



# City of Sierra Madre

Office of the City Clerk

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April 5, 2023

**SENT VIA EMAIL**

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

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

This letter is submitted in support of Kristin and Keith Stephens' appeal of the Sierra Madre Planning Commission's decision in the above-entitled proceeding pursuant to Sierra Madre Municipal Code § 17.66.020 (B). This letter, which must be placed into the council file and made a part of the administrative record formally responds to the Applicant's letter submitted on April 4, 2023.

Since the last hearing, the parties to this appeal and the city have met and engaged in discussions in an attempt to resolve this proceeding. There have been some high points.<sup>1</sup> Appellants proposed the construction of two sports courts in an effort to move all sporting activity off the Michillinda Parking Lot. If sited properly and with the right permit conditions to control sound, that would be a significant step forward to resolving the issues in this appeal. The Academy has tentatively agreed to the two sports courts, but appears unwillingly to concede that even with two sports courts, that it will no longer need the Michillinda Parking Lot for said activity. If the Academy is unwilling to definitively state that no sports will occur on the Michillinda Parking Lot even if they are granted the right to build **two** sports courts, then Appellants are unwilling to agree to allow the Academy to have two sports courts. The Academy cannot have its cake and eat it too.

While the parties appear to be in agreement with the general terms of Permit Condition No. 11 as contained in Appellant's April 4, 2023 proposal (Attached here as Exhibit A), the major hurdle that we have been unable to clear is how the sporting activity that is currently taking place on the Michillinda Parking Lot will be handled during the period of time in which

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<sup>1</sup> There have also been lows, which included misrepresentations of language in the CYO Manual, which Appellants counsel then had to spend considerable time and effort to locate, review and debunk. This is time that could have been better spent having a productive discussion about the true implications of the Manual on Appellant's proposal.

the two sports courts are being constructed. While January 2024 has been proposed as a construction completion date by Appellants, there is no guarantee that Academy will build a court by that date or at all.

Thus, how the Academy handles the **sporting activity** that is currently taking place on the Michillinda Parking Lot **during the time period when the construction of the sports courts is taking place** is crucial to the resolution of this appeal. Appellants' proposal for this specific issue is for all sporting activity on the Michillinda Parking Lot to relocate with the new school year on August 22, 2023. After that time, the Academy has the option of conducting its practices and games **for volleyball and basketball** at offsite locations, as it has done on prior occasions. (See Exhibit B.) In the past, the Academy and/or the parents have transported the students to sporting events. (Exhibit B.)

The Council may question why Appellants claim this is the only option. The answer is simple. The Academy has sanctioned the creation of basketball and volleyball teams, which require hard-surfaces, on a property that apparently contains no formal hard court surface that could accommodate this sporting activity. (See Attorney Sanders' April 4, 2023 Email.) Thus, the Academy decided to cram those sports into the Michillinda Parking Lot. During the meeting between the parties, even the Academy's athletic director said that the lot was not the ideal location for games. Other than the Michillinda Parking Lot, there does not appear to be anywhere else on this property where the hard-court sports could be moved during the time period when the two sports courts are being constructed. As noted in my April 4, 2024 email, the opportunity for the kids to play in a real gymnasium or other facility where the crowd can cheer as loud as they want will do nothing but enhance their sporting experience. I, for one, look back with fondness at the opportunity to play soccer on a field complete with bleachers big enough for numerous students and parents to attend. I found that this experience also contributed to a school-spirit and camaraderie.

Hence, Appellants have made the reasonable request for the Academy to **resume offsite sporting activity for basketball and volleyball on a temporary basis**. The Appellants note that the Academy has provided some figures on the cost of buses to transport their students, yet it appears that it only takes \$400 to cover the cost of bus rental for a field trip and the Academy's numbers do not seem to include yellow school busses, which Appellants are informed and believe run \$5k annually including insurance. Even if the council does consider these figures, this would be a temporary measure and would incentivize the Academy to complete the sports courts as quickly (and safely) as possible.

Moreover, it is hard for the Appellants to hear the Academy raise the issue of costs or religious exercise under RLUIPA as impediments to temporary offsite sporting activity for basketball and volleyball, when this issue is one of the Academy's own making. As recently as 2010, the Academy was conducting basketball and volleyball games and practices at the Foothills Community Church. (Exhibit B.) **There is no evidence that Appellants can see in the record or past approvals indicating that the Academy ever obtained permission to move basketball and volleyball sporting activity onto the Michillinda Parking Lot for use as**

**volleyball or basketball court.**<sup>2</sup> Yet, sometime in early 2021, the Academy began using the Michillinda Parking Lot as a basketball and volleyball court. The Academy should not be permitted to engage in a use not covered by the CUP and then claim infeasibility of cost or protection under RLUIPA as way to prevent the city from correcting a nuisance or permit violation.

As stated in my prior emails, even assuming that sporting activity is religious exercise and the proposed conditions are a substantial burden, the Academy’s letter ignores the remaining half of the federal statute, which allows a local agency to still impose those conditions as long as there is a compelling governmental interest and they represent the least restrictive means. Once again, nuisance abatement and CEQA compliance are two compelling governmental interests. Moreover, the Appellants fail to see how asking the Academy to **resume** offsite sporting activity for basketball and volleyball on a temporary basis until the sports court(s) are constructed is a substantial burden. **This is activity in which the Academy has previously engaged.** (Exhibit B.)

The city has conceded that the activity occurring on the Michillinda Parking Lot is not covered by the CUP. If this matter is referred back to the planning commission, the city and the Academy must take appropriate steps to ensure that this unpermitted activity is addressed during the pendency of the planning commission proceeding, so as to avoid an ongoing nuisance. The Academy’s letter proposes an agreement to cover the changes it proposes to undertake voluntarily while the planning commission proceeding is occurring. The rationale behind this idea is commended by the Appellants, but Appellants request that they be a part of any discussions in which the city and Academy have to execute any such agreement and will withhold their support or opposition until the terms of the agreement are drafted.

Finally, Appellants reiterate that a full environmental analysis is required under CEQA to account for the change in use on the property from 2011 as compared to present. This includes conducting new noise studies that use the correct methodologies and thresholds of significance (See Appellant’s December 14, 2022 Appeal Letter, Appellants’ Noise Studies.) and full traffic studies. With respect to Academy’s statement that Sec. 17.68.020 D7 of the Sierra Madre Municipal Code recognizes that elementary schools generate less traffic, I find no support for such statement in that section or subdivision. First, there is no SMMC Sec. 17.68.020D7 in the Sierra Madre Municipal Code. SMMC Sec. 17.68.020B(3) states that “Required parking for institutional uses subject to a conditional use permit or master plan shall be determined by the planning commission.” However, the Academy appears to be referencing Sec. 17.68.020C(7) which states “Projects that incorporate uses with significantly fewer occupants or employees than typical, such as warehouses, storage buildings, or electrical stations” but is inapplicable here because an elementary school does not by its own nature have less occupants than a high school.

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<sup>2</sup> The 2011 MND states that existing facilities include volleyball, and basketball courts but those were located in the south portion of the property and subsequently were demolished to make way for the soccer field and baseball field. (Exhibit C.)

In closing, Appellants would like to thank the City and all of its officials and staff for entertaining this appeal. We are still hopeful that the right, just and fair decision can be reached.

Sincerely,

A handwritten signature in black ink that reads "Jason Sanders". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

Jason Sanders

## EXHIBIT A

**Permit Condition No. 11:** Use of the Michillinda Parking Lot will be limited exclusively to the following uses:

1. Vehicle Parking.
2. Play/Recess in the event of visible water pooling on the grounds of and the playing surfaces of the Multi-Purpose Sports Field after a rain event. However, after the construction of the permanent sports court(s), the permanent sports court(s) shall provide the auxiliary play/recess area in the event of rain events.
3. Public safety demonstrations and a gathering space for public safety emergencies.
4. There shall be no amplification used on the Michillinda Parking Lot at any time.
5. Landscaping plan for Grandview to prevent glare onto the neighboring homes will be completed by September 1, 2023.
6. Sports practices and games for 5-8<sup>th</sup> Grade Volleyball and Basketball shall continue through the summer on the Michillinda Parking Lot. After the start of the school year on August 22, 2023, Sports practices and games for 5-8<sup>th</sup> Grade Volleyball and Basketball shall not be permitted on the Michillinda Parking lot.
7. No other uses (including but not limited to third-party uses) will be permitted on the Michillinda Parking Lot.

In order to clarify where certain activities will be moving, we would propose the addition of another permit condition, which I will refer to as Permit Condition No. 12 (the city can renumber) that would read as follows:

**Permit Condition No. 12:** The following activities and uses will be relocated to the following areas with the following limitations:

1. Sports practices and games for 5-8<sup>th</sup> Grade Volleyball and Basketball shall continue through the summer on the Michillinda Parking Lot. After the start of the school year on August 22, 2023, Sports practices and games for 5-8<sup>th</sup> Grade Volleyball and Basketball shall not be permitted on the Michillinda Parking Lot. Construction of the permanent sports court(s) shall be completed no later than January 31<sup>st</sup> 2024. One permanent sports court shall be located in the clearing adjacent to Highland Ave., between the interior Highland drive and the Cypress trees bordering the reflecting pond and the other permanent sports court shall be located on the northern portion of the Multi-Purpose Sports Field. After construction of the permanent sports court(s), sports games and practices for 5-8<sup>th</sup> Grade Volleyball and Basketball shall take place exclusively on the permanent sports court(s) or in the multi-purpose building, should that be constructed. There shall be no night games or practices, with night time being defined as 5:00 p.m. and later.
2. Play/recess shall be permitted on the Multi-Purpose Sports Field; Permanent Sports Court(s); and/or the space immediately south of the Wilson Parking Lot. This requires the relocation of the existing playground just south of the Michillinda Parking lot to either the Multi-Purpose Sports Field or the area south of the Wilson Parking lot. Play/recess shall also be permitted on

the Michillinda Parking lot during rain events on the Multi-Purpose Sports Field until completion of the permanent sports court(s). After completion of a permanent sports court, play and recess during rain events shall no longer be permitted on the Michillinda Parking lot and will instead occur on the permanent sports court or permanent sports courts.

3. **City events:** No city events shall take place on the Academy's campus.
4. **Physical education classes:** shall take place on the Permanent Sports Court(s); the Wilson Parking Lot; and/or Multi-Purpose Sports Field.
5. **Lunch:** shall take place in the Cafeteria, outdoor area next to cafeteria, and/or the outdoor lunch area next to Multi-purpose Sports Field.

Finally, we propose the following condition, which I will refer to as Permit Condition No. 13 (the city can renumber) that would read as follows:

**Permit Condition No. 13: Noise control:**

1. There shall be no use of whistles or amplified equipment during physical education classes
2. There shall be no use of whistles or amplified equipment during sport practices
3. There shall be no use of whistles or amplified equipment during play/recess
4. There shall be no use of amplified equipment or lights on the permanent sports court(s)
5. Prior noise and light conditions from the 2011 permit remain in place for the multi-sports field.
6. Where applicable, such as the St. Claire Ct, amplified equipment shall be utilized in combination with a noise monitor and automatic power shut-off or kill switch, which is programmed to turn-off the power to amplified equipment if the noise exceeds 80DB measured at 25 feet from the source and in addition, the noise should not be decipherable beyond the property plane. All amplified equipment must be oriented and directed away from the boundary of the property and located in areas, to the extent feasible, that will provide a buffer between the source of the sound and the property boundary.
7. Games on the permanent sports courts cannot occur simultaneously or overlap. Games on the permanent sports courts must be spaced with a minimum of one hour of time between the end of the first game and the beginning of the second game to provide sufficient parking and mitigate traffic concerns.
8. The permanent sports court(s) shall be used for no other purpose than games, practices, recess/pay and physical education class.

There should be a condition imposed in the CUP that any aggrieved party has a right to file a lawsuit in superior court for violations of the CUP's permit conditions and recover attorneys fees.

# CYO GOVERNING MANUAL



THE POLICIES, PROCEDURES, RULES AND REGULATION MANUAL

EFFECTIVE – 2022-23 SCHOOL YEAR



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#### CYO OFFICE

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A Program of



Reverend Monsignor Gregory A. Cox  
Executive Director



## PREFACE

The policies, procedures, rules and regulations contained herein, including competition rules, CANNOT be waived, modified or amended by mutual consent between or among Schools and any of its participants. Any changes to the Manual must have the official written approval of CYO. It has been sent out for review and comment to the Regional Representatives.

In addition, it will be sent to the CYO Advisory Board for review and comment. Upon conclusion of the open comment period, the Governing Manual will be finalized. In the meantime, however, the interim version is effective and will serve as governing authority.

The Governing Manual is organized by category as follows:

Article I – General Provisions

Article II – CYO Overview

Article III – CYO Provisions

Article IV – School Provisions

Article V – Athletic Events Provisions





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## ARTICLE I – GENERAL PROVISIONS

### SECTION 1 – DEFINED TERMS

All bolded words listed below and contained throughout this document shall have the following ascribed definitions:

**ADLA** – Archdiocese of Los Angeles, Inc.

**Athletic Event** – CYO Conference Event and/or a Competition Event.

**Athletic Event Competition Rules** – CYO specific rules for each sport or competition as contained in the Appendices.

**CCLA** – Catholic Charities of Los Angeles Inc., the Corporation which CYO is a part.

**Coaching Certification Card** – card, which is valid for 2 years, issued to coaches who have completed requirements for Coaching Certification plus attendance at the Play Like a Champion Coaching Certification Workshop.

**Competition Event** – an athletic competition that occurs between Schools, does not involve conference play and generally is completed in one to three days.

**Conference Event** – an athletic competition that occurs between Schools, involves conference play and generally is completed over the course of two to three months.

**Catholic Youth Organization (CYO)** – an athletic program intended for any Catholic elementary or middle school under the jurisdiction of the Archdiocese of Los Angeles.

**CYO Staff** – Employees of CCLA who manage CYO to include Director, Associate Director, Coordinator and Regional Reps and other staff that may be added by the Director.

**Deadline Date** – date whereby the Registration Form and the Registration Fee are due for an Athletic Event.

**Final Game Schedule** – the Preliminary Game Schedule as agreed to and finalized by all coaches in attendance at the Preseason Mandatory Meeting.

**Governing Manual** – the policies, procedures, rules and regulations governing the CYO contained herein including all appendices attached hereto.

**Participating School** – any Catholic elementary or middle school located within the Archdiocese of Los Angeles that participates in the CYO by submitting to CYO a Registration Form, Team Roster and Registration Fee. Referred to as “School (s)” herein.

**Play Like a Champion Today** – CYO Coaches Certification Program. Referred to as “PLC” herein.

**Preliminary Game Schedule** – conference schedule created by CYO and distributed to Schools prior to Preseason Conference Meeting.

**Preseason Conference Meeting** – as defined in Article III, Section 6.

**Registration Form** – to be completed and submitted by a School to register a team for an Athletic Event.

**Roster** – a form that includes complete list of players on a given team along with parent contact information (Phone & email).

**Registration Fee** – money to be paid by School to CYO to register a team for an Athletic Event.

**Temporary Coaching Certification Card** – card, which is valid for 4 weeks, issued to coaches who have submitted a signed Coaches Conduct form, a signed Fingerprint Verification form and \$25 processing fee.

**School** – Any Catholic Elementary school with in the ADLA.

**School Administrators** – Participating School employees to include Principal, Vice Principal and/or Athletic Director. Hereby referred to as “Administrators”.

## **SECTION 2 – APPLICATION OF THE GOVERNING MANUAL**

This document contains the policies, procedures, rules and regulations governing the CYO, including the attached appendices (the "Governing Manual"). The Governing Manual applies to all Schools in the CYO and includes matters of eligibility, sanctioning, qualifications, responsibility and the establishment and monitoring of program standards. CYO Staff will make final decisions regarding questions and interpretations of the Governing Manual and shall impose and enforce penalties as set forth in Article I, Section 3 below.

The policies, procedures, rules and regulations contained in the Governing Manual cannot be waived, modified or amended by mutual consent between or among Schools and any of its participants. Any changes to the Governing Manual must have official approval of CYO Staff. Changes to the Governing Manual made by CYO during the school year will be highlighted and underscored in red. At the start of each school year, such changes will be incorporated as part of the original font/color.

It is the responsibility of Administrators to ensure that all School participants understand and abide by the Governing Manual. Lack of knowledge or awareness of the Governing Manual is not an acceptable defense. Any matters not specifically addressed in the Governing Manual are left to the sole discretion of CYO Staff.

## **SECTION 3 – PENALTIES FOR VIOLATION OF THE GOVERNING MANUAL**

Unless otherwise specifically stated in this Governing Manual, CYO Staff, in its sole discretion, may take the following actions in regard to a violation of the Governing Manual by a School and/or a School participant:

1. Warning
2. Probation
3. Fines or penalty fees
4. Forfeiture of game or games
5. Forfeiture of playoff or tournament rights
6. Temporary or permanent suspension or removal of a student athlete, coach or spectator
7. Suspension or expulsion of School from the CYO

When a School is suspended or expelled from the CYO, that school may not participate in any athletic competition with any other School. Any School competing with the offending School shall be subject to disciplinary action by the CYO.

A School Administrator of an offending School's Team may contest a CYO rendered penalty by submitting an appeal in writing to CYO Staff within two business days of the offense. CYO will review the appeal and reply in a timely manner. Should the decision not be satisfactory to the School, the Administrator may appeal to the CYO Advisory Board in writing. CYO Advisory Board will review and reply in a timely manner. Appeal decisions by the CYO Advisory Board will be deemed final and not subject to further appeal. Continued participation of the School Team during the appeal process will be at the discretion of CYO Staff.

## **ARTICLE II – CYO OVERVIEW**

### **SECTION 1 – NAME & HISTORY**

The name of this organization is the Catholic Youth Organization of Los Angeles (“CYO”), a division of Catholic Charities of Los Angeles, Inc., a nonprofit corporation (“Catholic Charities”). Catholic Charities originally known as the Catholic Welfare Bureau began its work in 1919 as a response to the problems of poverty, crime, hunger and unemployment within the ADLA. Its’ purpose is to meet the needs of families, coordinate existing health and welfare facilities as one and initiate new service programs as required. Regardless of race, ethnicity, income, sex or religious belief, Catholic Charities lends a hand to everyone.

In its early years, CYO was the official youth agency of the ADLA, offering boys and girls a group work program under Catholic supervision in accordance with the Catholic philosophy of life. CYO activities were planned around the four point program of spiritual, social, cultural and physical activities offering members and participants a well-rounded program which develops the total personality of the individual. It administered six distinct programs that provided services to the Los Angeles community. One of those programs was the CYO athletic program.

### **SECTION 2 – ORGANIZATIONAL PURPOSE**

CYO manages and oversees an athletic program for Catholic elementary schools under the jurisdiction of the ADLA to assist Schools in their efforts to instill Catholic values and educate the whole child.

As the governing body, CYO shall:

1. Maintain a fair and healthy balance between Family, Athletics, Academics and Catholic Values.
2. Provide an organizational structure for athletic competition between Schools.
3. Establish and monitor standards for student athletes, coaches, officials and spectators.
4. Provide information and programming materials to facilitate active communication among Schools and its Administrators.
5. Establish and monitor standards for good sportsmanship and healthy athletic competition.

### SECTION 3 – PHILOSOPHY OF THE CYO

The mission of the CYO is to provide organized athletic opportunities to youth in a Catholic environment. With this mission in mind, the policies, procedures, rules and regulations set forth herein are based on the following philosophical objectives:

1. Provide a wholesome outlet for a student athlete's physical energy while strengthening the student athlete's spiritual and social values.
2. To build a community that (1) strives to image Christ and (2) instills Christian sportsmanship in the lifestyles of the participants.
3. To center the athletic programs for the youth and for the youth's development of physical skills, social skills, emotional and mental growth and spiritual strength.
4. To help form well-rounded youth by fostering good health habits, teaching the positive value of athletic participation and showing the necessity of practice, hard work and time management.
5. To recognize the vital role the coach plays in the development of the youth and to train the coaches as youth ministry leaders under the Archdiocesan required coaching certification program, Play Like A Champion Today.
6. To teach all the participants (school Administrators, coaches, student athletes and spectators), the proper attitude towards winning, losing and competing with dignity.
7. To develop Catholic community, school spirit, team spirit and personal acceptance.
8. To train, instruct and follow athletic/sport rules.

### SECTION 4 – GOVERNANCE

As of August 1, 2022, the CYO staff consists of a Director, Associate Director and Advisor. In addition, CYO Director shall appoint a Regional Representative for each of the geographic regions that currently make up the CYO. Collectively, the Director, Associate Director, Advisor and the Regional Representatives shall be known as the "CYO Staff". The Director and Associate Director shall not hold any SPORTS related position, paid or otherwise, at any Catholic Elementary or High School within the ADLA. Staff positions and their responsibilities may be added or removed at the discretion of the CYO Director.

**NORTH REGION** - Includes Los Feliz, Atwater, Glendale, Verdugo, Burbank and San Fernando and Conejo Valley schools.

**EAST REGION** - Includes San Gabriel Valley, East Los Angeles and the Pomona Valley, extending eastward to the Los Angeles/Riverside County border. The southern border is the 60 Freeway and the northern border is above the 210 Freeway.

**SOUTH REGION** - Includes area bordered by the Los Angeles/Orange County line, the 110 Freeway on the west, the 60 Freeway on the north and the Long Beach area on the south.

**WEST REGION** - the area bordered by the 110 Freeway on the east, the Pacific Ocean on the west, the San Fernando Valley on the north and the San Pedro/Wilmington area on the south.

- A. Finalize the Preliminary Game Schedule
- B. Review other important administrative matters and competition game rules (the "Preseason Conference Meeting").

The time, date and location of the meeting will be provided by CYO on its website and via email. In addition, the CYO Regional Representatives will contact each school by phone or email prior to the meeting as an additional reminder.

The Head Coach of each team is required to attend the Preseason Conference Meeting. If a Head Coach cannot attend the meeting, he/she should send an adult representative (preferably an assistant coach or school administrator) to the meeting. If a School fails to have a representative at the Preseason Conference Meeting, then it shall:

- A. Lose its voting privileges for the entire season.
- B. Forfeit the ability to change the Final Game Schedule.

### **SECTION 7 – FINAL GAME SCHEDULES**

CYO strongly encourages Schools to play the games scheduled in the Final Game Schedule rather than resort to forfeits. Final Game Schedules involving games at a centralized facility are to not be modified by Schools. Schools that do not play a scheduled game at a centralized facility forfeit the game and are responsible for the referee fees (including the other team's referee fee) and any other fees associated with the forfeited game. See Article V, Section 3 regarding postponements and rescheduling rules.

All Conference games must be completed the Final Sunday prior to the start of playoffs. Any games scheduled after designated Sunday not previously approved by CYO, may not be considered and playoff seeding's shall be based on the Standings as of Final Sunday.

### **SECTION 8 – REGIONAL REPRESENTATIVE**

In an attempt to make CYO more responsive to its Schools, each geographic region of the CYO has a Regional Representative to serve as a liaison between CYO and the Schools. The Regional Representative's duties include, without limitation, attendance at all Preseason Conference Meetings to communicate important administrative matters as well as highlight items in the Governing Manual to ensure that all coaches understand and adhere to them. The Regional Representative shall also monitor the progress of each conference season in its region, including updating weekly game results of all conference games on the CYO website. Schools should not hesitate to contact its Regional Representative to discuss issues or ask questions.

A Regional Representative's association, work and/or volunteer involvement at their Catholic Parish / School shall not be considered in conflict with their CYO responsibilities.

### **SECTION 9 – FACILITIES**

Centralized facilities generally provide for safer playing conditions, keep all conference games on a level playing field, aids in securing game officials and help create a larger sense of Catholic community. CYO further recommends that Schools who desire to have games played at its own school can schedule 'friendly' or

nonconference games to achieve this goal.

In light of this, CYO endeavors to assist Schools to obtain centralized playing facilities. CYO attempts to secure centralized facilities mainly with Catholic High Schools within Los Angeles County but will also pursue and consider facilities elsewhere. Catholic High Schools and most facilities require varying fees to pay for use of the grounds and site supervisors.

This site supervisor expense must be shared between CYO and the Schools who play at the CYO-arranged centralized facility. Schools playing Conference Events at a CYO arranged centralized facility during the school year will be required to pay a facility fee for each sport to CYO for the site supervisor fee.

Alternatively, whenever a conference utilizes a centralized facility located at or secured by a School, the Schools may have to pay a facility fee to the centralized facility. There is no facility fee when a conference utilizes a home and away schedule at a School.

## **SECTION 10 – OFFICIALS**

The general requirements for game officials are as follows:

- A. The minimum age is eighteen years old
- B. Game officials should be knowledgeable about the rules of the sport in general and the rules of the CYO specifically.

CYO arranges for assigning game officials to all CYO-arranged centralized facility conferences. If requested, CYO can arrange for assigning officials to all School-arranged centralized or Home and Home facility conferences. Game officials are not employed by CYO. Rather, officials are private contractors, therefore, schools may have to negotiate the price they pay officials at home and away games.

Each School is responsible for payment of one official at any game. The CYO standard fee for an official at a centralized facility game or playoff game is \$40 per official. If only one official works a centralized game in cases where there are supposed to be two officials, each School shall pay \$25.

It is generally the responsibility of the home team School to arrange and pay for a game official in home and away conferences. The visiting team may arrange and pay for an additional game official at its own expense.

A School that forfeits a game is responsible for the entire game official fee (including the fee owed to the game official by the other school). Schools shall pay the official fees for all CYO playoff games except the Final Four.

Scorekeepers and timekeepers must be at least fourteen years old or a freshman in high school. The home team's scoring book shall be deemed the official scoring book and should be available upon request by CYO. Scorekeepers are required to enter a participant's last name, first initial and number in the scoring book. CYO requires that scorekeepers from both teams sit together throughout the game to avoid protests.

## **SECTION 11 – PRE-GAME PRAYER**

The CYO is a Catholic athletic program. In light of the philosophical objective to develop Catholic community



and to remember Christ's presence in our lives, including athletics, every Athletic Event shall begin with a group prayer between the two Schools at center court or midfield.

## **SECTION 12 – LIMITATIONS ON ATHLETIC EVENTS**

Athletic Events involving Schools will begin no earlier than 12:00 pm on Sundays. No Athletic Events will begin after 8:00 pm on Monday through Sunday. CYO recommends that practice sessions should be between one and two hours depending on the level of competition. All practices should end prior to 8:00 pm. Each School should monitor and determine appropriate guidelines regarding the number of times each week that its teams practice.

## **SECTION 13 – CYO RECOGNIZED EVENTS**

No School on the A level will be allowed to participate in any tournament during CYO playoffs. CYO recognition has been implemented to ensure the adherence to the Governing Manual in addition to maintaining the integrity of Catholic youth sports.

Each School should monitor and determine appropriate guidelines regarding the number of games each week that its teams play in any tournament.

If an event is recognized by CYO, it will be posted on the CYO website under the Tournaments tab. If an event is not listed, then it is not recognized by CYO.

In order to get an event recognized by CYO, a sponsoring organization must complete an Application for a Recognition, a form of which can be found in Appendix D and submit a fee of \$35. CYO will post the event information online and forward to Schools via email.

## **SECTION 14 – RECRUITING**

Any school administrator or coach of a School shall not recruit a student athlete from another School in any form, way or means. Violation of this policy will result in the student athlete's expulsion from the CYO while the School and Team Coach may be subject to disciplinary action by the CYO. Any CYO game/competition in which a recruited athlete has participated will be declared forfeit.

## **SECTION 15 – TRANSPORTATION & OVERNIGHT TRIPS**

According to policy established by the ADLA, Department of Catholic Schools Policy, (i) a coach should, whenever possible, have the parents of student athletes arrange for the transportation of their children. Overnight trips must be in compliance with ADLA Department of Catholic Elementary Schools Policy which schools are responsible to understand and comply with.

## **SECTION 16 – INSURANCE**

Student athletes are covered by the ADLA, Department of Catholic Schools Insurance Policy. ADLA Insurance



does cover student participation in CYO. Coverage for participation in any sports activity outside of CYO is subject to ADLA policies. Claims should be directed to the School that the student athlete represents. A copy of the insurance policy can be obtained by contacting the Archdiocese of Los Angeles, Department of Catholic Schools (213) 637-7300. Additional insurance can be purchased for summer programs.

## SECTION 17 – AWARDS

For Conference Events, CYO presents the following awards to individuals and teams competing on the A level:

**Conference Champions** – awarded to teams that finish in 1st place in Conference play. In the event of a tie for 1st place, each team will receive a trophy. For Conference Events, no individual or team awards are presented by CYO to individuals or teams competing in the Junior A, B and C levels.

**Sportsmanship Recognition** – Recognizes the team(s) in conference who displays the best sportsmanship throughout the conference season. This recognition is determined as follows: At the conclusion of the conference season, each school shall submit one vote to the CYO for the team it believes exhibited the best sportsmanship throughout the conference season. A school cannot vote for itself. Any school that receives a vote will be recognized.

**All Conference Recognition** – awarded to individual players in conference based on a player's sportsmanship, character, ethical conduct and athletic performance. Each player named All Conference will be recognized on the CYO website. At the conclusion of the conference season, each school shall submit to the CYO Regional Representative the names of players from its school based on the above-listed selection criteria. The number of players selected from each school is based on the team's conference finish as listed below:

- 1st Place Team – 4 players
- 2nd Place and 3rd Place Teams – 3 players each
- 4th and 5th Place – 2 players each
- 6th Place and Below Teams – 1 player each

**All CYO Award** – awarded to individual players in conference whose team advances to CYO Playoffs and is based on a player's sportsmanship, character, ethical conduct and athletic performance. Administrators and/or coaches may nominate such qualified athletes to CYO. Award winners will be announced and presented at the yearend CYO Sports Banquet.

Fall/Winter Team Playoffs					
Division	1st Rnd	2nd Rnd	Semi-Finals	Runner Up	Champion
Open	1	2	3		4
Gold				1	2
Navy					1

**CYO Athlete of the Year** – awarded to individual girl and boy who made at least one All CYO team and exhibited athletic excellence in other CYO sports. Nominations for Athlete of the Year can be submitted to CYO by the candidate's Head Coach or Athletic Director.

**From:** "McGoldrick, James T." <[JMcGoldrick\\_at\\_CCHARITIES\\_ORG\\_cfd0z48481ne76\\_r3ap2803@icloud.com](mailto:JMcGoldrick_at_CCHARITIES_ORG_cfd0z48481ne76_r3ap2803@icloud.com)>

**Subject:** RE: CYO transportation of players

**Date:** March 29, 2023 at 8:35:29 AM PDT

School transportation is not a CYO responsibility and we do not have any policy on it. Below is from our Manual:

***SECTION 15 – TRANSPORTATION & OVERNIGHT TRIPS***

***According to policy established by the ADLA, Department of Catholic Schools Policy, (i) a coach should, whenever possible, have the parents of student athletes arrange for the transportation of their children.***

***Overnight trips must be in compliance with ADLA Department of Catholic Elementary Schools Policy which schools are responsible to understand and comply with.***

Regards,

James  
James McGoldrick  
Director  
Catholic Youth Organization, LA  
[www.cyola.org](http://www.cyola.org)

213-557-0940 Main  
213-251-3562 Ofc

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, March 28, 2023 4:13 PM  
**To:** McGoldrick, James T. <[JMcGoldrick@CCHARITIES.ORG](mailto:JMcGoldrick@CCHARITIES.ORG)>  
**Subject:** CYO transportation of players

[CAUTION] This email originated from outside the organization. Do not click on links or open attachments unless you recognize the sender and know the contents are safe.

Hi,

I am looking if there is a guideline for transporting 5-8 students offsite for practice and games? Looking for something that addresses this. Thank you.



# Our Upcoming Events

Welcome Alverno Lower School Family to the 2022-23 School Year!



SATURDAY MARCH 25TH

## CYO TRACK FUN RUN

🕒 10am

📍 Junipero Serra HS



...we can! Or, should we say, van...



Alverno manages to navigate the oddities of educating children during a pandemic, we also have a very real something to navigate with once students return to us. Our two beloved Alverno vans have served us well, 14 and 11 years old, we continue to keep them well-maintained and going strong. But two vehicles for a student population that now totals more than 340 is simply not enough!

the exceptional education that Alverno provides includes special activities and opportunities that take our students off-campus, allowing them to expand the scope of what they learn in the classroom. And now, with the expansion of the Lower School, demand for transporting our students exceeds current supply. At a time when so much of the world is stuck idling, we are shifting into overdrive - to be expanded and to continue to make a difference that is special. But before we can put the wheels to metal, we need your help filling up the tank.

When you consider your donation, please know that we understand what a strange time this is; but while it may not be the ideal moment to ask, Alverno could use your support more than ever. We are, as always, truly grateful for your gift of any amount. And, above all, our Alverno family prays that your own family is well and safe.

To give: click the "Donate Now" button at the top of [alvernoheightsacademy.org](http://alvernoheightsacademy.org), or mail a check to the address at the bottom of this letter!

Alverno can promise that every dollar raised will go towards this goal of purchasing a new van, but your individual gift helps ensure that every Alverno student will benefit from it. We eagerly look forward to the day when the learning is in the rear view, and our kids once again have full access to the Alverno that you, as alumnae, know so well - on and off-campus.

Your gift makes a difference, and every donation is appreciated. You are in the driver's seat! Thank you for supporting Alverno to continue moving forward, and for navigating your school through tough times and better ones.

Wendy Finch-Burk  
Director of Alumnae Engagement

Wendy Finch-Burk  
Director of Development

ALVERNO HEIGHTS ACADEMY • 200 North Michillinda Ave, Sierra Madre, CA 91024

**Your gift towards a new van supports...**

- Field and Class Trips**
  - Senior government simulation exercise at the Reagan Library
  - Lower School tour of Descanso Gardens
  - Forensics class visit to downtown courthouses and opportunities to interview judges (including Alverno alumnae!)
  - Fullerton Theatre Festival and transportation to off-site Alverno performances
  - Media/TV Production visits to the ABC lot for behind-the-scenes interviews
- Jaguar Athletics**
  - Home and Away games
  - Weekend tournaments
  - Physical conditioning camps in Malibu and Big Bear
- Campus Ministry and Service Programs**
  - Grade level retreats
  - Service opportunities with local non-profits
  - Spiritual retreats with local parish schools
- Leadership Opportunities**
  - High School Nights for student ambassadors
  - Neighboring school visits to facilitate student government conventions

Alverno Parent confirms long time use of Alverno vans for free transportation to offsite Jaguar (Alverno sports) locations,

"The only time parents are asked to drive is when the school does not have the school van available and need drivers." *They said,* "It is rare because they (Alverno) usually have the van(s) and if they don't, coaches often drive the girls. Alverno ask(s) only when those two options don't pan out."



## **Alverno High School Master Plan Amendment**

**August, 2007**

**Revised February, 2008**

**Revised December, 2010**

This application by Alverno High School (the school) is a request to amend the original Conditional Use Permit (CUP), approved by the City Council in 1959, which was granted to the high school and related uses (Resolution No. 1642, June 9, 1959 and amended by Resolution No. 2000, February 11, 1964), to guide the addition of new facilities and renovations to the campus. This application does not include the adaptive reuse of the Villa, which is to be addressed under a separate conditional use permit under the City of Sierra Madre Zoning Ordinance. The school has committed to file this application within one year of the approval of the Master Plan. The Sierra Madre City Council approved a Temporary Use Permit (TUP 09-17) for the operation of the Villa for non-school events on May 11, 2010 (Resolution 10-33). The TUP contains 48 interim operational measures regulating, noise, traffic, use, time and requiring monitoring and quarterly neighbor meetings. All of these conditions are intended to address operational issues stemming from the use of the Villa for non-school events and will be reevaluated with the separate adaptive reuse permit.

Alverno High School is a private catholic girl's high school, located on the western border of Sierra Madre. The school is governed by a Board of Trustees comprised of members of the Immaculate Heart of Mary community and lay members. The school's present enrollment is 225 students, well under the City approved enrollment of 500 students. The school has 40 faculty and staff members. The existing school consists of classrooms, offices, chapel, library, outdoor tennis, volleyball and basketball courts, softball field, parking lots, drive lanes, caretaker's home and the historic Barlow estate, known as the Villa de Sol D'Oro (the Villa).

The campus has remained relatively unchanged since the original approvals and construction over 50 years ago. Changes in educational programming, and the desire to continue to attract the highest caliber of students, has led to the need to amend the existing master plan. Since the school is non-profit, projects must be phased in as financing is obtained. Approval of this Master Plan would permit the school to move to the next phase, raising funds and developing the detailed planning for the Master Plan approved projects. The estimated costs of the Master Plan are \$8.3 million (2005 dollars). As a phased Master Plan, the school recognizes that it must return to the City for further reviews and permits as projects come on line.

immediately west of the school. Sierra Madre Boulevard is located one-quarter mile south of the site. The school is surrounded by low-density residential uses.

## **General Plan and Zoning**

The General Plan and Zoning designations for the site are both Institutional; a designation that permits private schools with a Conditional Use Permit.

## **Present Development**

The existing school consists of three large classroom buildings, a library, administration offices, cafeteria, faculty offices, chapel, and caretaker's facility, art studio, garages, storage and the historic Villa. Structures on the property cover 55,846 square feet, less than 11% of the site. There are 479 trees on the site, 26 of which are protected.

## **Land Use**

At this time, Alverno has no facility that can hold the entire student body and faculty under one roof. **The volleyball and basketball teams currently practice at Foothills Community Church. This gym which also serves as home court is not regulation size. When a competing team refuses to play on a non-regulation court, other facilities must be found on short notice. Without a theater, students must be transported to rented theater space off-campus for rehearsals and performances.**

There is currently no place on campus for students to be comfortably gathered in one area. In good weather, some events can be held on the school terrace with students sitting on the ground. It is even more challenging to find an on-campus meeting location that can accommodate all parents, students and faculty. Therefore the Master Plan proposes construction of a 12,860 square foot Multi-Purpose Building.

The Multi-Purpose Building would be a combination gymnasium, auditorium and performing arts facility; the proposed building would be 12,860 square feet, bringing lot coverage to 69,138 square feet, just over 13% of the existing site. Approximately 8,600 square feet of the building is listed for occupancy purposes, such as the locker room, rehearsal room and basketball court, resulting in a maximum fire code occupancy of 574 persons. The Multi-Purpose Building would be used for campus events, such as worship services, athletic events, school plays and productions. There were some questions from the community whether the Multi-Purpose Building was intended for non-school events such as weddings and receptions. Alverno does not intend the Multi-Purpose Building to be used for non-school events, with the exception of events proposed by the City.

## EXHIBIT C

**MITIGATED  
NEGATIVE  
DECLARATION AND  
INITIAL STUDY  
FOR:**

**ALVERNO HIGH  
SCHOOL MASTER  
PLAN**



*prepared for:*

**CITY OF SIERRA  
MADRE**

Contact:  
Danny Castro  
Director of Development  
Services

*prepared by:*

**THE PLANNING  
CENTER**

Contact:  
Barbara Heyman  
Director, School  
Facilities Planning

**MARCH 2011**



# *City of Sierra Madre*

*Development Services Department  
232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024  
phone 626.355.7138 fax 626.355.2251*

## **Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the Alverno High School Master Plan**

**Public Notice:** Notice is hereby given that the City of Sierra Madre has completed a Mitigated Negative Declaration (MND) for the proposed Alverno High School Master Plan project.

**Project Title:** Alverno High School Master Plan

**Project Location:** The project site consists of portions of Alverno High School at 200 North Michillinda Avenue, in the City of Sierra Madre, Los Angeles County. The school is surrounded by roadways and single-family detached residences.

**Project Description:** The Board of Trustees of Alverno High School, a Catholic girls' high school, is seeking approval from the City of Sierra Madre of a Conditional Use Permit Amendment that would allow the Board of Trustees to implement a Master Plan for the school that includes construction of a 12,860-square-foot, two-story multipurpose building and a 2,900-square-foot outdoor amphitheater; replacement of the existing softball field with a multipurpose field; relocation of the tennis courts to a site near the proposed multipurpose field; and reconfiguration of the parking areas. The Master Plan would reduce the maximum permitted enrollment from 500 students to 400 students.

**Public Review:** The MND is available for a 30-day public review period beginning March 15, 2011, and ending April 14, 2011. Copies of the MND are available for review on the City's website at [http://www.cityofsierramadre.com/index.php?mod=development\\_services](http://www.cityofsierramadre.com/index.php?mod=development_services) and at the following locations:

Sierra Madre City Hall  
Development Services Department  
Public Counter  
232 West Sierra Madre Boulevard  
Sierra Madre

Alverno High School  
Administration Office  
200 North Michillinda Avenue  
Sierra Madre

Sierra Madre Public Library  
440 West Sierra Madre  
Boulevard  
Sierra Madre

**Written comments on the proposed project must be received no later than 5:00 PM on April 14, 2011. Comments may be mailed, emailed, or faxed to the attention of Danny Castro. The contact information is below.**

**Public Hearing:** The City of Sierra Madre Planning Commission is tentatively scheduled to consider adoption of the MND and approval of the proposed project at its regular Planning Commission meeting on Thursday June 2, 2011, at 7:00 PM, at City Hall at 232 West Sierra Madre Boulevard in Sierra Madre. To confirm the date and time of the meeting and for additional information concerning the proposed project, please check the City's Development Services Department website.

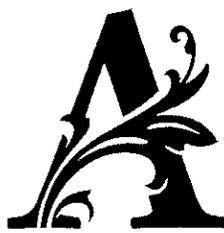
**Danny Castro, Director, Development Services  
City of Sierra Madre  
232 West Sierra Madre Boulevard  
Sierra Madre, CA 91024  
E-mail: [dcastro@cityofsierramadre.com](mailto:dcastro@cityofsierramadre.com)  
Phone: (626) 355-7135  
Fax: (626) 355-2251**

## MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act, the City of Sierra Madre has completed this Mitigated Negative Declaration for the project described below based on the assessment presented in the attached Initial Study.

- Lead Agency:** City of Sierra Madre
- Project Proponent:** Alverno High School Board of Trustees
- Project:** Alverno High School Master Plan
- Project Location:** The project site consists of portions of Alverno High School at 200 North Michillinda Avenue, in the City of Sierra Madre, Los Angeles County.
- Description:** The Board of Trustees of Alverno High School, a Catholic girls' high school, is seeking approval from the City of Sierra Madre of a Conditional Use Permit Amendment that would allow the Board of Trustees to implement a Master Plan for the school that includes construction of a 12,860-square-foot, two-story multipurpose building and a 2,900-square-foot outdoor amphitheater; replacement of the existing softball field with a multipurpose field; relocation of the tennis courts to a site near the proposed multipurpose field; and reconfiguration of the parking areas. The Master Plan would reduce the maximum permitted enrollment from 500 students to 400 students.
- Existing Conditions:** Alverno High School is a Catholic girls' high school with current enrollment of 228 and maximum permitted enrollment of 500. Existing facilities include classroom buildings; offices; a chapel; a library; outdoor tennis, volleyball, and basketball courts; a softball field; parking areas and drive lanes; and a caretaker's home. The school, built in 1960, surrounds the historic Villa de Sol d'Oro ("Villa"), a two-story 15,758-square-foot single-family residence in the center of the campus, which is used for school-related functions and for-profit special events, including weddings. The school is surrounded by roadways and single-family detached residences.
- Availability of Documents:** Copies of the Mitigated Negative Declaration and supporting Initial Study for the Alverno High School Master Plan project are on file and available for review at the following locations:
- Sierra Madre Community Development Department Public Counter  
232 West Sierra Madre Boulevard, Sierra Madre
  - Alverno High School Administration Office  
200 North Michillinda Avenue, Sierra Madre
  - Sierra Madre Public Library  
440 West Sierra Madre Boulevard, Sierra Madre
- Summary of Impacts:** The attached Initial Study was prepared to identify the potential effects on the environment from the construction and operation of the proposed Master Plan and to evaluate the significance of those effects.

Based on the Initial Study, the proposed project would have no impacts or less-than-significant environmental impacts related to the following issues:



Dear Neighbors,

May 22, 2020

We hope this letter finds you well and healthy during this unprecedented time. Alverno Heights Academy is thrilled to share that our school will be adding a TK-8 (lower school) to our campus starting with the 2020-2021 school year. Alverno is adding a transitional kindergarten (TK)-8th grade by creating a lower school, which will complement our upper school (9th-12th grades), all under the name of Alverno Heights Academy. The lower school will be co-ed while the upper school will remain all-girls. Alverno has served the Sierra Madre community for 60 years and we believe that this addition to our school will ensure that we are here for another 60 years.

We have been working with the city of Sierra Madre on the requirements for adding a lower school. As you know, the school's total enrollment under our Conditional Use Permit (CUP) is limited to 400 students. Although it will take years to reach our maximum enrollment, the school would be divided into 200 high school students and 200 TK-8th grade students.

The lower school will initially rely on temporary modular classrooms, located on the gravel area north of our prayer garden, just west of the Villa. We will also use three of our existing classrooms for the lower school. Mindful of your concerns, we will be spreading out the traffic. Parents of our lower school children will use the Michillinda entrance for drop-off and pick-up, while the parents of the upper school will continue to use the Wilson Street parking lot. It is anticipated that the Highland gate would be used on a limited basis in the mornings and afternoons for parents of the lower school leaving the campus. Cars waiting to leave would be lined up on the campus, not the street. Attached is a site plan of the lower school.

The traffic will be further spread out since the upper school will start at 7:55 a.m. and ends at 2:45 (Monday thru Thursday), while the lower school will start at 8:15 a.m. and end at 3:00 p.m.. We would provide an afterschool program for the lower school students, which would even further spread out the traffic leaving the school in the afternoons.

In the city approval letter they asked Alverno to host neighbor outreach. We would like to arrange Zoom meetings since we cannot meet in person. The first meeting will be held on Thursday, June 11, 2020 at 6:00 pm. Andrea Bertollini will be setting up the meeting and sending you an invite through email. Please be sure to provide her with your most current email address if you would like to participate. At any time please feel free to call or email me any comments or concerns. I will send all correspondences onto the Head of School, Board of Trustees and keep on file for the City of Sierra Madre.

Sincerely,

Andrea Bertollini '91- Facilities Manager  
626) 355-3463 Ext. 239 / 626) 826-9742

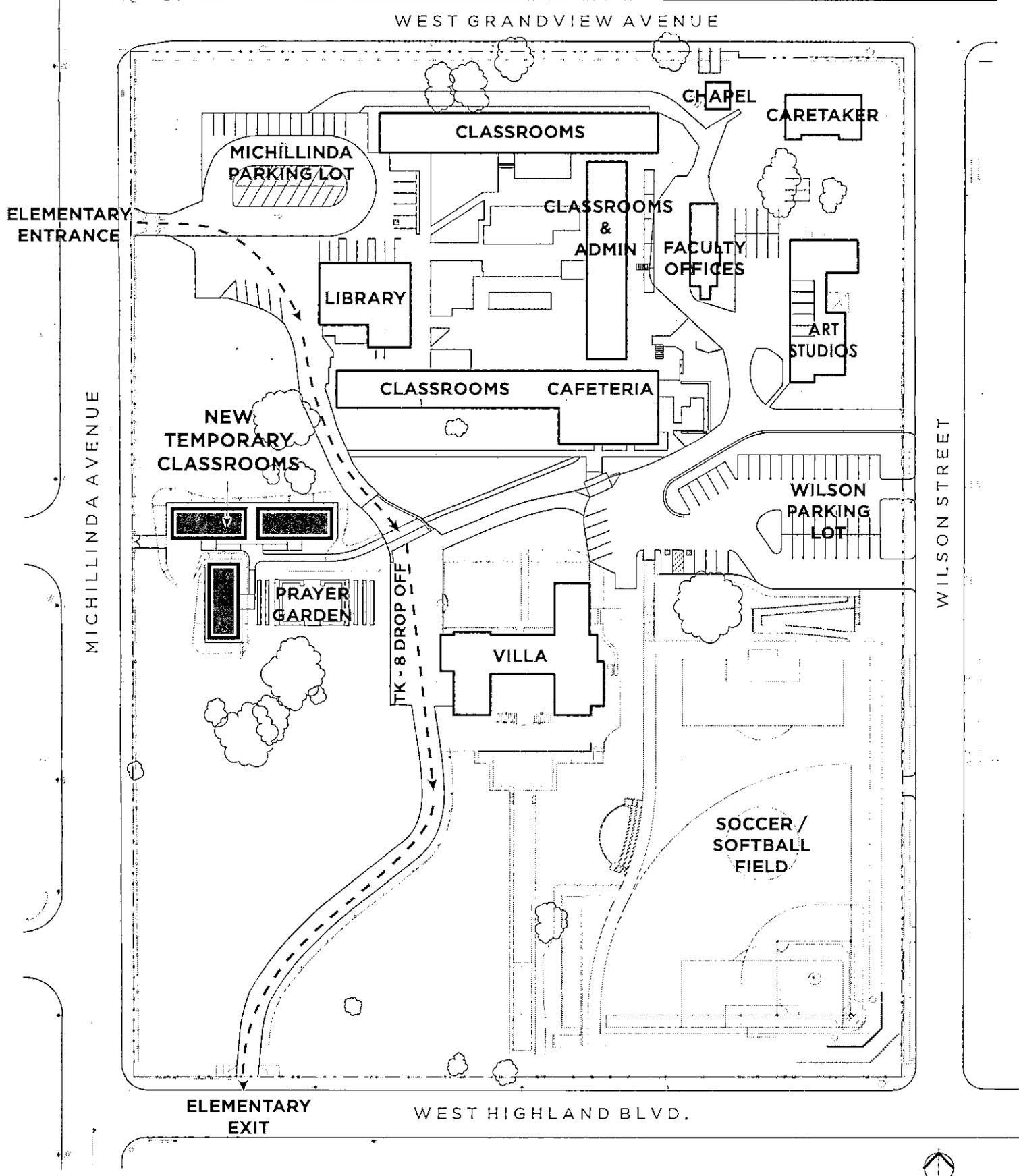
C: Julia Fanara, Head of School

Ken Farfsing, Chair, Board of Trustees

Gabriel Engeland, City Manager

Vincent Gonzalez, Planning & Community Preservation Director

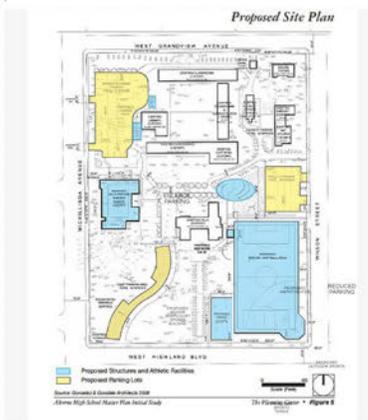
Yasmine Rodriguez Securitas



NEW TEMPORARY ELEMENTARY CLASSROOMS  
 ALVERNO HEIGHTS ACADEMY

MAY 2020





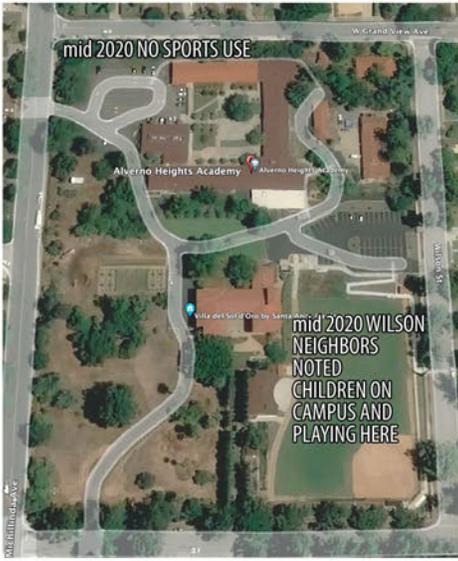
2010 AHA  
 Proposal of changes requested for expansion as presented during meetings



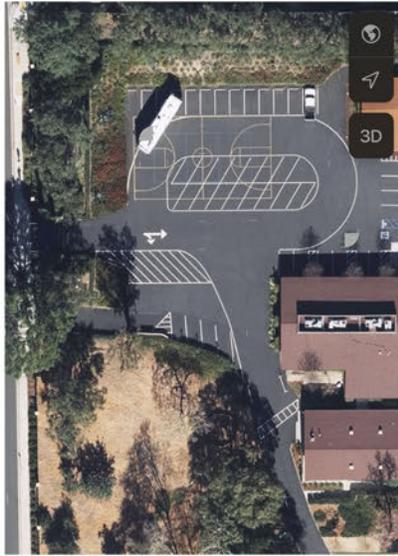
2011 CONDITIONALLY APPROVED USES TO CHANGE AND RELOCATE



2020 JUNE K-8 TUP  
 Announcement of K-8 letter and map of drive through parking lot. Their K-8 application for TUP Nothing about the use of the parking lot for sports or other activities.



2020 JULY  
 Wilson neighbors saw children playing. School said they had a waiver.



2021 FEBRUARY Google  
 RV Parked in AHA lot for months!  
 No sports were played here until March.  
 When did AHA get permission to restructure and restripe the parking lot for sports? They didn't



2023 FEBRUARY TYPICAL PARKING ON GRANDVIEW DURING-SPORTS (and other events)  
 AHA really needs all of Michillinda parking lot to bring parents and visitors off the streets like Grandview, Michillinda and Wilson. In 2010 studies showed this to be part of the impact and it was

**AHA SPORTS IN PARKING LOT ARE TOO CLOSE TO HOMES. YOU CAN SEE INTO WINDOWS OF HOMES. TOO CLOSE TO LIVING AND SLEEPING QUARTERS**

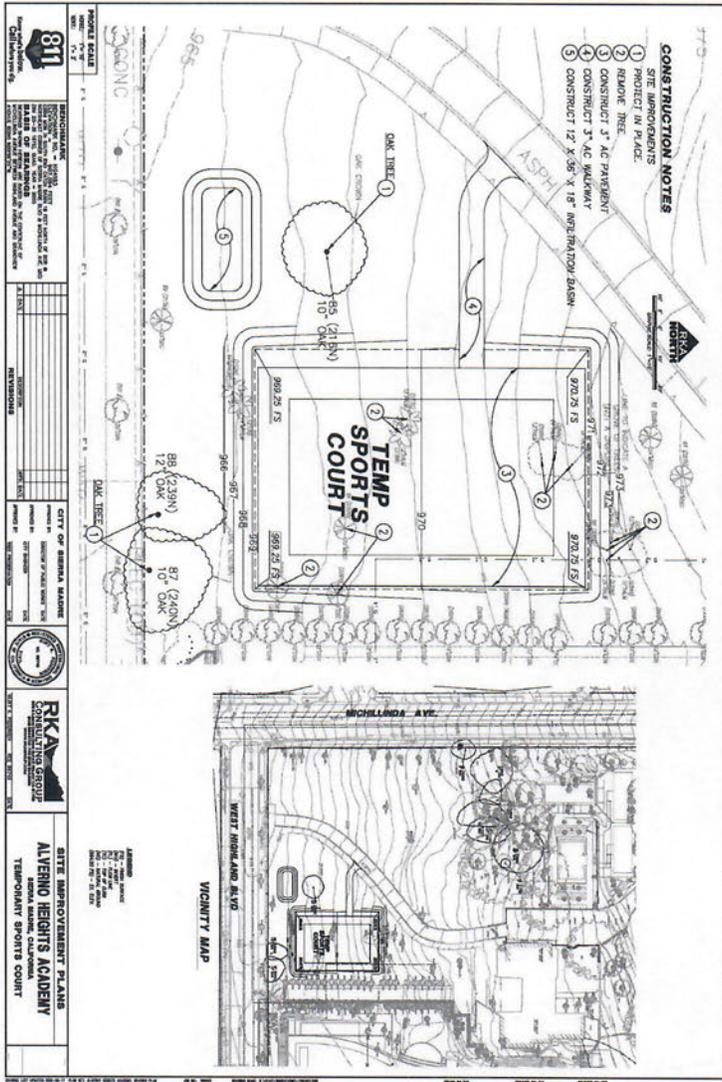




# Temporary Sports Court



# Temporary Sports Court



**Exhibit B**

**Alverno Heights Academy Parking Analysis**

**Pursuant to  
Section 17.68.020 D7 of the SMMC  
1.5 stalls per elementary school classroom  
1 parking stall per 2 employees**

**Current Parking Inventory**

<u>Parking Area Location</u>	<u>Total Parking Stalls</u>
Michillinda Parking Lot	47 stalls (1 ADA)
Wilson Parking Lot	41 stalls (2 ADA)
ADA Drop-Off	1 drop-off area
Faculty Parking	24 stalls
Grandview Parking	2 stalls
Total Current Parking	114 stalls

**Parking Calculation**

**TK-8<sup>th</sup> Grade Code Required Parking**

TK-8<sup>th</sup> Grades – 11 classrooms –

Parking Required – 17 stalls

**Faculty and Staff Code Required Parking**

Lower School – 38 faculty and staff

Parking Required – 19 stalls

**Total Code Required Parking                      36 stalls**

Parking Surplus – 78 stalls

Exhibit C

**Alverno Heights Academy  
CYO Athletic Programs FY-2022-2023  
In the Michillinda Court**

**Summary:**

- Ninety three students participated in the afterschool sports program in FY2022-2023 in the Michillinda Court. There were two sports – basketball and volleyball – boys and girls teams. Alverno has sufficient interest in these sports to field A and B Teams, which are based on the student’s ages.
- There are a total of eight games per sport per team. Four games are hosted at Alverno, while four are away games. The games are scheduled Monday-Fridays, from 3:30 to 5:00 p.m. No double header games are scheduled.
- There are a total of 12 practices (3 per team) held prior to the official start of the CYO games. There is a maximum of 64 practice sessions held between basketball and volleyball when CYO games have started.
- There is estimated 6,596 one-way trips associated with the afterschool sports program based on the ninety-three participating students, the total number of games and practices.
- After practices a number of students remain on campus in the Jag Care afterschool program. This program assists parents who cannot pick-up their children after practices/games.
- There are 91 students with siblings enrolled in the Lower School.

**Background:**

Girls (Fall) Volleyball – 35 students  
Boys (Spring) Volleyball – 10 students  
Boys (Winter) Basketball – 25 students  
Girls (Winter) Basketball – 23 students

B Team – 5<sup>th</sup> & 6<sup>th</sup> Grades  
A Team – 7<sup>th</sup> & 8<sup>th</sup> Grades

Home and Away Games – 4 home games and 4 away games

Game Schedule – Monday through Fridays; 3:30 p.m. to 5:00 p.m. No double header games have been scheduled

Practices – 3 practices prior to CYO games; 1 to 2 practices per game when League play starts

During Volleyball Season – teams practice Monday, Tuesday, and Thursdays, between 3:15 pm. and 5:45 pm. (Note: For FY2023-2024 Season the practices will end at 5:00 p.m. Monday-Friday.

During Basketball Season – teams practice on ½ court; 3:15 pm to 4:45pm – Monday, Tuesday, Thursday, and Friday

Full Court Practice – Wednesday, A Team Only, Boys 2:15 pm. to 3:30 p.m. ; Girls 3:30 pm. to 4:45 pm.



Catholic  
Charities  
of Los Angeles, Inc.

Reverend Monsignor Gregory A. Cox  
Executive Director

James T. McGoldrick  
Director

Catholic Youth Organization  
1530 James M. Wood Blvd.  
Los Angeles, CA 90015  
Tel: (213) 251-3562  
Fax: (213) 251-3552  
jmgoldrick@ccharities.org  
www.CYOLA.org

March 29, 2023

To Whom It May Concern,

This will confirm that all Catholic schools involved in the Foothill Conference within CYO, participate in school-based athletics (on campus) for their 3-8 grade sports games.

Alverno Heights Academy in Sierra Madre is an active member of CYO and is assigned to the Foothill Conference for all team sports.

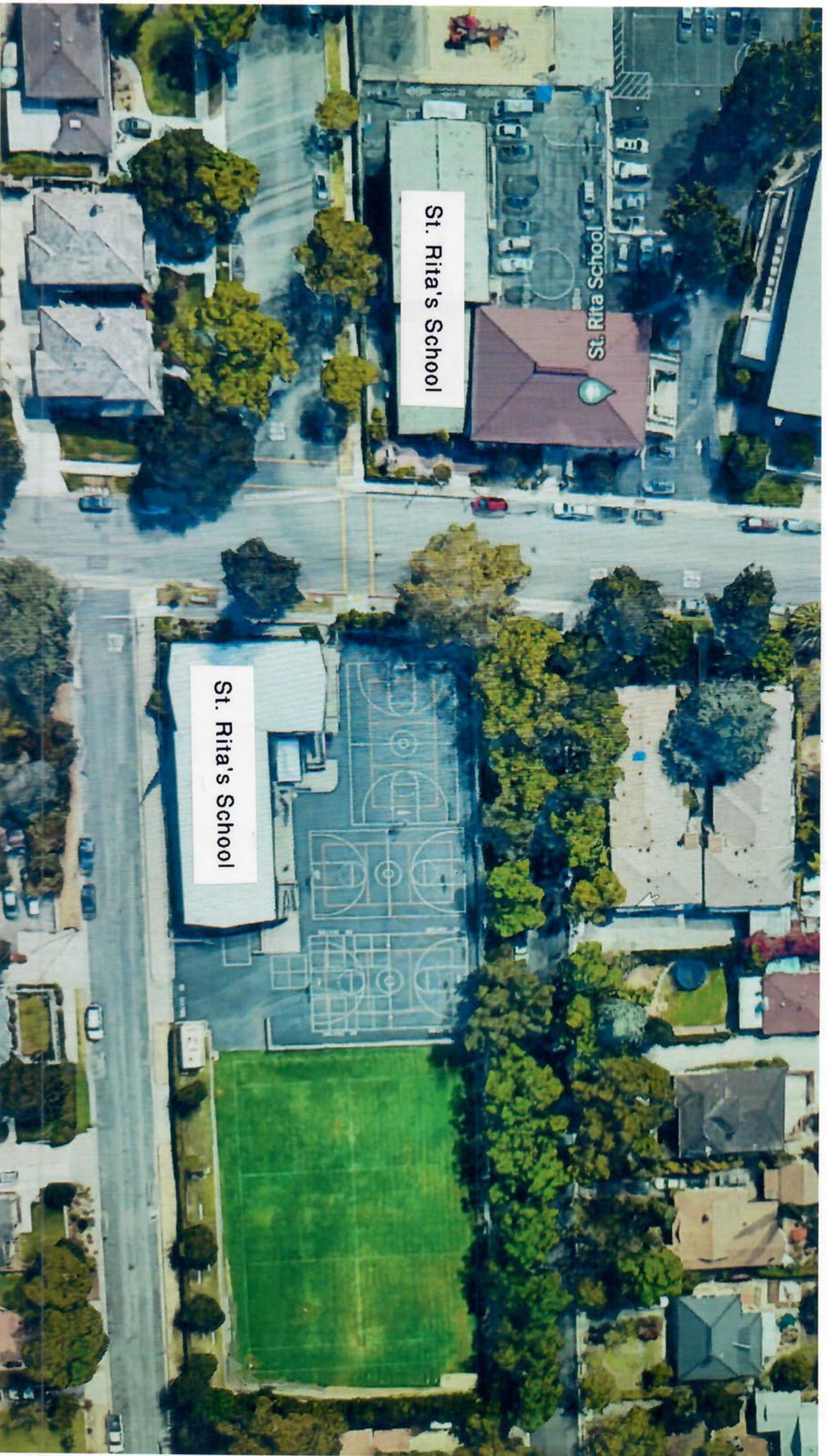
Sincerely,

James McGoldrick  
Director



Exhibit D St. Rita School

Aerial View



**Conditions for the Michillinda Lot and Outdoor  
Educational Uses  
April 4, 2023**

**Background**

Proposed Amendments to Resolution No. 23-13, as follows:

**Planning and Community Preservation Department**

Condition 2. Student Body Capacity

The proposed classroom buildings will not generate additional student body capacity beyond that permitted by the 2011 Master Plan (400 students). At all times, Applicant and Property Owner shall comply with all parking requirements as fluctuations in student body capacity occur.

*Note: This revision is consistent with non-discrimination provisions of Government Code Section 650008 (a) (1) (A) and RUILPA.*

Condition 6B. Phasing Plan

1. The Applicant shall construct two sports courts as shown on Exhibit B. The first court shall be completed within one year of the approval of this conditional use permit. The second court shall be completed within one year of the completion of the first court. Time extensions may be granted by the City Manager due to unforeseen circumstances.
2. The remaining Phasing Plan is divided into various projects including the conversion of the existing chapel to its former storage use and relocation of the chapel to the Villa; adaptive reuse of the caretaker's home to flexible classrooms; construction of the art classroom addition; demolition of the business office and faculty lounge, construction of the faculty parking area and reconfiguration of the Michillinda parking lot and playground, construction of additional classrooms and administrative office in phases or as a whole, and completion of the multi-purpose building. The remaining projects are not sequential in timing and can be constructed individually or concurrently.

Condition 8. Traffic Flow

Drop-off and pick-up of TK-5<sup>th</sup> grade students shall be through the Michillinda gate, with exiting through the Highland gate. Drop-off and pick-up of 6<sup>th</sup>- 8<sup>th</sup> grade students shall be through the Wilson gate.

*Note: This change will result in less student drop-off and pick-up in both the Michillinda and Wilson lots, as compared to the existing conditions.*

Condition 9. Nighttime Lighting

- A. Buildings and Parking Lot - All parking lot lights shall be shielded and directed onto the site. No flood lighting shall be located as to shine directly onto any adjacent residential property unless the lighting is low level security lighting than cannot be effective unless it shines onto adjacent residential property.
- B. Wayfaring and Pathway Lighting – All wayfaring and pathway lighting shall be low profile fixtures.
- C. Sports Courts – There shall be no lighting on the sports courts.

*Note: Safety lighting along pathways will be required at the sports court.*

Condition 10. Sound Attenuation

AHA shall consult with city staff regarding additional vegetation and additional sound damping measures for the sports courts. Priority shall be given to adding plant materials on the Grandview, Michillinda and Highland frontages adjacent to the sports courts.

*Note: The school is not opposed to working with city staff in planting additional trees and bushes adjacent to the sports court. The school will work with city staff after the courts are operational on adding sound damping measures if a noise study demonstrates that the noise levels exceeds the ordinance limits.*

Condition 11. Noise Attenuation – Michillinda Lot

- A. The main use of the Michillinda Lot is for vehicles.
- B. Occasional use for religious and liturgical services.
- C. Use of the Michillinda Lot for basketball and volleyball practices/games/PE Classes/ 5<sup>th</sup>-8<sup>th</sup> Grade play area/recesses will be minimized to the extent practicable.
- D. Upon the start of school in September of 2023 the following uses restrictions shall be in effect:
  - 1. The majority of the recesses and PE classes for the 5<sup>th</sup>-8<sup>th</sup> Grades will be held on the Multi-Purpose Field or on alternative campus spaces.
  - 2. No school assemblies will be permitted in the Michillinda Lot, with exceptions for public safety demonstrations and public safety emergencies (i.e. earthquake, fire, Red Cross)
  - 3. There would be no use of amplified sound in the Michillinda Lot.
  - 4. There would be no third-party rentals, with the exception of valid filming permits issued by the City.
  - 5. No nighttime uses, other than vehicle parking is permitted.

Condition 12. General Noise Conditions

- A. The majority of the school's practices and games will be scheduled on the sports court.
- B. No activities on the sports courts shall be held after sunset.
- C. AHA will rotate outdoor recreational activities to multiple areas of the campus in consideration of the neighborhood.
- D. Lunches will be held in the cafeteria and central campus locations.
- E. Recesses and lunches will be staggered such that the entire student body is not at recess or lunch at the same time.

- F. Inclement weather and field maintenance conditions may prohibit outdoor use of the Multi-Purpose Field. AHA shall resume the use of the Multi-Purpose Field when the field is safe to walk upon.
- G. There shall be no use of amplified sound for athletic events, including practices and games.
- H. Amplified school events shall be monitored for noise levels that shall not exceed 70dBA at any time as measured from the Alverno campus property line. Should chapter 9.32 of the Sierra Madre Municipal Code be amended in such a way as to create noise standards for schools or Institutional Uses, school events shall not exceed the lower of 70 dBA or the amended noise standards.

#### General Conditions – No. 8 – Annual Public Hearings

*Note: The Planning Commission adopted a condition requiring an annual public hearing on the master plan in order to determine compliance with the conditions and to hear feedback from the semi-annual neighborhood meetings. Staff will present compliance information at a public hearing. The present condition requires annual public hearings in perpetuity.*

*Many cities review conditional use permits annually as part of effective administration. Alverno is not opposed to the annual review. However, the school believes it would be wise to include an initial preliminary step in the annual review process.*

*City staff would present the compliance information to the Commission at a regular agenda meeting. If the Commission determined that there was a need to call for a public hearing, then the Commission can do so. The current language assumes that the school will need perpetual public hearings, which will be a burden to staff, the Commission, and the school.*

#### Proposed Revision

The Planning Commission shall annually review CUP 21-19 on a regular agenda in order to determine compliance with these conditions. The Commission will be provided with noise readings and logs of phone calls to the police department related to Alverno. The Commission shall be granted the flexibility to schedule a public hearing should it determine that a hearing is needed. If the Planning determines that one or more of the conditions of approval have been violated, it shall request that the Director of Planning and Community Preservation agendize a public hearing regarding revocation of CUP 21-19, or it shall propose a remediation plan to address the identified violations.



April 4, 2023

**VIA E-MAIL**

Honorable Edward Garcia, Mayor  
City of Sierra Madre  
232 W. Sierra Madre Blvd.  
Sierra Madre, CA 90360

**Re: Alverno Heights Academy Master Plan Amendment - Proposed Noise Attenuation Conditions/Sports Court Construction**

Dear Mayor Garcia:

Alverno Heights Academy (AHA) appreciates the City Council's deferral of the decision on the appeal of the school's master plan amendment. The additional time has permitted the school to meet with the Appellant as requested by Council to discuss their proposed outdoor use restrictions. Appellant's proposed outdoor restrictions go beyond the Michillinda lot and propose regulations impacting the entire campus. AHA believes it has proposed solutions in good faith to address their permanent concerns, such as agreeing to build two sports courts, which the Appellant's agree is a good solution. Your staff have been involved in all the discussion and hopefully they will brief you that after agreeing to almost all of the Appellants' asks or finding solutions to address their concerns, they rejected an agreement with AHA unless our students are transported off of campus for all practices and sporting events during the short interim time period it will take to build the permanent facilities.

AHA agreed to a number of meaningful mitigation measures in this interim construction period, but our offer was plainly rejected unless all sports and practices immediately stop. This is an absolute over-reach because: 1) the Planning Commission in their approval found that it is common practice for schools to be located in residential areas and that the conditions of approval and mitigation measures in Conditional Use Permit No. 21-03, when implemented are designed to protect the neighborhood, such as the construction of the sports courts, and the Appellant is requesting that the City Council adopt interim regulations that are outside the scope of this hearing; and 2) The school's recesses, lunches, P.E. classes, athletics and outdoor programs are a protected civil right under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Alverno is a member of the Catholic Youth Organization (CYO) of Los Angeles, which is a program of Catholic Charities of Los Angeles under the Los Angeles Archdiocese. CYO is available to all Catholic elementary schools in the Archdiocese of Los Angeles.

**Summary**

The City Council requested that the parties meet and report back on your April 11<sup>th</sup> meeting. We met with the Appellant on March 29<sup>th</sup>, in a Zoom meeting monitored by City staff. Our discussions

focused on the two main issues. We discussed adding two permanent sports courts, in lieu of the one temporary sports court which was approved by the Planning Commission. We also discussed advancing the completion of the courts by six months. These proposals are more fully detailed below. We voluntarily agreed to further mitigation measures. We also discussed how best to accommodate the existing athletic programs while the temporary sports court is being constructed and how best to implement a permanent solution to the noise concerns.

- AHA respectfully requests that the City focus its efforts on the permanent solutions which is legally before it in the entitlement process. AHA in good faith will agree to an additional condition of approval of constructing two sports courts. The two courts will accommodate the majority of games and practices. The school is proposing that the first court be completed within 12 months from the approval of the master plan, while the second court would be completed within 12 months from the completion of the first court. Ideally, AHA desires to complete the two courts earlier than these time limits.
- The master plan deals with the permanent solution, not the issue of the temporary use of the Michillinda Lot for outdoor activities. Alverno's outdoor uses comply with the City's noise ordinances and AHA has agreed to a number of voluntary further measures to further address concerns during the temporary use (see exhibit E). In good faith, we are willing to enter into an agreement with the City to implement these further measures in the temporary time period. We propose the agreement as a separate document because we do not believe from a land use perspective the master plan and the CUP are the correct documents to enumerate all of these voluntary further measures. If the school during these short few months violates its own voluntary mitigation measures, we want the City to have enforcement rights. It would be a simple code enforcement issue.

At the March 29<sup>th</sup> negotiations the school made a good faith effort to resolve the noise issues raised by the Appellant. As a direct result of the Council's discussions and meeting with the Appellant, the school is recommending advancing the timing of the completion of two sports courts, instead of the one temporary court approved by the commission. The two courts will substantially reduce the need for the use of the Michillinda Lot and will substantially reduce the noises from the recesses, practices and games currently held there, which is the basis of this appeal. The Appellant seems to recognize that the construction of the two permanent courts will resolve noise issues, however they have rejected any use of the Michillinda lot during the interim time period during construction, which could be nine to twelve months in duration.

Alverno testified on March 14, 2023, that the school supported the City Attorney's position of referring the appeal to the Planning Commission. The Appellant's counsel continues to assert that there are CEQA violations with the application. We do not believe that the current environmental document minimized the school's impacts, that it misled the public, or that it hindered the development of mitigation measures. We believe that the CEQA issues raised by the Appellant's

legal counsel can be adequately addressed in the commission referral. Alverno commits to providing all of the requested studies and information for the referral.

The Council inquired as to the status of the bungalow classrooms. After additional internal discussion, the school requests a two-year extension to allow for transition time. Alverno appreciates the City administratively permitting these bungalow classrooms.

### **I. Permanent Sports Courts**

The commission approved the amendment with the condition that one temporary sports court be constructed within 18 months from the approval of the master plan. The City Council discussed decreasing the completion time. AHA commits to constructing two permanent courts (See Exhibit A). AHA proposes that the first court be completed within twelve months from the approval of the master plan. The second court would be completed within twelve months after the completion of the first court.

There are a series of activities that must occur to construct the courts. These include conducting a capital campaign, land surveying and engineering surveys, soils testing, development of the construction plans and bid documents, city development review, plan check and permit issuance, soliciting construction bids, grubbing, and grading the site, and installation of the improvements. Although some of these events can occur concurrently, there are other events that must be in sequence. The school will diligently pursue and complete the project.

We met with our Lower School parent leadership group to discuss conducting a capital campaign for the sports courts. The parents are enthusiastic and excited about the project; however, this would be their first major capital campaign. The current engineer's estimate for the two sports courts is in excess of \$400,000, which would be the established goal of the capital campaign. AHA believes that we can raise sufficient funds for the first court in a short time period and start construction this year. We will continue to raise funds to complete the second court.

In the event of unforeseen circumstances out of the school's control, such as rain delays or natural disasters, the school will request that the City Manager be given the authority to grant additional time to complete the project. A time extension due to unexpected delays is a reasonable request and standard in city construction contracts.

### **II. Addendum to the Traffic Studies**

It is important to point out that a 400-student elementary school generates less traffic than a TK-12<sup>th</sup> grade school, so vehicle trips and traffic impacts will be reduced correspondingly from the 2011 approved master plan. Alverno will complete an addendum to the existing traffic studies. There will be a loss of 120 high school students and 24 faculty and staff members when the Upper School closes this June. The Upper School closure will result in less traffic and less noise in the neighborhood. Section 17.68.020 D7 of the Sierra Madre Municipal Code recognizes that

elementary schools generate less traffic and the parking code specifies less parking than required for high schools.

The campus currently includes 114 on-site parking spaces, exceeding the City's combined parking requirements for the combined high school/elementary school. The City's parking requirements for an elementary school require 1.5 stalls per school classroom and 1 stall per every 2 employees. The code requires a total of 38 parking stalls, *resulting in a surplus of 76 parking stalls*. (See Exhibit B - Parking Analysis)

The drop-off and pick-up of students has historically been divided between the Michillinda and Wilson lots. The Lower School students are dropped-off and picked up relying on the Michillinda lot and the Villa's drive lane. High school students are dropped-off and picked-up in the Wilson lot. Teachers primarily use Wilson for access to the school and for parking. (See April 27, 2022, Traffic Report)

The school will commit to analyzing dividing the trips between the two parking lots, resulting in a reduction of vehicle trips in both lots, creating less traffic noise. We will study the traffic reductions from the TK-5<sup>th</sup> grades entering through Michillinda and exiting on Highland. This should significantly reduce the length of the vehicle queue on Michillinda. The traffic addenda will also examine the trip reductions from the 6<sup>th</sup>-8<sup>th</sup> grades entering/exiting through Wilson.

### **III. Addendum to the Noise Studies**

The school will provide an addendum to the noise study to examine the full range of outdoor activities. Previous noise studies have concluded that traffic is the major source of noise in the neighborhood. As stated above, the reductions in vehicle trips will result in noise reductions. Since the City Council revised the commercial filming permit ordinance on May 16, 2023, rendering filming at Alverno more restrictive, no filming has occurred at Alverno. There have been very real neighborhood noise reductions due to the City's revisions of the filming permit ordinance. As the school maintained in its public comments the ordinance revisions would result in less filming at the school.

There are also real reductions in neighborhood noise levels attributed to the Villa's conditional use permit, which was issued by the Planning Commission on October 6, 2022. As a condition of the permit, the school was required to provide independent noise monitors approved by and reporting to the City. The independent monitors have verified that there have been no violations of the permit.

### **IV. Recesses, P. E Classes, and Athletic Programs are protected under RLUIPA.**

Mr. Farfsing indicated at the March 14<sup>th</sup> meeting that the school reserved the right to comment on the RLUIPA issues raised by the Appellant's legal counsel. The Appellant's legal counsel makes two arguments. First, that the Alverno's recesses, P.E. Classes and Athletic programs may not be protected under RLUIPA. He also argues that the City Council may impose conditions on the master plan limiting these activities if they are not a burden. The Appellant maintains that by the City mandating that there be no recesses, P.E. Classes, practices, games and other outdoor events

in the Michillinda lot, and that by moving these activities off campus, the City has not created an unreasonable burden on the school, the parents, and the children.

a. RLUIPA Protects Alverno's Outdoor Programs

The organization's governing manual states that CYO "fully expects and strongly advises that all Schools will have their sports teams participate solely with the CYO and utilize the CYO for its intended purposes as a service to the Catholic schools in the ADLA." <sup>1</sup>

b. CYO is based on Canon Law

CYO was founded in the 1930s and is based on the holistic view of Catholicism that the mind, body, and soul must be nourished. CYO's core principle is to prohibit discrimination on the basis of race, religion, or gender. This principle allowed all-girls recreation in Catholic schools to flourish, well before the adoption of Title IX, the Federal law protecting access to athletics, in 1972. CYO promotes and encourages schools to focus on athletic programs in a "Catholic centered environment." <sup>2</sup>

CYO is based in part on the Canon Law of the Vatican, Book III – Teaching Function of the Church, Canon 795:

***"Since true education must strive for complete formation of the human person that looks to his or her final end as well as to the common good of societies, children and youth are to be nurtured in way that they are able to develop their physical, moral, and intellectual talents harmoniously, acquire a more perfect sense of responsibility and right use of freedom, and are formed to participate actively in social life."***

CYO's governing manual states that "CYO is a Catholic athletic program. In light of the philosophical objective to develop Catholic community and remember Christ's presence in our lives, including athletics, every Athletic Events shall begin with a group prayer between the two Schools at center court or midfield." <sup>3</sup> CYO has established a strict code of sportsmanship for student athletes – "A student athlete shall always endeavor to be Christ-like in his/her actions, words or body language..." <sup>4</sup>

c. CYO's Programs at Alverno

CYO is known for its organized sports programs, including basketball, flag football, track and field, volleyball, and other sports. With the exception of flag football, Alverno has offered these programs since the inception of the school in 1959 under the CIF program. CYO's goal is to assist young Catholics in living a well-rounded Christian life. Alverno participates in CYO activities, including prayers, singing, works of charity, sports, and visiting the sick.

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<sup>1</sup> CYO Governing Manual, The Policies, Procedures, Rules and Regulation Manual, Effective 2022-2023 School Year, Article III, Section 1.

<sup>2</sup> CYO Governing Manual, Article III, Section 1 (8)

<sup>3</sup> CYO Governing Manual. Article III. Section 11, Page 16

<sup>4</sup> CYO Governing Manual, Article III, Section 5, Page 24

Our students dedicate hundreds of hours to social services in Sierra Madre and the surrounding communities annually. Our students pray prior to each and every game they participate in. There are a number of religious events held outdoors, including worship services, masses, Mary's Day, graduations, Blessing of the Animals, and similar celebrations. AHA is proposing to continue these outdoor liturgical events, including occasional use in the Michillinda Lot.

d. Transportation Considerations and Centralized Facilities

The Appellant's counsel states that reliance on centralized CYO facilities during the construction of the sports courts is the "simplest, cheapest, quickest way" to reduce the noise from athletic events. Alverno is a member of the Foothill Conference, which includes Assumption BVM, Holy Angels (Arcadia), Holy Family (South Pasadena), Immaculate Conception, San Gabriel Mission, St. Andrew, St. Elizabeth, SS. Felicitas and Perpetua. St. Luke, St. Rita, and St. Therese. Games are hosted by each school, of which four are held at Alverno in volleyball and in basketball. (See Exhibit C – Alverno CYO Athletics Programs)

The Appellant's counsel has requested that either Alverno or our parents transport students to "centralized CYO facilities." Regardless of whether this is only for games, or the entire athletic program including practices, this request creates a major burden on the school, the parents, and our children. This is especially discriminatory since no school in Sierra Madre sends their student's off campus for recess, practices, and home games. The transportation policy established by the Archdiocese of Los Angeles states that a ***"a coach should, whenever possible, have the parents of student athletes arrange for the transportation of their children."***<sup>5</sup>

The Appellants counsel proposes that our students be transported to "CYO Centralized Facilities." Currently ninety-three students participate in the basketball and volleyball program. In basketball and volleyball, there are a total of eight CYO games played (four home games and four away games) during the season. There is a total of 3 practices held per team prior to the official start of the CYO season. After the season begins there are a total of twelve practices for each team during the season.

Transporting students to remote facilities creates a series of hardships for the school, the parents, and our students.

- ✓ The Foothill Division is a "home to home" division. There are no CYO centralized facilities available to any of the schools (See Exhibit C – Letter from CYO).
- ✓ Students being transported to remote facilities creates extra vehicle trips for families with siblings in the CYO programs.
- ✓ Students being transported to remote facilities presents additional safety considerations, including safety of the venue.
- ✓ There is a lack of facilities for both practices and games for volleyball and basketball in the surrounding communities.

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<sup>5</sup> CYO Governing Manual, Article III, Section 15, Page 17

The Appellant has provided pictures of two Alverno vans. These vans are insufficient in seating to transport the number of students and teams in our sport program on one venue, much less to multiple venue locations, at different times of the day. School employees would need to obtain commercial driver's licenses and additional insurance. The school would be required to obtain additional insurance. AHA contacted Libre Bus Rentals for cost information on busing our students. The cost per bus would be \$2,375 per week. The school may require two buses, resulting in \$4,670 per week in rental costs. No school in Sierra Madre could afford these transportation costs.

Alverno offers an after-school program for parents who work late. A number of student athletes take advantage of this program after practices and games end. Requiring parents to transport students to remote practices, and to all games, will create a hardship. The school has a large number of families that have multiple siblings enrolled in the school, totaling ninety-one students. Accepting the Appellant's proposed conditions would result in the City mandating that parents with multiple children enrolled at Alverno to transport their children to a number of locations five days per week at various times in the afternoon and evening. (See Exhibit C – AHA C - Athletic Program)

e. Use of Whistles

The Appellant has also requested that the City impose a condition that would strictly prohibit the use of whistles by school staff. Whistles are used as part of the safety program to control students and direct them into their classrooms, as well as at the CYO games by officials. Imposition of a ban on whistles would be contrary to whistles used in other schools in the community and would create a public safety hazard. The ban would present an undue burden on the school's operations.

f. St. Rita's as compared to Alverno

St. Rita's Elementary School is located in Sierra Madre and is a member of CYO's Foothill Division, just like Alverno. At the Planning Commission's November 1, 2022 meeting, the city staff presented a Power Point illustrating an aerial view of Sierra Madre's schools. All Sierra Madre schools are located in residential areas, similar to Alverno. In particular, the aerial view of St. Rita's illustrates a parking lot that jointly serves for basketball and volleyball. This parking lot contains three sports courts. Located on the school's perimeter are homes, with smaller yard setbacks than Alverno's setbacks from adjacent homes. (see Exhibit D)

Both schools operate under Sierra Madre's noise policies and noise ordinance. By adopting the Appellant's restrictions on Alverno's athletic programs, the City would have no restrictions on outdoor activities at St. Rita's, while the Alverno would have burdensome restrictions. St. Rita's would be allowed to conduct outdoor events, while Alverno would not. St. Rita's would conduct practices and home games at their campus, while Alverno would be required to implement a burdensome program of parents transporting students daily to remote athletic facilities. St. Rita's parents do not transport their children to CYO off campus practices and home games, while the Appellant is requesting that Alverno's parents transport their children off campus for CYO practices and home games.

g. RLUIPA Causes of Action

We believe that the Appellant is requesting that the City impose restrictions that will expose the City to potential RLUIPA issues of infringing on our student's civil rights. The Civil Rights Division of the Department of Justice maintains a website with a complaint form and phone line (202-514-4609) for persons or institutions experiencing religious discrimination from the land use decisions by a local government.

The City Council should carefully weigh imposing the Appellant's restrictions on the school's liturgical, educational, and CYO athletic programs. AHA is proposing voluntary restrictions in order to address the noise issues, while staying true to our religious mission. The Appellant's counsel has argued that RULUIPA may not extend to CYO's activities, to P.E. classes and recesses. It is also reasonable for the City to conclude that the RULUIPA does apply and that the lower courts and the U.S. Supreme Court would not support the Appellant's counsel's legal theories.

**Conclusion**

The master plan process is a highly individualized and discretionary process of land use regulation. We urge the City Council to collaborate with the school on the least burdensome means of furthering Sierra Madre's government interests while complying with the Religious Land Use and Institutionalize Persons Act of 2000 (RLUIPA). The Council discussed suspending all (or some) outdoor uses in the Michillinda Lot and transporting our students off campus for recesses, P.E. Classes, and athletic programs.

Adopting this restriction would create a substantial burden on our students, their families, and the school, not to mention unnecessarily increase the vehicular traffic and noise in the surrounding neighborhood from all of the extra trips to and from practices and games. Prohibiting our students from taking part in on campus recesses, P.E. Classes and athletic programs would be a substantial burden in terms of costs and resources to the school and the parents for the same reasons. The City would ultimately be placing an adult burden on our students. The school believes such a restriction would serve no legitimate governmental purpose, especially in light that these same outdoor activities occur at all the schools in Sierra Madre.

The municipal code gives the Council four options on appeal – approve, deny, add conditions, and referral of the appeal to the Planning Commission. We urge you to carefully consider the City Attorney's recommendation to refer the appeal to the Planning Commission. Alverno has put forward in good faith a set of comprehensive mitigation measures and project conditions to address the reasonable concerns expressed by the Appellant (See Exhibit E – Revisions to Resolution 23-13). However, these are still unacceptable to the Appellant.

Honorable Edward Garcia  
April 4, 2023  
Page 9

The school looks forward to working with the Planning Commission and your staff on resolving the issues presented by the Appellant's counsel.

Very truly yours,

ALESHIRE & WYNDER, LLP

Sunny K. Soltani  
Partner

SKS:krb

Enclosures:

Exhibit A – Sports Court Site Plan  
Exhibit B – Parking Analysis  
Exhibit C – Alverno's CYO Athletic Programs  
Exhibit D – St. Rita's Aerial View  
Exhibit E – Revisions to Resolution No. 23-13

cc: Hon. Kelly Kriebs, Mayor Pro Tem  
Hon. Gene Goss, Council Member  
Hon. Kristine Lowe, Council Member  
Hon. Robert Parkhurst, Council Member  
Mr. Jose Reynoso, City Manager  
Mr. Vincent Gonzalez, Director of Planning and Community Preservation  
Mr. Aleks Girogosian, Esq, City Attorney  
Ms. Julia Fanara, AHA Head of School  
Alverno Heights Academy Board of Trustees  
Ms. Joanne Harabedian, AHA Lower School Director

## Amber Tardif

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**From:** Sunny Soltani [REDACTED]  
**Sent:** Monday, April 10, 2023 1:08 PM  
**To:** Vincent Gonzalez; Kcf817; Aleks Giragosian  
**Subject:** Aleks' questions responded to

See responses in blue please

\*\*\* EXTERNAL SENDER \*\*\*

When did Alverno first organize basketball and volleyball teams? They have always had basketball and volleyball.

1. When did Alverno stop using the Foothills Community Church as a location to play volleyball and basketball games and practices? Approximately 10 years ago. However, the high school has always practiced in a gym and after we stopped using the Foothills church the high school has continued using an outside gym to date. That is because CA Interscholastic Sports federation ("CIF") which is what the high school sports are regulated by requires all high school volleyball and basketball games be played inside a gym. However, the lower school sports have always been on Michillinda lot (the lower school was started in September 2020, but the students were not on campus. They returned in the spring 2021. This is when we started using the lot) because they are regulated by CYO. Jason's letter tries to confuse the 2. But it is important to distinguish between rules applying to high school sports v. lower school sports. So that we used the foothills community church or we use an outside gym at exuberant rental prices because the law requires us to is of no avail to the lower school issues which are governed by different rules.
2. Where were basketball and volleyball games and practices played immediately before using the Michillinda parking lot? Michillinda is used by the lower school, not the high school. CIF requires volleyball and basketball to be played in a gym. CYO games are played on outdoor courts.
3. When did Alverno first begin using the Michillinda parking lot for basketball and volleyball games and practices? With the addition of the lower school and ONLY for lower school.
4. Did the Upper School and Lower School students both use the Michillinda parking lot for practices and games? No.

## Amber Tardif

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**From:** Sunny Soltani [REDACTED]  
**Sent:** Monday, April 10, 2023 12:31 PM  
**To:** Vincent Gonzalez; Kcf817  
**Cc:** Aleks Giragosian  
**Subject:** RE: Council Questions - Use of the Michillinda Lot - URGENT

Vincent-

Ken was tied up so I'm responding to your questions. Sorry for typos. Typing on my phone while at another meeting but wanted to get responses out to you asap.

- What and how often are played in the Michillinda lot during the summer?
- During Summer Camp, we would like to use the courts 2 hours a day for basketball or volleyball camp between 8:30 am and 10:30am. Summer camp runs 6 weeks. AHA can run a volleyball camp on the field, however, the Michillinda court is the only location for basketball. Therefore, we are talking 2 or 3 weeks for basketball camp.
- Other uses during summer camp is when younger students (TK-4th) ride scooters/bikes on the flat surface of the Michillinda parking lot. Up to 10 to 12 students for maximum of one hour.

"11. D. 1. The majority of the recesses and PE classes for the 5th-8th Grades will be held on the Multi- Purpose Field or on alternative campus spaces."

- How will Alverno determine what majority is?
  - How will the City or neighbors know what majority is?

In short, after the final master plan is approved and AHA's proposed 2 permanent courts are build, it will mean that up to 3 times a week for a maximum of an hour an hour ½ there could be an organized team practice. Currently, there are 5 teams and all 5 teams could practice 5 days a week in addition to the host of other activities. See details below:

- PE CLASSES: PE classes will use the Field or Sports Courts 99+% of the time. A class may run a route that requires them to run up and around the Michillinda lot before heading back down to the court or field. We need to be careful that any conditions do not exclude the use of our private property to activities that fall under the normal day to day operations of any school
- RECESS: The only reason to use the Michillinda court would be if there was not enough faculty to split to a second location. In other words, Two faculty members could have eyes on students playing in the Exploratory Playground and Michillinda Court. We would only have 2 faculty members on coverage due to illness.
- AFTER SCHOOL GAMES
  - Games: Every game will be held on the sports court.
  - Practices:
    - Girls Volleyball: A 2nd court will be needed 2 to 3 times a week for practices if the 1st court is being used for games. If we are scheduled for away games, the second court will be used once or twice for practice. A 3rd court would be needed in very rare cases. For example, due to rain, we have to reschedule games to the 1st and 2nd court so that the season is completed by the necessary date. If we have a 3rd team, it could use Michillinda that day.

- Boys Volleyball: Will only use the new Sports Court
  - Coed Basketball: Michillinda may be used 2 or 3 times a week for practice only.
- Once the sports courts are built, why would the Michillinda parking lot be used?

Well, other than the normal day to day operations that fall under normal school activities, see above.

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

**From:** Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>

**To:** Ken Farfsing [REDACTED]

**Sent:** Monday, April 10, 2023 at 09:14:52 AM PDT

**Subject:** Council Questions

Ken,

Can you please provide a response to the following questions from City Council by noon today?

- What and how often are played in the Michillinda lot during the summer?

“11. D. 1. The majority of the recesses and PE classes for the 5th-8th Grades will be held on the Multi- Purpose Field or on alternative campus spaces.”

- How will Alverno determine what majority is?
  - How will the City or neighbors know what majority is?
- Once the sports courts are built, why would the Michillinda parking lot be used?

Thanks,

Vincent Gonzalez, Director | Planning & Community Preservation

*City of Sierra Madre*

232 W. Sierra Madre Blvd.

Sierra Madre, CA 91024

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626.355.7135 (Office)

**626.355.4239 (Direct)**

Hours: Mon. -Thurs. 7:30 am - 5:30 pm



## Amber Tardif

---

**From:** Jason Sanders <jsanders@lawsv.com>  
**Sent:** Tuesday, April 4, 2023 9:54 PM  
**To:** Sunny Soltani; Aleks Giragosian  
**Cc:** Vincent Gonzalez; Jose Reynoso; Julia Fanara; Sunny Soltani  
**Subject:** Re: April 11th City Council Report Due

Sunny,

Yes, we discussed your proposal, but my point is, at the risk of sounding like a broken record, that there is nothing contained in the letter or your proposal that **expressly** addresses how to handle sports activity on the Michillinda Parking Lot during the interim construction period. It appears you may be referring to the plantings we requested as light dampening not sound attenuation. You also may be referring to the statement in your proposal that "use of the Michillinda Lot for basketball and volleyball practices/games/PE Classes/ 5th-8th Grade play area/recesses will be minimized to the extent practicable." But, there is nowhere else for your volleyball and basketball teams to play on the property, correct, so how does this statement really address the interim construction period issue?

On the RLUIPA point in your letter, I would just point the city and the Academy to the 2010 Master Plan Amendment page 5, wherein the Amendment states that "the volleyball and basketball teams currently practice at Foothills Community Church. This gym which also serves as home court is not regulation size. When a competing team refuses to play on a non-regulation court, other facilities must be found on short notice. Without a theater, students must be transported to rented theater space off-campus for rehearsals and performances." I am just failing to see how something that the school has done in the past represents a substantial burden, nor why the city could not impose a temporary condition resulting in conduct that the Academy has previously engaged in.

*Jason R. Sanders | Attorney At Law*  
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**From:** Sunny Soltani <ssoltani@awattorneys.com>  
**Date:** Tuesday, April 4, 2023 at 7:27 PM  
**To:** Aleks R. Giragosian <agiragosian@chwlaw.us>  
**Cc:** Jason Sanders <jsanders@lawsv.com>, Vincent Gonzalez <vgonzalez@cityofsierramadre.com>, Jose Reynoso <jreynoso@cityofsierramadre.com>, K S [REDACTED], Julia Fanara <jfanara@alvernoheights.org>, Ken Farfaring [REDACTED]  
**Subject:** Re: April 11th City Council Report Due

We discussed in detail our proposal with you and your client Jason. Surprised you don't remember. Staff were present so I don't need to defend this issue.

Sent from my iPhone

On Apr 4, 2023, at 2:47 PM, Aleks R. Giragosian <agiragosian@chwlaw.us> wrote:

\*\*\* EXTERNAL SENDER \*\*\*

Thanks, all. The correspondence will be forwarded to the City Council and included in the administrative record.

For what it's worth, I believe the Planning Commission will revoke Alverno's CUP or modify it if Alverno fails to comply with the conditions. I was at the Planning Commission hearings. I've spoken to the Planning Commissioners about this. They were clear about their intentions.

## Aleks R. Giragosian

*Senior Counsel*

### Colantuono, Highsmith & Whatley, PC

790 E. Colorado Blvd., Suite 850 | Pasadena, CA 91101-2109

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[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us) | [www.chwlaw.us](http://www.chwlaw.us) | **Blog:** [www.californiapubliclawreport.com](http://www.californiapubliclawreport.com)

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**From:** Jason Sanders <jsanders@lawsv.com>

**Sent:** Tuesday, April 4, 2023 2:41 PM

**To:** Sunny Soltani <ssoltani@awattorneys.com>; Aleks R. Giragosian <agiragosian@chwlaw.us>; Vincent Gonzalez <vgonzalez@cityofsierramadre.com>

**Cc:** Jose Reynoso <jreynoso@cityofsierramadre.com>; K S [REDACTED]; Julia Fanara <jfanara@alvernoheights.org>; Ken Farfsing [REDACTED]

**Subject:** Re: April 11th City Council Report Due

Sunny,

Does anyone actually believe that the city will revoke the Academy's CUP. If not, then any threat to do so is surely not worth the paper it is printed on. And just how does the Academy suggest it will "quickly come into compliance" with, for example, a failure to build a sports court on time, especially when they have been stating since day one that they are cash strapped and need to fund raise? Aleks. I have no problem with these communications going into the council file. Sunny, please do me the professional courtesy of sending me the proposal you sent to the City? I am stunned that this was not communicated to us during the negotiations, where the parties could have had a chance to discuss and grapple with the details. But perhaps you did not want that to occur.

Sincerely,

Jason R. Sanders | Attorney At Law

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---

**From:** Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>

**Date:** Tuesday, April 4, 2023 at 1:52 PM

**To:** Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>, Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>,

Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>

**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>, K S [REDACTED] Julia

Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>, Ken Farfsing [REDACTED]

**Subject:** RE: April 11th City Council Report Due

We are okay with your proposal Aleks.

The only point I add to respond to Jason's email (which point was extensively discussed in the settlement meeting) is that the entirety of a city process where a city imposes conditions of approval on a project is to hold an applicant accountable. If Alverno does not build the courts in the time frames the City imposes on the school, the City can revoke our approval. That is a powerful tool to hold the school accountable and to ensure delivery. Jason will ask how many times has the City revoked a CUP. The answer may be never or minimally. But that is because once the threat of revocation of an approval faces an organization, they comply. In my 23 years of representing cities, I can recall one or two times we had to revoke a CUP. But I can recall more than a dozen times that once threat of revocation of a permit has been noticed to an entity, they have quickly come into compliance. I know Aleks that you and staff know this. So Jason's reasoning as to why the City should over reach on this interim issue is a red-herring and disengenious. Alverno's detailed offer of the mitigation measures during the interim part is in our letter to the honorable Mayor and Council.

Regardless of what happens, I personally thank you and the staff, the Planning Commission and City Council for your professionalism and for trying to balance all these varying interests.

Best,  
Sunny K. Soltani

---

**From:** Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>

**Sent:** Tuesday, April 4, 2023 1:31 PM

**To:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>; Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>; Vincent

Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>

**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>; K S [REDACTED]; Julia Fanara

<[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>; Ken Farfsing [REDACTED]

**Subject:** RE: April 11th City Council Report Due

\*\*\* EXTERNAL SENDER \*\*\*

All,

Staff's job is to help the City Council make an informed decision. Staff thinks your emails back and forth raise substantive issues.

Are you ok with us making your correspondence part of the administrative record?

I recognize this correspondence was intended for the opposing sides, so if either party objects, then we won't include it.

## Aleks R. Giragosian

*Senior Counsel*

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**From:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>

**Sent:** Tuesday, April 4, 2023 12:59 PM

**To:** Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>; Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>;

Ken Farfing [REDACTED] Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>; K S

**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>; Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>

**Subject:** Re: April 11th City Council Report Due

Sunny,

While **our** proposal for two sports was begrudgingly accepted by your client, neither you nor your client want to address how the neighborhood and the school can exist in harmony during the construction period. How the Academy will handle sports during this interim period (the period when the courts are being constructed) is not some minor deal point **since there is no guarantee that the Academy will construct the sports court by January 2024 or at all**. Thus, the nature and extent of the sports on the Michillinda Parking Lot during the interim construction period is a very real issue that you and your client refuse to acknowledge.

It is interesting that you characterize my clients' unwillingness to concede to the status quo with respect to sports on the Michillinda Parking Lot for an indefinite period of time as a lack of "flexibility". This is one the very reason my clients appealed. It is your client who refuses to accept the only provision that would simultaneously address the noise from sports during the interim construction period and incentivize your client to make sure the interim construction period is as short as possible, i.e. a temporary relocation of sports offsite. It is the only viable option. This is because your client made the short-sighted decision to create multiple sports teams for a school that was situated on a parcel that lacked no other hard surfaces to accommodate volleyball and basketball. Hence, your client has decided

to cram those activities into a parking lot next to my clients' house. And now it proposes to increase the K-8 enrollment and the amount of sports teams? Temporary, offsite sports in facilities built for those sports would provide your students with a more authentic game and sporting experience, as I am sure your client's athletic director would agree. What kid would not enjoy playing in a real gymnasium or similar facility as opposed to a parking lot? As to practices, the CYO Centralized facility is just one of many offsite options your client has.

I fail to see how you can say that you and your client have engaged in good faith negotiation. First, you misrepresent the language in your client's own CYO Guidelines. Now you have admitted that you will transmit a letter to the city explaining why this offsite solution is untenable. Even if the letter had yet to be draft, why was the content of this letter, the import, not discussed during our meeting? The only reasons your client gave at the meeting for rejecting the offsite option was that parents would be unhappy with transporting their kids and the CYO guidelines prohibited offsite transportation by the school. Our response addressed these points. The CYO Guidelines do not prohibit the Academy from transporting students offsite and both the Academy and parents currently share this task. To the extent that you withheld other rationale or failed to subsequently communicate that rationale to me, I do not believe that was done in good faith. That speaks volumes about what you and your client think about this negotiation process.

Moreover, you and your clients have proposed **ZERO** alternatives on how to handle the sports on the Michillinda Parking Lot during the interim construction period. When I asked you about this during our meeting, you flippantly stated that we should come up with some proposals ourselves. Well, we have. If your clients do not like them, then lets hear their proposals. We are still waiting. Apparently, their stance is that the neighborhood is just going to have to suck it up and deal with the status quo with respect to sports on the Michillinda Parking Lot until whenever your client gets around to constructing the sports courts. How is that good faith? How is that trying to achieve harmony? How is that listening to and trying to address the issue? Instead your client has been laser focused on explaining why an activity in which they currently engage, such as using vans to transport students, is somehow burdensome now.

And it would not be "beyond the scope of the application". You forget that before this application, your client was engaging in activity on the Michillinda Parking Lot that was not permitted by the CUP, i.e. a nuisance. The city has the authority and indeed the obligation to ensure that the holder of the CUP does not commit a nuisance or engage in conduct that is inconsistent with the zoning and land use for the property. Thus, the city can absolutely impose permit conditions in this proceeding to abate nuisance activity. What other schools in Sierra Madre (which may exist by-right) do or do not do is not really at issue in the proceeding. The fact remains that Alverno only exists because it was granted a CUP. Even under RLUIPA, the city can impose conditions on Alverno to avoid a nuisance and comply with CEQA as long as they are the least burdensome means. You and the city both have my thoughts on the application of RLUIPA.

Sincerely,

*Jason R. Sanders | Attorney At Law*

VENSKUS & ASSOCIATES, A.P.C.

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**OJAI** | 603 West Ojai Ave., Suite F, Ojai, CA 93023

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---

**From:** Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>  
**Date:** Tuesday, April 4, 2023 at 9:43 AM  
**To:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>, Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>, Ken Farfsing [REDACTED], Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>, K S [REDACTED]  
**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>, Aleks Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>  
**Subject:** RE: April 11th City Council Report Due

Dear Jason-

I am saddened that your client did not have any flexibility on this temporary issue. Alverno has spent many hours trying to figure out if it can accommodate this additional request from your client (which by the way is outside the scope of what is before the City Council in this entitlement process), but as I said on the phone there is no practical way to accommodate this overreach of a request.

In essence, we are being asked to stop our sporting programs in the middle of school and sporting season- after parents have probably created their schedules based on reliance that their children are safely participating in sports in their school. We will have a letter explaining in detail to the City why this proposal (after all of AHA's good faith negotiations on the real and permanent issues) cannot be implemented. Your client is requesting that either Alverno or our parents transport students to "centralized CYO facilities" even for practices. Regardless of if this is only for games, or the entire athletic program including practices, this request creates a major burden on the school, the parents, and our children. If the City were to impose this as a conditions, not only is it beyond the scope of the application, it would be especially discriminatory since no school in Sierra Madre sends their student's off campus for recess, practices, and home games. The City has done a lot trying to balance the various interests in this application process. Alverno or your client may not be 100% happy with the City's recommendations. But they have imposed real and enforceable conditions on Alverno's application in favor of the neighborhood. We can accept those conditions. Your client's unreasonable demand on this issue is unfortunate given that in our negotiations Alverno agreed to additional measures (some very costly for Alverno) on the permanent issues to address your clients' concerns.

All my best,  
Sunny

---

**From:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>  
**Sent:** Monday, April 3, 2023 1:40 PM  
**To:** Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>; Ken Farfsing [REDACTED]; Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>; Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>; K S [REDACTED]  
**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>; Aleks Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>  
**Subject:** Re: April 11th City Council Report Due

\*\*\* EXTERNAL SENDER \*\*\*

Noted. Thank you, Vincent. Sunny, again, I think our last proposal is reasonable. I am attaching a .pdf showing that Alverno has two vans for use in athletics. I am available to answer any questions the Academy may have. [REDACTED]

Sincerely,

*Jason R. Sanders | Attorney At Law*

VENSKUS & ASSOCIATES, A.P.C.

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---

**From:** Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>

**Date:** Monday, April 3, 2023 at 1:08 PM

**To:** Ken Farfsing [REDACTED], Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>, Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>, K S [REDACTED], Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>

**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>, Aleks Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>

**Subject:** April 11th City Council Report Due

All:

This is a reminder that the City Council Agenda Report is due tomorrow. Please submit revised conditions of approval for incorporation in the City Council Agenda Report and Resolution no later than 1 PM tomorrow.

Thank you for your assistance.

Vincent Gonzalez, Director | Planning & Community Preservation

***City of Sierra Madre***

232 W. Sierra Madre Blvd.

Sierra Madre, CA 91024

[VGonzalez@cityofsierramadre.com](mailto:VGonzalez@cityofsierramadre.com)

626.355.7135 (Office)

**626.355.4239 (Direct)**

Hours: Mon. -Thurs. 7:30 am - 5:30 pm

## Amber Tardif

---

**From:** Jose Reynoso <jreynoso@cityofsierramadre.com>  
**Sent:** Thursday, April 6, 2023 6:57 PM  
**Cc:** Aleks Giragosian; Vincent Gonzalez; Laura Aguilar  
**Subject:** Alverno Master Plan Appeal Conditions/Negotiations  
**Attachments:** 20230405\_Appellants' Letter\_Final.pdf; Exhibit E.PDF; Letter to Council re AHA Master Plan Appeal.pdf; Exhibit D.PDF; Exhibit A.PDF; Exhibit C.PDF; Exhibit B.PDF

Mayor and Council,

Both parties agreed to have their correspondence forwarded to the City Council and included in the administrative record.

Please see the email chain below. In the attachments, Alverno provides exhibits A through E.

Jose

---

**From:** Jason Sanders [mailto:jsanders@lawsv.com]  
**Sent:** Tuesday, April 04, 2023 9:54 PM  
**To:** Sunny Soltani <ssoltani@awattorneys.com>; Aleks Giragosian <agiragosian@chwlaw.us>  
**Cc:** Vincent Gonzalez <vgonzalez@cityofsierramadre.com>; Jose Reynoso <jreynoso@cityofsierramadre.com>; Julia Fanara <jfanara@alvernoheights.org>; Sunny Soltani <ssoltani@awattorneys.com>  
**Subject:** Re: April 11th City Council Report Due

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

Sunny,

Yes, we discussed your proposal, but my point is, at the risk of sounding like a broken record, that there is nothing contained in the letter or your proposal that expressly addresses how to handle sports activity on the Michillinda Parking Lot during the interim construction period. It appears you may be referring to the plantings we requested as light dampening not sound attenuation. You also may be referring to the statement in your proposal that "use of the Michillinda Lot for basketball and volleyball practices/games/PE Classes/ 5th-8th Grade play area/recesses will be minimized to the extent practicable." But, there is nowhere else for your volleyball and basketball teams to play on the property, correct, so how does this statement really address the interim construction period issue?

On the RLUIPA point in your letter, I would just point the city and the Academy to the 2010 Master Plan Amendment page 5, wherein the Amendment states that "the volleyball and basketball teams currently practice at Foothills Community Church. This gym which also serves as home court is not regulation size. When a competing team refuses to play on a non-regulation court, other facilities must be found on short notice. Without a theater, students must be transported to rented theater space off-campus for rehearsals and performances." I am just failing to see how something that the school has done in the past represents a substantial burden, nor why the city could not impose a temporary condition resulting in conduct that the Academy has previously engaged in.

*Jason R. Sanders | Attorney At Law*  
VENSKUS & ASSOCIATES, A.P.C.  
LOS ANGELES | 1055 Wilshire Blvd. Ste 1996, Los Angeles, CA 90017  
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023

Phone: (213) 482-4200 Email: [jsanders@lawsv.com](mailto:jsanders@lawsv.com)

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---

**From:** Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>

**Date:** Tuesday, April 4, 2023 at 7:27 PM

**To:** Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>

**Cc:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>, Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>, Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>, K S [REDACTED] Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>, Ken Farfsing [REDACTED]

**Subject:** Re: April 11th City Council Report Due

We discussed in detail our proposal with you and your client Jason. Surprised you don't remember. Staff were present so I don't need to defend this issue.

Sent from my iPhone

On Apr 4, 2023, at 2:47 PM, Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)> wrote:

\*\*\* EXTERNAL SENDER \*\*\*

Thanks, all. The correspondence will be forwarded to the City Council and included in the administrative record.

For what it's worth, I believe the Planning Commission will revoke Alverno's CUP or modify it if Alverno fails to comply with the conditions. I was at the Planning Commission hearings. I've spoken to the Planning Commissioners about this. They were clear about their intentions.

## Aleks R. Giragosian

*Senior Counsel*

### Colantuono, Highsmith & Whatley, PC

790 E. Colorado Blvd., Suite 850 | Pasadena, CA 91101-2109

**Direct** 213-542-5734 | **Main** 213-542-5700 | **Fax** 213-542-5710

[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us) | [www.chwlaw.us](http://www.chwlaw.us) | Blog: [www.californiapubliclawreport.com](http://www.californiapubliclawreport.com)

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---

**From:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>

**Sent:** Tuesday, April 4, 2023 2:41 PM

**To:** Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>; Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>; Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>  
**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>; K S [REDACTED] Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>; Ken Farfsing [REDACTED]  
**Subject:** Re: April 11th City Council Report Due

Sunny,

Does anyone actually believe that the city will revoke the Academy's CUP. If not, then any threat to do so is surely not worth the paper it is printed on. And just how does the Academy suggest it will "quickly come into compliance" with, for example, a failure to build a sports court on time, especially when they have been stating since day one that they are cash strapped and need to fund raise? Aleks. I have no problem with these communications going into the council file. Sunny, please do me the professional courtesy of sending me the proposal you sent to the City? I am stunned that this was not communicated to us during the negotiations, where the parties could have had a chance to discuss and grapple with the details. But perhaps you did not want that to occur.

Sincerely,

*Jason R. Sanders | Attorney At Law*

VENSKUS & ASSOCIATES, A.P.C.

**LOS ANGELES** | 1055 Wilshire Blvd. Ste 1996, Los Angeles, CA 90017

**OJAI** | 603 West Ojai Ave., Suite F, Ojai, CA 93023

**Phone:** [\(213\) 482-4200](tel:2134824200) **Email:** [jsanders@lawsv.com](mailto:jsanders@lawsv.com)

Visit us online at: [www.lawsv.com](http://www.lawsv.com) and [housingrightslaw.com](http://housingrightslaw.com)

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---

**From:** Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>

**Date:** Tuesday, April 4, 2023 at 1:52 PM

**To:** Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>, Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>, Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>

**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>, K S [REDACTED], Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>, Ken Farfsing [REDACTED]

**Subject:** RE: April 11th City Council Report Due

We are okay with your proposal Aleks.

The only point I add to respond to Jason's email (which point was extensively discussed in the settlement meeting) is that the entirety of a city process where a city imposes conditions of approval on a project is to hold an applicant accountable. If Alverno does not build the courts in the time frames the City imposes on the school, the City can revoke our approval. That is a powerful tool to hold the school accountable and to ensure delivery. Jason will ask how many times has the City revoked a CUP. The answer may be never or minimally. But that is because once the threat of revocation of an approval faces an organization, they comply. In my 23 years of representing cities, I can recall one or two times we had to revoke a CUP. But I can recall more than a dozen times that once threat of revocation of a

permit has been noticed to an entity, they have quickly come into compliance. I know Aleks that you and staff know this. So Jason's reasoning as to why the City should over reach on this interim issue is a red-herring and disingenious. Alverno's detailed offer of the mitigation measures during the interim part is in our letter to the honorable Mayor and Council.

Regardless of what happens, I personally thank you and the staff, the Planning Commission and City Council for your professionalism and for trying to balance all these varying interests.

Best,  
Sunny K. Soltani

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**From:** Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>  
**Sent:** Tuesday, April 4, 2023 1:31 PM  
**To:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>; Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>; Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>  
**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>; K S [REDACTED]; Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>; Ken Farfsing [REDACTED]  
**Subject:** RE: April 11th City Council Report Due

\*\*\* EXTERNAL SENDER \*\*\*

All,

Staff's job is to help the City Council make an informed decision. Staff thinks your emails back and forth raise substantive issues.

Are you ok with us making your correspondence part of the administrative record?

I recognize this correspondence was intended for the opposing sides, so if either party objects, then we won't include it.

## Aleks R. Giragosian

*Senior Counsel*

### Colantuono, Highsmith & Whatley, PC

790 E. Colorado Blvd., Suite 850 | Pasadena, CA 91101-2109

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[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us) | [www.chwlaw.us](http://www.chwlaw.us) | Blog: [www.californiapubliclawreport.com](http://www.californiapubliclawreport.com)

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**From:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>  
**Sent:** Tuesday, April 4, 2023 12:59 PM  
**To:** Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>; Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>; Ken Farfsing [REDACTED]; Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>; K S [REDACTED]  
**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>; Aleks R. Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>  
**Subject:** Re: April 11th City Council Report Due

Sunny,

While our proposal for two sports was begrudgingly accepted by your client, neither you nor your client want to address how the neighborhood and the school can exist in harmony during the construction period. How the Academy will handle sports during this interim period (the period when the courts are being constructed) is not some minor deal point since there is no guarantee that the Academy will construct the sports court by January 2024 or at all. Thus, the nature and extent of the sports on the Michillinda Parking Lot during the interim construction period is a very real issue that you and your client refuse to acknowledge.

It is interesting that you characterize my clients' unwillingness to concede to the status quo with respect to sports on the Michillinda Parking Lot for an indefinite period of time as a lack of "flexibility". This is one the very reason my clients appealed. It is your client who refuses to accept the only provision that would simultaneously address the noise from sports during the interim construction period and incentivize your client to make sure the interim construction period is as short as possible, i.e. a temporary relocation of sports offsite. It is the only viable option. This is because your client made the short-sighted decision to create multiple sports teams for a school that was situated on a parcel that lacked no other hard surfaces to accommodate volleyball and basketball. Hence, your client has decided to cram those activities into a parking lot next to my clients' house. And now it proposes to increase the K-8 enrollment and the amount of sports teams? Temporary, offsite sports in facilities built for those sports would provide your students with a more authentic game and sporting experience, as I am sure your client's athletic director would agree. What kid would not enjoy playing in a real gymnasium or similar facility as opposed to a parking lot? As to practices, the CYO Centralized facility is just one of many offsite options your client has.

I fail to see how you can say that you and your client have engaged in good faith negotiation. First, you misrepresent the language in your client's own CYO Guidelines. Now you have admitted that you will transmit a letter to the city explaining why this offsite solution is untenable. Even if the letter had yet to be draft, why was the content of this letter, the import, not discussed during our meeting? The only reasons your client gave at the meeting for rejecting the offsite option was that parents would be unhappy with transporting their kids and the CYO guidelines prohibited offsite transportation by the school. Our response addressed these points. The CYO Guidelines do not prohibit the Academy from transporting students offsite and both the Academy and parents currently share this task. To the extent that you withheld other rationale or failed to subsequently communicate that rationale to me, I do not believe that was done in good faith. That speaks volumes about what you and your client think about this negotiation process.

Moreover, you and your clients have proposed **ZERO** alternatives on how to handle the sports on the Michillinda Parking Lot during the interim construction period. When I asked you about this during our meeting, you flippantly stated that we should come up with some proposals ourselves. Well, we have. If your clients do not like them, then lets hear their proposals. We are still waiting. Apparently, their stance is that the neighborhood is just going to have to suck it up and deal with the status quo with respect to sports on the Michillinda Parking Lot until whenever your client gets around to constructing the sports courts. How is that good faith? How is that trying to achieve harmony? How is that listening to and trying to address the issue? Instead your client has been laser focused on explaining why an activity in which they currently engage, such as using vans to transport students, is somehow burdensome now.

And it would not be "beyond the scope of the application". You forget that before this application, your client was engaging in activity on the Michillinda Parking Lot that was not permitted by the CUP, i.e. a nuisance. The city has the authority and indeed the obligation to ensure that the holder of the CUP does not commit a nuisance or engage in conduct that is inconsistent with the zoning and land use for the

property. Thus, the city can absolutely impose permit conditions in this proceeding to abate nuisance activity. What other schools in Sierra Madre (which may exist by-right) do or do not do is not really at issue in the proceeding. The fact remains that Alverno only exists because it was granted a CUP. Even under RLUIPA, the city can impose conditions on Alverno to avoid a nuisance and comply with CEQA as long as they are the least burdensome means. You and the city both have my thoughts on the application of RLUIPA.

Sincerely,

*Jason R. Sanders | Attorney At Law*

VENSKUS & ASSOCIATES, A.P.C.

**LOS ANGELES** | 1055 Wilshire Blvd. Ste 1996, Los Angeles, CA 90017

**OJAI** | 603 West Ojai Ave., Suite F, Ojai, CA 93023

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---

**From:** Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>

**Date:** Tuesday, April 4, 2023 at 9:43 AM

**To:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>, Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>, Ken Farfsing [REDACTED], Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>, K S [REDACTED]

**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>, Aleks Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>

**Subject:** RE: April 11th City Council Report Due

Dear Jason-

I am saddened that your client did not have any flexibility on this temporary issue. Alverno has spent many hours trying to figure out if it can accommodate this additional request from your client (which by the way is outside the scope of what is before the City Council in this entitlement process), but as I said on the phone there is no practical way to accommodate this overreach of a request.

In essence, we are being asked to stop our sporting programs in the middle of school and sporting season- after parents have probably created their schedules based on reliance that their children are safely participating in sports in their school. We will have a letter explaining in detail to the City why this proposal (after all of AHA's good faith negotiations on the real and permanent issues) cannot be implemented. Your client is requesting that either Alverno or our parents transport students to "centralized CYO facilities" even for practices. Regardless of if this is only for games, or the entire athletic program including practices, this request creates a major burden on the school, the parents, and our children. If the City were to impose this as a conditions, not only is it beyond the scope of the application, it would be especially discriminatory since no school in Sierra Madre sends their student's off campus for recess, practices, and home games. The City has done a lot trying to balance the various interests in this application process. Alverno or your client may not be 100% happy with the City's recommendations. But

they have imposed real and enforceable conditions on Alverano's application in favor of the neighborhood. We can accept those conditions. Your client's unreasonable demand on this issue is unfortunate given that in our negotiations Alverano agreed to additional measures (some very costly for Alverno) on the permanent issues to address your clients' concerns.

All my best,  
Sunny

---

**From:** Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>  
**Sent:** Monday, April 3, 2023 1:40 PM  
**To:** Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>; Ken Farfsing [REDACTED]; Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>; Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>; K S [REDACTED]  
**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>; Aleks Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>  
**Subject:** Re: April 11th City Council Report Due

\*\*\* EXTERNAL SENDER \*\*\*

Noted. Thank you, Vincent. Sunny, again, I think our last proposal is reasonable. I am attaching a .pdf showing that Alverno has two vans for use in athletics. I am available to answer any questions the Academy may have. [REDACTED]

Sincerely,

*Jason R. Sanders | Attorney At Law*  
VENSKUS & ASSOCIATES, A.P.C.  
**LOS ANGELES** | 1055 Wilshire Blvd. Ste 1996, Los Angeles, CA 90017  
**OJAI** | 603 West Ojai Ave., Suite F, Ojai, CA 93023  
**Phone:** (213) 482-4200 **Email:** [jsanders@lawsv.com](mailto:jsanders@lawsv.com)  
Visit us online at: [www.lawsv.com](http://www.lawsv.com) and [housingrightslaw.com](http://housingrightslaw.com)

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---

**From:** Vincent Gonzalez <[vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com)>  
**Date:** Monday, April 3, 2023 at 1:08 PM  
**To:** Ken Farfsing [REDACTED], Julia Fanara <[jfanara@alvernoheights.org](mailto:jfanara@alvernoheights.org)>, Sunny Soltani <[ssoltani@awattorneys.com](mailto:ssoltani@awattorneys.com)>, K S [REDACTED] Jason Sanders <[jsanders@lawsv.com](mailto:jsanders@lawsv.com)>  
**Cc:** Jose Reynoso <[jreynoso@cityofsierramadre.com](mailto:jreynoso@cityofsierramadre.com)>, Aleks Giragosian <[agiragosian@chwlaw.us](mailto:agiragosian@chwlaw.us)>  
**Subject:** April 11th City Council Report Due

All:

This is a reminder that the City Council Agenda Report is due tomorrow. Please submit revised conditions of approval for incorporation in the City Council Agenda Report and Resolution no later than 1 PM tomorrow.

Thank you for your assistance.

Vincent Gonzalez, Director | Planning & Community Preservation

***City of Sierra Madre***

232 W. Sierra Madre Blvd.

Sierra Madre, CA 91024

[VGonzalez@cityofsierramadre.com](mailto:VGonzalez@cityofsierramadre.com)

626.355.7135 (Office)

**626.355.4239 (Direct)**

Hours: Mon. -Thurs. 7:30 am - 5:30 pm

## Amber Tardif

---

**From:** Jason Sanders <jsanders@lawsv.com>  
**Sent:** Wednesday, April 5, 2023 8:03 PM  
**To:** Vincent Gonzalez; Jose Reynoso; Aleks Giragosian  
**Cc:** Sunny Soltani; Karen R. Becker  
**Subject:** Re: Appellant Letter re: Alverno Appeal  
**Attachments:** 20230405\_Appellants' Letter\_Final.pdf

Apologies all, please disregard my last email and treat this as Appellants' Letter to place in the file and record. This version has two additional documents attached in Exhibit C that were omitted from the last letter.

Sincerely,

*Jason R. Sanders | Attorney At Law*  
VENSKUS & ASSOCIATES, A.P.C.  
**LOS ANGELES** | 1055 Wilshire Blvd. Ste 1996, Los Angeles, CA 90017  
**OJAI** | 603 West Ojai Ave., Suite F, Ojai, CA 93023  
**Phone:** (213) 482-4200 **Email:** [jsanders@lawsv.com](mailto:jsanders@lawsv.com)  
Visit us online at: [www.lawsv.com](http://www.lawsv.com) and [housingrightslaw.com](http://housingrightslaw.com)

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---

**From:** Jason Sanders <jsanders@lawsv.com>  
**Date:** Wednesday, April 5, 2023 at 7:48 PM  
**To:** VGonzalez@cityofsierramadre.com <vgonzalez@cityofsierramadre.com>, Jose Reynoso (jreynoso@cityofsierramadre.com) <jreynoso@cityofsierramadre.com>, Aleks Giragosian <agiragosian@chwlaw.us>  
**Cc:** Sunny Soltani <ssoltani@awattorneys.com>, Karen R. Becker <kbecker@awattorneys.com>  
**Subject:** Appellant Letter re: Alverno Appeal

Good evening All,

Please find enclosed our Appellant Letter for the upcoming Council Meeting. Please place in the file and record.

Sincerely,

*Jason R. Sanders | Attorney At Law*  
VENSKUS & ASSOCIATES, A.P.C.  
**LOS ANGELES** | 1055 Wilshire Blvd. Ste 1996, Los Angeles, CA 90017  
**OJAI** | 603 West Ojai Ave., Suite F, Ojai, CA 93023  
**Phone:** (213) 482-4200 **Email:** [jsanders@lawsv.com](mailto:jsanders@lawsv.com)  
Visit us online at: [www.lawsv.com](http://www.lawsv.com) and [housingrightslaw.com](http://housingrightslaw.com)

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## Amber Tardif

---

**From:** Sunny Soltani <ssoltani@awattorneys.com>  
**Sent:** Tuesday, April 4, 2023 1:54 PM  
**To:** Jason Sanders  
**Cc:** Vincent Gonzalez; Kcf817; Jose Reynoso; Aleks Giragosian; Karen R. Becker  
**Subject:** FW: Alverno Heights Academy Master Plan Amendment – Proposed Noise Attenuation Conditions/ Sports Court Construction  
**Attachments:** Letter to Council re AHA Master Plan Appeal.pdf; Exhibit E.pdf; Exhibit A.pdf; Exhibit D.pdf; Exhibit B.pdf; Exhibit C.pdf  
**Importance:** High

Jason-

My secretary inadvertently left you off the original email.

Here you go.

---

**From:** Karen R. Becker <kbecker@awattorneys.com>  
**Sent:** Tuesday, April 4, 2023 1:08 PM  
**To:** vgonzalez@cityofsierramadre.org  
**Cc:** Sunny Soltani <ssoltani@awattorneys.com>; Ken Farfsing [REDACTED]; jrenoys@cityofsierramadre.org; agiragosian@chwlaw.us  
**Subject:** Alverno Heights Academy Master Plan Amendment – Proposed Noise Attenuation Conditions/ Sports Court Construction  
**Importance:** High

Attached please find Ms. Soltani's April 4, 2023 correspondence and enclosures pertaining to the above-referenced matter.

Please distribute to the Mayor, Councilmembers and appropriate parties as indicated.

Should you be unable to open the attached, please do not hesitate to contact the undersigned.

## Karen R. Becker

**Karen R. Becker, PP, PLS** | Certified Paralegal/Secretary to David J. Aleshire, Sunny K. Soltani, Fred Galante, Anne Lanphar, Lona Laymon, Benjamin R. Jones  
**Aleshire & Wynder, LLP** | 18881 Von Karman Ave., Suite 1700, Irvine, CA 92612  
Tel: (949) 223-1170 | Dir: (949) 250-5434 | Fax: (949) 223-1180 | [kbecker@awattorneys.com](mailto:kbecker@awattorneys.com) | [awattorneys.com](http://awattorneys.com)

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## Amber Tardif

---

**From:** Jose Reynoso  
**Sent:** Tuesday, April 11, 2023 2:52 PM  
**To:** Amber Tardif  
**Subject:** FW: Leaf Blowers

---

**From:** notification@civiclive.com [mailto:notification@civiclive.com]  
**Sent:** Tuesday, April 11, 2023 2:16 PM  
**To:** Jose Reynoso <jreynoso@cityofsierramadre.com>  
**Subject:** Leaf Blowers

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The following email message was generated by a user filling in a contact form on your website. It was sent from the following IP address: 2603:8000:f306:8d75:c8cb:3c76:e1f5:b3f8,172.70.211

When will we do this here. It is a noise polluting nightmare for those of us who are at home.

Beginning April 28, the use of gas-powered leaf blowers will be [prohibited in the City of Pasadena](#). .

As part of [SB 170](#), \$27 million was available to sole proprietors and other small landscaping businesses to assist in the purchase of zero-emission SOREs, including leaf-blowing machines, lawnmowers and string trimmers. There is currently \$17.2 million in funding that remains available.

California Clean Off-Road Equipment Voucher Incentive Project (CORE) is offering point-of-sale discounts of up to \$400 per electric-powered leaf blower for small business and sole-proprietor landscapers. Visit [CaliforniaCore.org](#) for more details and a list of participating dealers.

There is also a rebate of up to 75% off the cost of an electric leaf blower offered by South Coast AQMD via their [Commercial Lawn and Garden Equipment](#) exchange program (late March/April rollout). The AQMD rebate *can* be stacked with the CORE voucher.

Pasadena City Council voted to ban the use of gas-powered leaf blowers in March 2022. The ban also makes it illegal to use a leaf blower to cause debris to travel beyond the property boundaries of the parcel on which it is being used, to adjoining properties or public rights-of-way within the city, and to remain there for more than 15 minutes. Electric-powered leaf blowers may only be used between the hours of 8 a.m. and 6 p.m., Monday – Friday, and 9 a.m. – 5 p.m. on Saturdays. It remains unlawful for leaf blowers to be operated on Sundays and holidays.

As is current practice for leaf blower complaints, Code Compliance will respond as soon as possible and may conduct a follow-up inspection. Warning notice with a 30-day compliance period will be issued to the landscape business owner/operator. Continued violations will result in issuance of citations.

Sent By: Julie & Jeff

## Amber Tardif

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**From:** [REDACTED]  
**Sent:** Saturday, April 8, 2023 2:45 PM  
**To:** Public Comment  
**Cc:** 'Jonathan Frankel'; FATHER MIKE HIGGINS  
**Subject:** CONCERN AND ADVOCACY FOR MEADOWS DEVELOPMENT and CITY LEADERSHIP

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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

To the responsible City leaders for City Council meeting April 11: as suggested in the MOUNTAIN VIEWS NEWS April 8, 2023---

The Mayor and City Council, the City Attorney, the Police and Fire Departments, and the City Planning Commission have all been ELECTED or APPOINTED specifically in the positive interests of the entire city population, for our mutual benefit and common good---not for any individual comfort nor reward.... For us to speculate that they could have all been duped into delusionally advocating for the **MEADOWS development** would stretch the laws of probabilities beyond reasonable boundaries.

These individuals are professionals--- who have dedicated deep scrutiny and circumspection to determine the optimum outcome for the city as a whole—our common good, our general welfare. This includes their intense negotiations with the developer over recent years in order to obtain the ADDITIONAL beneficial resources included ( the park, the water conservation and police station funding, and Carter Ave. improvements ) .

We might conscientiously question the judgment and in fact the arrogance of the opponents to Measure M.... suggesting that they are collectively more concerned for the general welfare of the entire city than the QUALIFIED parties to whom we have delegated our trust, noted above. We might follow our leaders' decisions and get out of the way....Please.

Respectfully--Phil

Phil Cannon  
[REDACTED]