

**NEW CORRESPONDENCE
FOR
NOVEMBER 7, 2005
MEETING**

LEONARD M. MARANGI*
WILLIAM S. JOHNSTONE, JR.*
GEORGE R. BAFFA*
DON MIKE ANTHONY*
WILLIAM K. HENLEY*
CLARK R. BYAM*
MARC R. ISAACSON*
RICHARD L. HALL*
SUSAN T. HOUSE*
DIANNE H. BUKATA
GENE E. GREGG, JR.*
R. SCOTT JENKINS*
CHARLES J. GREAVES*
DALE R. PELCH*
KARL I. SWAIDAN*
CHRISTIANNE F. KERNS*
LAURA V. FARBER*
CHRISTOPHER J. CURRER
TODD R. MOORE
CANDICE K. ROGERS
RITA M. DIAZ

HAHN & HAHN LLP
INCLUDING PROFESSIONAL CORPORATIONS
LAWYERS
NINTH FLOOR
301 EAST COLORADO BOULEVARD
PASADENA, CALIFORNIA 91101

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cc: City Council
City Manager
City Attorney
Director of Planning
BENJAMIN W. HAHN 1869-1932
EDWIN F. HAHN 1872-1951
HERBERT L. HAHN 1893-1982

OF COUNSEL
DAVID K. ROBINSON
LOREN H. RUSSELL

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(626) 449-7357

AUTHOR'S E-MAIL
dpelch@hahnlawyers.com

October 10, 2005

* PROFESSIONAL CORPORATION

Mr. and Mrs. Christopher Madison
720 S. San Rafael Avenue
Pasadena, CA 91105

VIA E-MAIL AND U.S. MAIL

Mr. Dennis G. Smith
Buff, Smith, Hensman Architects
1450 West Colorado Blvd., Suite 200
Pasadena, CA 91105

VIA U.S. MAIL

Re: 725 Hillside Terrace

Dear Mr. and Mrs. Madison and Mr. Smith:

As you are aware, at the City Council Hearing conducted on September 26th, Councilman Madison asked whether Mr. Madison and the neighbors who raised concerns with respect to the proposed project would be willing to meet to see if issues could be resolved. Mr. Madison and the neighbors who were present, agreed to meet. Councilman Madison indicated that his Field Representative, Taka Suzuki, would contact the parties to arrange a meeting at which City Representatives would also be present.

When I had not heard anything, I called and left a message for Ms. Suzuki. She left me a voice message on October 3rd, asking that I provide her with possible dates that would be available for me and my client. I then received a telephone call from Mr. Madison suggesting a meeting for Wednesday, October 12th late in the afternoon or early evening. I told Mr. Madison that I would need to confirm clients' availability. I reminded him that the other neighbors would need to be contacted as well. The concerns raised do not exist only between Mr. and Mrs. Madison and my clients. The Millers are only one of a significant number of neighbors who have raised concerns about the project.

Unfortunately, it appears that this matter has been viewed as simply a dispute between the Millers and the Madisons, in that a meeting was apparently set by Ms. Suzuki for October 12th, before any response by other neighbors. As I understand it, none of the other neighbors who want to have their voices heard are available to attend that meeting which was apparently

Mr. and Mrs. Christopher Madison
Mr. Dennis G. Smith
October 10, 2005
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scheduled to begin at 2:30 PM. I still have not received confirmation as to where that meeting was set to take place.

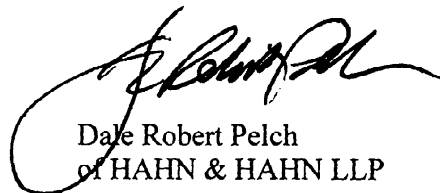
I understand that neighbors interested in attending have asked for the meeting to be rescheduled so they can attend. I spoke with Ms. Suzuki this morning and stated that the meeting suggested by Councilman Madison could not be effectively and fruitfully conducted with only my clients in attendance and to the exclusion of the other neighbors. I expressed those concerns in a subsequent telephone conversation with Mr. Christopher Madison.

Based upon my telephone conversations with Ms. Suzuki and Mr. Madison on October 10th, I understand that Mr. Madison has apparently arranged for Mr. Smith's attendance, as well as the attendance by a soils person and perhaps others and that he is unwilling to reschedule the meeting to a date that may be convenient to a more representative number of neighbors. Mr. Madison stated that he is not available between the time he returns on October 31st and the date of the continued Hearing on November 7th.

While my client is willing to meet, it does not appear that a meeting involving only my clients and the City will serve the purpose proposed by Councilman Madison. I do not want to waste my client's time and money, nor Mr. and Mrs. Madison's. Unless an agreeable date where a significant number of neighbors opposed to the project can be represented can be established, we believe a meeting that does not have a representative group of the neighbors would be useless.

Notwithstanding the foregoing, Mr. Madison stated that he intends to proceed with the meeting on October 12th. My clients and I will attend the meeting on October 12th, although we believe it to be ill advised without greater neighboring owners' participation. We urge Mr. and Mrs. Madison to try to coordinate a date that will be most convenient for the most number of neighbors, as well as for the Madisons and their representative and the City Staff.

Very truly yours,



Dale Robert Pelch
of HAHN & HAHN LLP

DRP:rac

cc: Mr. and Mrs. Charles Miller
Mayor William Bogaard
Pasadena City Council Member
Taka Suzuki (via e-mail)

LEONARD M. MARANGI*
WILLIAM S. JOHNSTONE, JR.*
GEORGE R. BAFFA*
DON MIKE ANTHONY*
WILLIAM K. HENLEY*
CLARK R. BYAM*
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October 24, 2005

* PROFESSIONAL CORPORATION

Mr. John Poindexter
Division Manager, Planning Division
City of Pasadena
175 North Garfield Avenue
Pasadena, CA 91101-1704

Re: 725 Hillside Terrace

Dear Mr. Poindexter:

I want to thank you and Taka Suzuki, Field Representative for Councilman Steve Madison, for taking the time and meeting with my client, Carolyn Miller, and me, other neighbors and the owner of the proposed project at the above-described property and his architect, Dennis Smith.

As discussed at that meeting, the neighbors have a number of concerns with respect to the ultimate approval of the project. This letter is to set forth our understanding of the areas and issues that the City Staff has agreed to evaluate further.

1. Soil and Drainage Conditions. As evident from the comments of various neighbors, the most significant concern regarding the project relates to its effect upon existing soil and drainage conditions. Among other things, the proposed extensive grading on the hillside area could create risks of slide. Additionally, there are concerns that the project will result in an excessive accumulation or concentration of surface water drainage problems for adjoining property owners. Such conditions could also lead to destabilization of the hillside. The prevalence of subsurface moisture conditions and natural springs throughout the area was discussed. Our client retained a geotechnical consultant, Sassan Salehipour, of SAS Geosciences, Inc., who explained his concerns with respect to the report that was submitted on behalf of the owner.

When we discussed the extent of the proposed excavation, the owner's architect suggested that, although the application states that 2,250 cubic yards are to be excavated, the actual amount is much less. His statements were the first such indication, despite opportunities to do so before the Hearing Officer and City Council. While we were told that the re-calculated

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excavation amount would be provided to us, we have received nothing further. Those statements also raise questions as to whether the documents and materials submitted to the City accurately describe the improvements proposed for actual construction. We note, yet again, that the geotechnical report submitted in support of the project recites that it anticipates a two-story structure although the actual structure is three stories high.

We continued to urge the City to require that soil and drainage conditions be adequately investigated and addressed. While there was discussion about the proper timing for more comprehensive soils examination, if the project is to be approved for the site, the issuance of a Building Permit be expressly conditioned upon the submittal of complete and accurate soils and drainage investigations which should be subject to a full and complete review by independent engineers in appropriate disciplines on behalf of the City.

It is our belief that it is in the best interest of the City, the developer and the neighbors to assure that any project or other activities at the site do not create a risk of soil subsidence or excessive drainage problems and other damage to either the subject property itself or to the neighboring property owners.

2. Existing Retaining Wall Investigation. As was discussed, the existing retaining wall is leaning and issues and concerns were raised by a number of neighbors about the continued stability and viability of the wall and the impact that the proposed project might have upon the wall. Certainly if the wall were to fail, in whole or in part, the impact upon the hillside could be substantial. Obviously, to the extent that the existing wall was not properly engineered and installed to current standards (a likely condition), every effort should be made to assure that the existing wall does not present a health or safety hazard and that the effects of any proposed development of the site similarly does not negatively further exacerbate any conditions or concerns relating to the soil stability.

3. Height, Massing, Compatibility and Screening. A number of neighbors, including our clients, expressed concerns regarding the height of the proposed structure, particularly in relation to its proximity to the existing property line. The effect of construction of the proposed structure on the existing hillside is to visually present a three story structure looming some 36 feet above the existing elevation of the sidewalk directly in front of the property. It is our continued view that such conditions are not consistent with the purpose or objectives of the Hillside Ordinance. As discussed at the meeting, my client and I are neither architects nor engineers, although it appears that other alternatives to soften the effects of the visual impacts of the structure and to follow the recommendations of the Hillside Ordinance in terms of softening those effects, including the use of stepbacks and other means of vertical and horizontal articulation methods to create change in shadow lines and to break up massive forms and the use of darker colors and tones (as directed by the Hillside Ordinance - §§ 17.29.060.C.1 and 17.29.060.C.4), have not been adequately explored. As was referenced, the structure is identical to a structure that was presented for approval some 12 to 13 years ago -- before the requirements of the existing Hillside Ordinance were adopted. It does not appear that there was any attempt to revise or change the improvements in any way to address the purposes and objectives of the

Hillside Ordinance. It is our belief that the City should assure that the proposal complies, in all respects, with the Hillside Ordinance.

An additional concern discussed at the meeting was the extent to which vegetation would or would not help to screen the proposed structure. The "colorized" plan showing the asserted crown of existing trees and proposed new trees was helpful and certainly more easily understood than the "black and white" plans on file. The architect for the developer represented that the remaining existing and proposed replacement vegetation will provide sufficient screening. The neighbors will expect and insist that the City require the installation of sufficient vegetation and trees to properly screen the new structure.

4. Construction and Excavation. While the City's Hillside Excavation Ordinance and other requirements associated with construction require a developer to take certain steps to mitigate the impacts of construction, the unique nature of those impacts upon the surrounding neighbors are substantial and dictate that the City condition any approval of the subject project upon public participation in the development and establishment of the efforts to eliminate or mitigate negative impact. It is our view that, to the extent the City were otherwise to approve the requested Permit Applications, such approval be made upon the express condition that the elimination and mitigation measures be subject to public notice and neighborhood involvement before ultimately established, adopted and implemented.

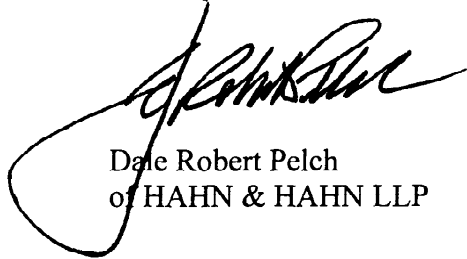
5. Infrastructure Impacts. An additional item of concern is the extent to which the proposed project could impact the existing infrastructure, including sewer, electrical, water, and street. You explained that, to the extent negative impacts upon the infrastructure are discovered and identified during construction, the developer would be required to perform any repair work and any necessary upgrades. The neighbors simply want assurance that, to the extent the project, either during the course of construction or as a result of the construction, results in a dilapidation or failure or need for improvements to the existing infrastructure, those costs should not become the responsibility of the neighboring property owners (e.g., by special district or assessment) or, for that matter, by the City itself. Once again, any such costs and expenses should be the responsibility of the developer and such obligation should be expressly included as a condition of approval, if ultimately granted.

We trust that the City will address each of the foregoing prior to the City Council Hearing set for November 7, 2005, at which time the review upon call up of the project will be considered. Only to the extent that the City can appropriately confirm that the various concerns raised by the neighbors have been addressed and that the project meets the requirements of the Hillside Ordinance, should the City Staff recommend and should City Council approve the applications sought. We continue to believe that the number and magnitude of the concerns and risks associated with the proposed project dictate that approval be denied.

Mr. John Poindexter
October 24, 2005
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If you have any questions concerning the foregoing, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dale Robert Pelch". The signature is fluid and cursive, with a large loop at the end.

Dale Robert Pelch
of HAHN & HAHN LLP

DRP:rac

cc: Mr. and Mrs. Miller
Mr. and Mrs. Robert Thorell (for dissemination to interested neighbors)
Mayor William Bogaard
Pasadena City Council Members ✓
Mr. David Sinclair
Mr. and Mrs. Christopher Madison

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November 2, 2005

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Pasadena City Council
City Clerk
117 East Colorado Blvd.
Pasadena, California 91105

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CITY OF PASADENA

**RE: Lot split, Tree Removal and House Development
720 South San Rafael, Pasadena 91105**

Dear City Council Members,

This is the third letter which we have written and presented in opposition to the proposed development at 720 South San Rafael. The continued participation and interaction by us and with our neighbors indicates that we are deeply interested in and concerned about this project.

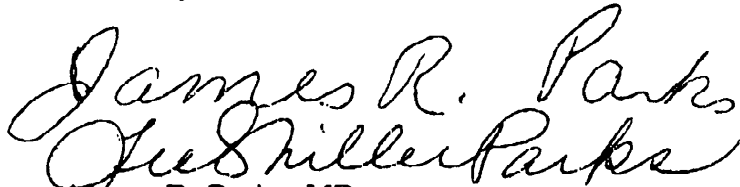
We would like to thank the Council for suggesting that the applicant, Chris Madison and concerned neighbors have an opportunity for dialogue. This was the first opportunity for communication about this project which had occurred. We would like to thank Councilman Steve Madison and his office for facilitating that meeting. It is unfortunate that the meeting was held mid-afternoon on a weekday and some interested parties (us included) were unable to attend the meeting. (We were both out of town addressing professional meetings). We would, therefore, like to take this opportunity, in this third letter, to re-state our opposition to this project.

Firstly, we are gravely concerned about the destabilization of the hillside due to massive excavation, the existence of underground springs and significant run-off problems. In our first letter to Mr. David Sinclair, we included pictures of slides, in the immediate hillside, which occurred during the 2004-2005 rainy season. We only included a few pictures in that letter, but have a collection of over 50 pictures of slides, downed trees and destabilization which only emphasize our concerns about disturbing the existing hill. We have been offered no reports or data by Mr. Chris Madison's group which addresses any of these issues. Our family has lived at this address since 1949. In that time we have dealt with many problems as this hillside has moved. The hillside is not a static entity. It is a very dynamic entity.

Secondly, we are opposed to the construction of a three-story house. No matter what the architectural views are, from Hillside Terrace (front view), this project is a three-story house. Much time and effort was devoted by the City and Council members in order to hone a comprehensive Hillside Ordinance. This proposed project seems to ignore the mission of that ordinance.

The bottom line is that this project seeks to place a house, which does not meet the Hillside Ordinance, on a hill which has repeatedly demonstrated itself to be problematic and unstable. We continue to oppose this project and urge the City Council to deny this subdivision.

Sincerely,

Handwritten signature in cursive script, appearing to read "James R. Parks" on the top line and "Lee Miller Parks" on the bottom line.

James R. Parks, MD.
Lee Miller Parks, Ph.D.
640 Hillside Terrace
Pasadena, CA 91105

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STRUCTURAL SOLUTIONS
411 North Central Avenue #605
Glendale, California 91203-2051
(818) 240-4330 Fax (818) 240-4649

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CITY OF PASADENA

October 26, 2005

Dennis Smith
BUFF, SMITH & HENSMAN, Architects
1450 West Colorado Blvd.
Pasadena, California 91105

Re: **Christopher Madison project.**

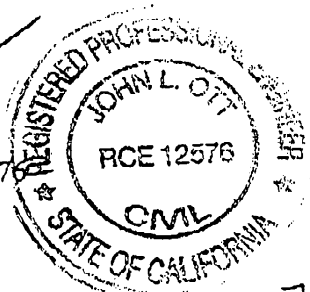
Dear Dennis,

Per your request I analyzed the changes that will occur to the grading plan and made yardage calculations indicating that the total yardage will be reduced from 2,050 cubic yards to 1,964 cubic yards. That is a reduction of 86 cubic yards in the total yardage to be moved.

If I can be of further service do not hesitate to contact me.

Sincerely,


John Ott
Civil Engineer #12576



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November 1, 2005

Pasadena City Council
City Clerk
117 East Colorado Boulevard
Pasadena, California 91105

**RE: Lot Split, Tree Removal and House Development
720 South San Rafael, Pasadena 91105**

Dear Members of the City Council:

We appreciate the efforts of Councilman Steve Madison and his office to schedule a meeting of applicant Chris Madison and the concerned neighbors regarding the subdivision of the above property. That meeting provided many of us with our first opportunity to communicate our grave safety concerns to the applicant concerning his proposed three-story development. Although the applicant refused to accommodate the schedules of the majority of neighbors by setting a mid-afternoon meeting on a weekday, many neighbors made a special effort to participate in at least part of the meeting. That participation clearly shows the high degree of interest and concern in this project.

The primary issue for most of the neighbors is the issue of SAFETY. Destabilizing this hill through a combination of aggressive excavation, underground springs, and significant run-off from the back of the property (as indicated in the preliminary report on file in the Planning Office) is a SAFETY concern for those of us with properties contiguous to this proposed subdivision. Pictures of hill slippage in the area have already been presented before this Council plus all of us see the problems on a daily basis in our own homes and yards. Moreover, the proposal contains an outdated soils report and no geology report. Given the precarious nature of this hillside and the recent examples of homes slipping in Laguna Hills, this Council should deny the application. At the very least, the Council should take no action on the application until proper geologic studies have been conducted to determine whether the proposed subdivision can be safely built upon.

An extraordinary amount of time and energy was consumed by interested community citizens and by staff members of the City and the Council to fashion the current Hillside Ordinance. The principles of this ordinance should be honored. In particular, the proposed THREE story house is clearly not in compliance with the height, massing, and compatibility section of the Ordinance. The concept of dark coloration to blend structures into the hillside is also not considered, as all drawings indicate a light-colored house which would



further emphasize the mass of the structure. Approval of this project would virtually invalidate the Ordinance and all the hard work that went into crafting it.

The fundamental issue is: given the underground springs and acknowledged drainage issues down a steep hillside, is this really an appropriate lot for development? Many of us in the neighborhood believe it is not. Even the applicant cannot say that the proposed excavation and construction are appropriate until the proper studies have been conducted. We urge the City Council to deny this subdivision.

Sincerely,

A handwritten signature in cursive script that reads "Bob & Shari Thorell". The signature is written in black ink and is positioned above the typed name.

Bob and Shari Thorell
728 Hillside Terrace
Pasadena, CA 91105