

**CORRESPONDENCE
RECEIVED FOR MEETING OF
NOVEMBER 14, 2005**

***Mrs. Warner W. Henry
887 La Loma Road
Pasadena, California 91105***

RECEIVED
05 NOV 15 A9:15
CITY CLERK
CITY OF PASADENA

November 12, 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 City Council Members:

I have been sent a copy of several letters in opposition to the proposed development at 720 South San Rafael. The one I am choosing to respond to is from James R. and Lee Miller Parks at 640 Hillside Terrace.

To begin with, I did attend the meeting on October 12, 2005, which was well-attended by neighborhood residents, many of whom seem satisfied with the accommodations to conform to the Hillside Ordinance made by Mr. Chris Madison and his architect. Those who were not were quite vociferous about it, and I had the impression that nothing short of aborting the project would satisfy them.

To answer Drs. Parks specific objections:

1. The removal of a "protected tree" seems like a very minor complaint, especially in view of the number of trees which Mr. Madison plans to plant on the developed property. Twelve years ago, when my husband and I built our house in the area protected by the Hillside Ordinance, we were prohibited from removing a Canary Island Pine (curiously protected as indigenous to the area, despite its name) until the Fire Department later demanded its removal for the purpose of access to our property). To block a project because of a question of the validity of such a protection is bordering on the ridiculous.

11/14/2005
6.A. (8:00 P.M.)

2. The Hillside Ordinance was developed with the intent of setting guidelines for development in the Hillside area. It is my impression that the Madisons are working with the City and its Development Department to ensure that the building will be strictly within the mandates of the Ordinance.

3. There is some instability in all hillside development – that is implicit in the fact that we are hillside properties. Building codes and the Hillside Ordinance have provisions in them to ensure that buildings on hillside properties are properly secured to bedrock to prevent movement. In the case cited of the mudslide from 917 La Loma to 911 La Loma, this was caused by a leak in a water main, **not** by underground springs or loose topsoil. The leak uprooted an oak tree, which toppled taking its surrounding property with it. I am very familiar with this case, as the slide filled the swimming pool at 911 La Loma, and its water cascaded down the hill to our property – the lowest spot along the Arroyo - placing demands on our drainage system, but causing no property damage, as our drainage system (built in accordance with the then newly-adopted Hillside Ordinance) was able to divert the water from our house safely.

It is interesting that the neighbors who complain about this project already have their hillside houses, built before the existence of the stringent protections of the Hillside Ordinance. These residents are not concerned about the potential hazards that their houses might present, but only what the consequences of new building – built in concurrence with very stringent guidelines – might bode. This is a prime example of the sequel to NIMBY – BANANA – Build Absolutely Nothing Anywhere Near Anyone.

To my view, this house will be the most stable hillside project in the neighborhood, and should be permitted in strict accord with City requirements.

Sincerely,



Carol F. Henry
887 La Loma Road
Pasadena, CA 91105

November 14, 2005

Pasadena City Council
City Clerk
117 E. Colorado Blvd.
Pasadena, CA 91105

RECEIVED
05 NOV 14 912:48
CITY CLERK
CITY OF PASADENA

Subject: Lot Split and development at 720 S. San Rafael Ave, Pasadena

Dear Members of the City Council:

This letter is to state again my opposition to the development by Mr. Chris Madison at the location of 720 S. San Rafael Ave., Pasadena. I feel strongly that the level of excavation will render the hill unstable, be problematic for the neighbors and expose the City to law suits in the future for any problems that may be created by allowing such a development.

Most Sincerely,



Ed Bedrosian
600 S. San Rafael Ave.
Pasadena, CA 91105

11/14/2005
6.A. 8:00 P.M.





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CITY OF PASADENA

05 NOV 14 PM 2:53

RECEIVED

November 10, 2005

Pasadena City Council
117 East Colorado Boulevard
Pasadena, California 91105

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

Dear Members of the City Council:

Given all the letters and testimony from neighbors of the above-referenced subdivision, plus others in our neighborhood of La Loma, Laguna, Lagunita, Rockwood, etc. you are now very aware of the underground water issues that plague all of us on this hill. There is no need to repeat them yet again.

The steep hillside of the proposed subdivision is currently covered with trees and vegetation, which hold the hillside in place. The proposed aggressive excavation—2,250 cubic yards (a quantity that was confirmed by the City's representatives even though the architect said recently that "maybe it is only 1300-1500 cubic yards")—takes a risk that no one should be willing to assume. No one on the contiguous properties believes that the risk is worth the potential dangerous outcome.

The bottom line: the "new" lot is simply not appropriate for ANY structure. The original parcel map that outlined the 720 South San Rafael lot had it right; there is only a small portion of that lot that can safely support a structure, and that is where the existing house is located.

Although we believe no permit should issue for this application, if the Council decides to allow the applicant to proceed, the integrity of the Hillside Ordinance MUST be maintained. This project simply does not comply in a number of important areas including aggressive excavation, the compatibility issue of mass (THREE stories), compatibility with other homes in the area, and the light color they have proposed.

The City has been diligent in proposing a series of conditions if this project were to move forward. However, in those conditions there MUST be a stipulation that allows for notification of interested parties (2-3 weeks), an appropriate time to respond to the study/reports (10 business days), and a *commitment that those responses will be considered and addressed prior to the granting of any permits.*

Our primary concerns remain the safety of our properties and fidelity to the principles of the Hillside Ordinance. This proposed development is neither safe

11/14/2005
6.A. 8:00 P.M.

for adjacent property owners nor faithful to the Hillside Ordinance. As such, the City Council should deny the requests for the subdivision of the property and for the Hillside Ordinance permit.

Sincerely,

Bob and Shari Thorell
728 Hillside Terrace

BUFF, SMITH & HENSMAN
A PROFESSIONAL CORPORATION
ARCHITECTS & ASSOCIATES

November 10, 2005

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

Re: Tentative Parcel Map #061676
720 South San Rafael Avenue
Hillside Development Permit #4395
725 Hillside Terrace

RECEIVED
05 NOV 10 P 3:59
CITY CLERK
CITY OF PASADENA

Dear Council Members:

Attached are four photographs of nearby properties on Hillside Terrace. These are submitted as additional information to illustrate that tall or three level structures on Hillside Terrace exist and our two-story house with basement (more than 50% of walls below grade) would not be incompatible with them.

777 Hillside Terrace is the neighboring house south of our proposed project. It is a two-story house but it has a tall underfloor space with a blank wall facing the street plus two tall retaining walls for the driveway. It is taller in overall height than our project.

The retaining wall in the backyard of 808 San Rafael actually fronts on Hillside Terrace adjacent to 777 Hillside Terrace. It is over 15 feet tall with a 4 foot chain link fence on top. Above and beyond this, you can see the back of the two-story house on this property.

810 Hillside Terrace is three lots south of our project on the opposite side of the street. It is clearly three stories with the garage on the lowest level.

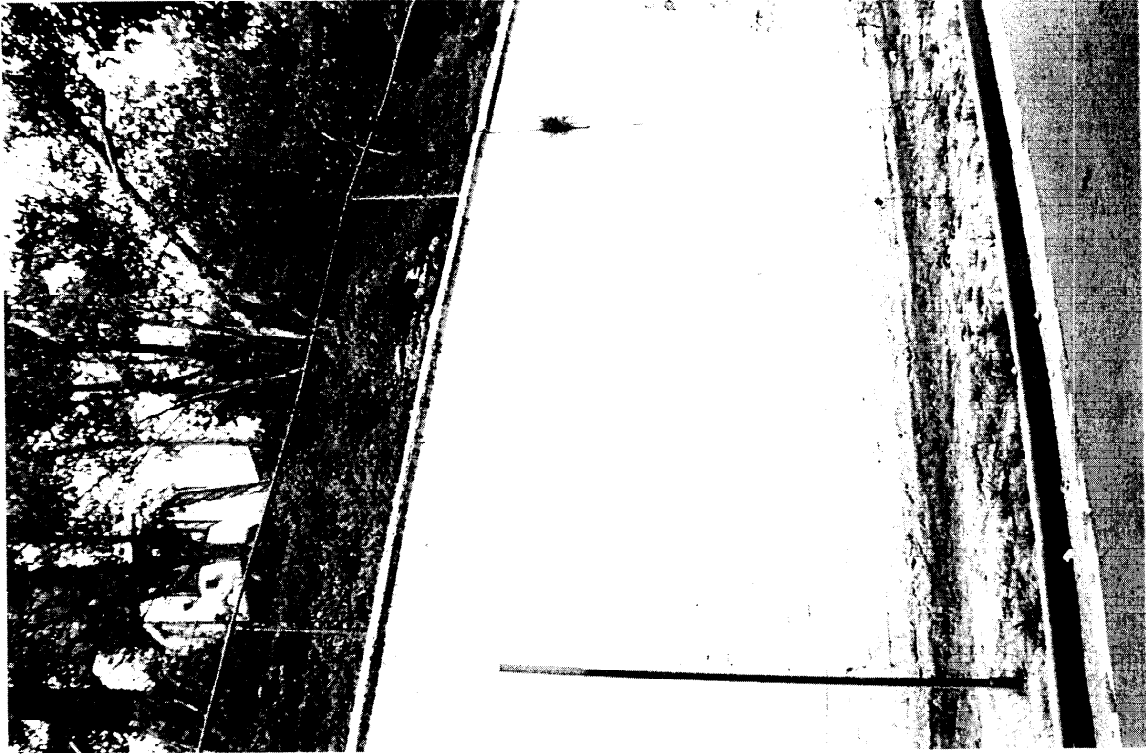
830 Hillside Terrace is adjacent to 810. It has a garage at street level, 10 feet back from the curb, plus a tall stairway/retaining wall leading up to a two story house above.

We hope these photographs will show anyone that has not visited our site and nearby properties, that our proposed project would be compatible with other houses in the neighborhoods.

Sincerely,



Dennis G. Smith, A.I.A.
Enclosure



BACKYARD OF 808 SAN RAFAEL
(ACTUAL FRONTAGE ADJACENT TO
777 HILLSIDE TERRACE)



777 HILLSIDE TERRACE



810 HILLSIDE TERRACE



830 HILLSIDE TERRACE

November 11, 2005

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

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

Dear City Council Members,

This is the fourth 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 their continued interest in this project, but are somewhat confused about the progression of events during this one week continuation. We know that new issues and suggestions have been made about the project, but are uncertain as to where these documents are made available for our review.

In this fourth letter, we would like to take this opportunity to re-state our concerns and opposition to this project. Perhaps a chronology of events (from our perspective) would be in order.

We, the neighbors opposing the project, first learned of the project in late July 2005, when CITY signs were hung on the property alerting us to the permit application/hearing. Up until that time, we had received no communication from Mr. Chris Madison or his representatives in either 1993 or 2005. As a result of the City notice, concerned neighbors banded together to protest the project. The end result is that the City Council has wound up reviewing the matter.

In September 2005, the city council heard Mr. Chris Madison state that he had contacted the neighbors in 1993 and again in 2005 about the project. **He had not!!!** The Council then suggested, and rightly so, that Mr. Chris Madison should attempt to communicate with his neighbors. (Thanks to Mr. Steve Madison and his office who arranged a meeting on October 12, 2005.) The time and date for that meeting (a Wednesday, in the middle of the afternoon) was arranged for the convenience of Mr. Chris Madison's schedule only. When many of the neighbors indicated that the time/date was inconvenient, Mr. Chris Madison offered **NO** other time and date for the meeting. This forced neighbors to rearrange their schedules, come late or just miss the meeting altogether. At that meeting, Mr. Chris Madison basically informed the concerned neighbors that he was proceeding with his plan and was unwilling to make any amendments to the project. This meeting was not viewed as constructive or successful by the concerned neighbors.

Our letters of opposition to the project have not diminished nor have our concerns. We cite them below.

1) Protected tree to be removed. We ask the Council these questions. How much time and effort went into designating this tree as protected? What does "protected" really mean? If this tree has been deemed so valuable (we are sure that it has added to the value of Mr. C. Madison's property), then how does one development plan erase the validity of this protection?

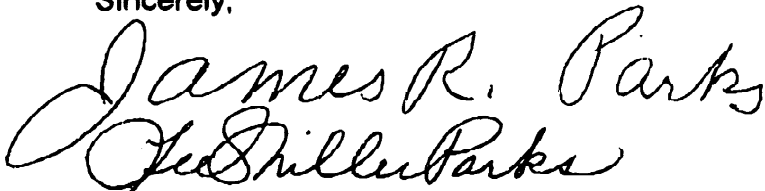
2) The Hillside Ordinance and its intent. Just as with the protected tree, but on a much grander scale, the time, effort and intent involved in the development of the ordinance by the Council is now being challenged. If Pasadena's hillsides are deemed worthy of protection (as the ordinance mandates), how can the Council permit this exception? Either the ordinance is enforced or it is not. We believe that the primary reason that Mr. Steve Madison has brought this project before the Council is that it represents the first major challenge to the Hillside ordinance and that he is looking to his fellow council members to help maintain the integrity of the ordinance. If this project is permitted, it will set a precedent which will be cited in every future case of development in Pasadena's hillsides. We ask this question. Does the City enforce its ordinances or not?

We are also curious about the current project, in that Mr. Chris Madison had permission to build this project in 1993 and didn't. How then is he allowed to submit the **exact same 1993 design** for current approval with no modifications or changes mandated by the Hillside Ordinance?

3) Stability of the Hillside. At the Council meeting on Nov. 7, 2005, the council heard from other concerned citizens about proposed development on the West slope of this same hill. Our neighbors from the La Loma, Laguna, Lagunita area, cited all of the same concerns which we have offered repeatedly. Several years ago, 917 La Loma slid down onto 911 La Loma. 2004-2005 saw mud slides, trees toppled and severe drainage and stability problems with this Hillside. As concerned neighbors, we have all offered proof of existing underground springs which constantly affect our properties. The Council needs to understand that we consider the excavation of and construction on this hill to be a major risk to the safety of ourselves and our property.

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,



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



TO: Pasadena City Council

FR: Audrey O'Kelley

Subject: Comments for November 14 City Council Meeting
720 South San Rafael Project

DATE: November 11, 2005

PAGES: 3 including cover sheet

Not having heard any answers to the questions and concerns that have been raised over the past months I am now firmly opposed to this project.

11/14/2005
6.A. 8:00 P.M.

November 11, 2005

City Council
117 East Colorado Blvd.
Pasadena, California 91105

RE: 720 South San Rafael, Pasadena 91105

Dear Council Members,

I would like to repeat two concerns about the proposed 720 S. San Rafael project: the first has to do with the questionable or inadequate procedures by which the property owner has received a permit to build on the Hillside and second, serious conditions that could preclude this project from going forward.

While I appreciate the Council's continued interest in this project, I am somewhat confused about the progression of events during this one week continuation. Neighbors have asked to review documents that address new issues and suggestions that have been made about the project. Where are these documents?

Having said this and not having heard any answers to the questions and concerns that have been raised over the past months I am now firmly opposed to this project.

I did not learn of this project until July 2005. As far as I knew Mr. Madison had had his property up for sale for \$5 million with no takers over a couple of years. As a result of the City notice posted in July and notification by concerned neighbors the City Council has been brought into this matter. This is the result of a faulty process during which City staff did not perform due diligence. Had questions been raised by those in the planning department prior to issuance of a permit, the issues now being raised would have been addressed where they should have been and we would have some answers. Now, City Council has been asked to act on the basis of "he said - they said,"

On a side note, according to neighbors, Chris Madison lied to City Council when he said that he had "contacted the neighbors in 1993 and again in 2005 about the project." He certainly had not contacted those neighbors who would be most directly impacted by his plans. Further, Mr. Madison has not made a good faith effort to communicate with his neighbors as Council suggested. Councilman Steve Madison's attempt to arrange a meeting resulted in a Wednesday, middle of the afternoon meeting to accommodate Chris Madison's schedule. When many of the neighbors indicated that the time/date was inconvenient, Chris Madison offered no alternatives. This forced neighbors to rearrange their schedules, come late or miss the meeting altogether. I was one of the neighbors who had to miss the meeting.

At that meeting, Chris Madison informed the concerned neighbors that he was proceeding with his plan and was unwilling to make any amendments to the project.

However, my opposition to this project is based on more than Chris Madison's arrogance.

1) The Hillside Ordinance is being challenged. If Pasadena's hillsides are worthy of protection (as the ordinance mandates), how can the Council permit this exception? Either the ordinance is enforced or it is not. If this project is permitted, it will set a precedent which will be cited in

11/14/2005
6.A. 8:00 P.M.