about both issues you addressed today. and sees how citizens are concerned about injustice. Injustice is hard to take. Represents John Berberian’s landlord. Has seen the letter that Diane Marcussen has been circulating. Feels that Marcussen is persecuting this business. Understands parking may have been an issue, but when called to Berberian’s attention, it was resolved. It is not just to have a complaint-driven fence/hedge enforcement. 12 people in support of the auto repair business have waited 2 hours to speak. Will come back in 60 days after their investigation and consulting with counsel.

Tony Brock – written comment in support of John Berberian’s business, Modern Automotive Technology. The Business is reputable and reliable, not doing illegal practices or having unruly people hanging about. Has deep respect for John.

Brandon Hammerli – Spoke a few months back about starting a community garden. If parking is more important than projects that will help the community, then he will stop his plans. He been working on the property for some time, two months ago planted vegetables and native plants. The community garden is supported by multiple nonprofit locally-based organizations. He appeared at this morning’s Board of Supervisors meeting. The Board of Supervisors has tabled the issue to defer to the opinion of the Land Use Committee and Altadena Town Council.

**11. Adjournment** 9:50 p.m. Sutherlen moved, White seconded.

Anne Chomyn, with contributions from Nestor De La Torre, John White