

**NEW CORRESPONDENCE
FOR JANUARY 8, 2007
COUNCIL MEETING**

RECEIVED

December 5, 2006

'06 DEC -7 A9:47

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

CITY CLERK
CITY OF PASADENA

Dear City Council Member,

We are writing to indicate our opposition to the proposed Hillside Development Permit #4395, which splits the lot at 720 South San Rafael in Pasadena.

It was on **November 7, 2005** the City Council requested that additional soil and hydrology reports be undertaken and that the report be **available within 90 days** AND that the neighbors would be notified of the report in sufficient time to review it and to have our professionals review it, if we so desired.

We are dismayed that once again a hearing has been scheduled for December 11, 2006, without concerned neighbors being informed of the findings of the hydrology reports and again having very short timeframes to respond.

We also would like to protest that December of 2006 is far outside the 90 days given to the Madisons in November of 2005 to prepare and deliver the reports. When we left the meeting of November 7, 2005, the concerned neighbors felt that the City Council had acted prudently and that our issues and concerns were being attended to.

Of course, initially the project was monitored through the efforts of Shari and Bob Thorell. A series of e-mails between various city employees indicated that no activity was taking place. The 90 days came and went and still no activity, no information exchanged as promised.

Instead we find out that tests were conducted in September 2006 (during the driest and hottest month). No results were passed to the neighbors, as promised. If the original 90 day timeframe had been enforced, then a much more relevant soil sample would have occurred during our wet/rainy season. Once again, we feel as though the Council has not upheld their end of the promise which they made in November of 2005. Once again, the neighbors have been excluded.

Since the only soil data to draw conclusions from is a best case sample (done during the driest period), we are requesting that a worst case soil sample be done during our rainy/wet period.

This seems very appropriate if we are determining the safety of this proposed project using objective/scientific methods. No objective person would feel they could draw safety conclusions from only the best case data.

We realize this would delay the proposed project a few months, but time does not seem to be of any consequence, since the city/Mr. Madison were willing to wait over one year to obtain a best case soil sample.

Also, in the Arroyo Geotechnical report they state they did exploratory trenches 5 to 10 feet deep. From the design of this project, it seems that the actual depth of construction will be much deeper. So, what is the relevance of only a 5-10 foot test trench?

We neighbors on the down hill side of the project are still worried about the impact of this proposed project. We continue to have concerns about water and drainage. Water and mud flow downhill. Routing the drainage to the street does not offer an encouraging thought to those of us who are 20 feet away from that drainage and directly across from the construction.

In our initial letter of opposition to the project, we cited that construction will compromise entrance and egress to our property. Our driveway is directly across from the proposed construction site and parking for the construction workers is ONLY allowed on our side of the street and along our property line. How will the city ensure full time access to our property? How will the city ensure traffic flow on Hillside Terrace will not be affected? How will the city ensure that Mail delivery, trash pick up and the like will not be affected? How will the city ensure against any damage to our property? We are also worried that any "heavy construction" traffic may be damaging to existing water and sewer lines and that Hillside Terrace's road surface and curbs will not survive the construction.

The Final Report also indicates that construction will take place during "normal working hours, 7:00am to 7:00pm. Monday through Friday and 8:00 am to 5:00pm. on Saturday. This is a quiet residential neighborhood. Construction hours should accommodate the nature of the neighborhood with no Saturday construction and normal 8:00 am to 5:00pm work days.

We have posed many questions to the Council in this letter. Why were the concerned neighbors excluded? Why were the timelines not adhered to? How will our properties be protected from drainage issues? How will parking and traffic flow be managed to protect property, allow for services such as mail, and maintain existing traffic patterns.

Finally, it seems we are quibbling over semantics if this proposed project is 2 or 3 stories. The real issue is that the only significant/meaningful view of this proposed project is from the street of Hillside Terrace looking west.

From this prospective the proposed project has 3 stories above ground, in full view when looking from the street. It really doesn't matter if we call the first floor the basement or not. The point is that this 3 story view is not compatible with a neighborhood of 2 story homes.

In summary we are requesting:

- 1. A soil sample done during our wet/rainy period**
- 2. Amelioration of the 3 story view from the street if the proposed project is approved**
- 3. Modified construction/work hours for our quiet residential neighborhood if the proposed project is approved**
- 4. Measures to maintain access and services to our home if the proposed project is approved**
- 5. Measures to protect nearby properties from damage during construction if the proposed project is approved**

We are disappointed in the process, the project and the council.

Sincerely,



Dr. James R. Parks
Dr. Lee Miller Parks

P.S. We are enclosing pictures taken on December 2nd and December 3rd, 2006. Two homes on Hillside Terrace were featured in the Holiday Look-In Fundraiser. Access to our property was severely impacted and we received no Saturday mail delivery because of cars parking in front of our mail box.

These pictures demonstrate some of our concerns if the proposed project is approved.





Shari Thorell
728 Hillside Terrace
Pasadena, California 91105-2304

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'06 DEC -6 A8:41

CITY CLERK
CITY OF PASADENA

December 3, 2006

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

City Clerk:

Please make the attached letter available to the Mayor and the
Members of the City Council. Thank you.

Sincerely,


Bob and Shari Thorell

December 3, 2006

Mr. David Sinclair
dsinclair@cityofpasadena.net

RE: Lot Split, Tree Removal and House Development
720 South San Rafael, Pasadena 91105
(new lot would be 725 Hillside Terrace)

Dear David,

We were extremely dismayed to learn that there is a hearing on December 11, 2006 regarding the Madison petition to sub-divide and build on the hillside at 720 South San Rafael (the new lot would then be on Hillside Terrace). We were surprised because at the **November 7, 2005** meeting the Council requested that additional soil and hydrology reports be undertaken and that the report be available within **90 days AND** that the neighbors would be notified of the report in sufficient time to review it and to have professionals review it if we so desired. (The current Notice of Public Hearing indicates that the "applications were continued *indefinitely* to allow time for an additional study of the site to determine if the proposed house would pose a safety hazard to the neighborhood." Ninety days as required by the City Council seems like a pretty *definite* schedule, which was not adhered to by the City.)

We contacted the City Manager's office as the 90 days grew near and found that the RFP had not yet been finalized or circulated. (We assumed the City is to follow directives from the City Council and that timetables would be met.) More importantly, we are greatly dismayed that none of us has been informed as to the existence of any soil or hydrology reports, as promised at the November 7, 2005 City Council meeting. (The study was available as of September 29, 2006.) Instead, hearing signs were posted on Friday afternoon prior to Thanksgiving, when many of us are traveling and have other responsibilities and commitments. Now the hearing is set just 10 working days after Thanksgiving, greatly limiting the interested neighbors from reviewing the studies and engaging our own experts. This failure to provide notice is in exact opposition to the agreements expressed at the November 7, 2005 meeting that the interested parties would be considered all during this process. Once again the neighbors have been banned from participating in this process.

If the 90 day report schedule had been followed as required by the City Council, the studies would have been conducted during the wet season of the year. Instead, no study was undertaken until **August**, long after there may be substantial underground stream activity. It is interesting that

the report found the fill was “**moist**” in the test bores--- and that was in AUGUST? Additionally, the test trenches were conducted *adjacent* to the prior study, which also indicated only that the fill was moist with no apparent underground stream. It is a large property – why was the SAME area re-tested when they should have dug a trench in a different area? Also, the excavation in some areas of the hill appears to be deeper very deep – so why did the trenches only test down to 10 feet? **The timing and methodology of this study renders it totally inaccurate and unacceptable.**

Several of us on the downside of the Madison property asked that any report consider the impact of properties on the down slope of the proposed project. None of us has ever been contacted by anyone doing these studies. We continue to have major concerns about the water issues, including what impact re-routing underground water would have on the down slope properties. We personally have experienced underground water problems earlier this year. Last October we refinished the tennis court at the rear of our property. By March new cracks along the underground water routes opened—you can trace the flow of the water through our property into the arroyo. Since the Final Report reminds us that “water flows down hill”, then obviously we are getting water from the hill above – the Madison property. The Final Report also discusses “drainage” and indicates that drainage will be routed *to the street* or to other drainage devices. If the water is routed to the street then the driveways of several down slope homes could be inundated with water from the development site, thereby running the risk of flooding garages and homes.

In talking with several of our neighbors, they share our concern that the spirit of the last discussions in November, which included the notification of the interested parties when studies were available, have not been met. Plus, given the concerns of down slope property owners, we should have been contacted by the specialists to determine the impact any changes in the flow of the underground water or drainage would have on our several properties. These studies were conducted in a vacuum, where only the property in question was viewed, without consideration of the impact on properties that will be affected by re-routing the drainage and underground water during the wet months of the year.

Additionally, we never had guidance or answers from the City as to how this proposed project complies with the Hillside Ordinance Hillside Ordinance 17.29.010 A, C, G, J; and 17.29.050 A; also 17.29.060 C and D; 17.29.080 F1, 2 as requested in the emails below. These issues continue to be of concern, particularly as to the spirit of the ordinance as noted by Councilman Tyler in a Fall 2005 newsletter to constituents.

The Final Report also indicates that construction will take place during “normal working hours, 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00

a.m.-5:00 p.m. on Saturday. Since when is a 12 hour day "normal working hours" and since when is Saturday a "normal" work day for construction in a quiet residential neighborhood? These hours should be modified to accommodate the residential nature of the area with no Saturday construction and normal 8:00 - 5:00 pm work days.

We very much appreciate you making available the studies and final report via email since the timing of the hearing makes it almost impossible to carve out time to review at the office.

Sincerely,

Bob and Shari Thorell

PS - David Sinclair responded to my concerns about the Hillside Ordinance on December 1, admitting that much of it is subjective and open to interpretation. I think we all know what the "spirit" of that ordinance is - and it should be adhered to in this project.

Cc: Members, City Council
Hillside neighbors
Cynthia Kurtz

From: STEPRES@aol.com [mailto:STEPRES@aol.com]
Sent: Tuesday, November 15, 2005 10:01 PM
To: Kurtz, Cynthia
Subject: re: Hillside Terrace

Cynthia -- hope you had a great great adventure last weekend -- and that it was enough time to feel renewed! I bet you came back with a "hidden smile" every time you thought about the concert!

Would you help me clarify a few points so I am sure that what I tell the rest of the neighbors is correct?

- 1) Even though we are focusing on studies in Conditions 12 and 13, the other conditions continue in effect. Correct?
- 2) Who selects the professionals to conduct the studies? Are there certain criteria required in terms of qualifications? What are they? Who approves the selection? May we also hire a specialist to test the property? Would they have access?

Regarding the studies: There is concern among the neighbors across from the development regarding the potential for the new home to *re-direct* the underground springs. (This was an

issue in one or two of the first set of letters last summer.) In our case, we have mature trees, including 3 Giant Redwoods whose root systems keep our hill in place. They are nourished by the underground springs. If those springs are re-routed because of the location of Madison's development, then our mature trees could weaken and or die and topple onto our home; plus, the loss of those root systems could cause our hillside to fail. At that point, what recourse do we have? (There is no way that we could water from the top -- that much water to sustain the trees would erode the hillside.) Will the professionals be looking at those issues? The underground water doesn't "belong" to any of us so the studies need to be pretty comprehensive to determine what impact they have on the surrounding properties. In fact, if they walk down to the arroyo and look up on the hill, they can tell by the vegetation exactly where the springs are and where they are not. Bottom line: this really needs to be a comprehensive study that looks at the impact of building a home on that property both from safety aspects of the integrity of the hill and from the impact of re-directing the underground water. That becomes a safety issue unto itself.

Okay. I re-read the Hillside Ordinance and still can't figure how the massing of that design is considered within the limits (yes, I understand the height, set-back, etc., but in terms of compatibility with neighboring homes, character of the neighborhood, aggressive excavation, etc. it just doesn't fit. It will be another "white elephant" like a similar house on the corner of Grand and California that was built and put up for sale two years ago. Still no buyers) Several of us were shaking our heads over the meaning of the Hillside Ordinance 17.29.010 A, C, G, A, and J? Also 17.29.060 C and D; 17.29.080 F1, 2? Maybe someone in the City can help us sort all that out. It is clear that approving this project based on the Hillside Ordinance will set a precedent for future development. Get ready for a lot of three story houses that are out of character with the rest of the neighborhood . . .

Thanks for your help --- I want to get this information right before I discuss with any more neighbors....

Shari

PS I am going to copy all but the first paragraph and send to Steve Madison and the neighbors across from the proposed development.

Hi. It is the City's intent to oversee the studies ourselves. I don't know all the specifics of how we will undertake that process and I've asked the Planning Department respond with more detail on your questions.

And thanks for asking, it was a great weekend.

Cynthia

(Note – I couldn't copy the From information because I received the email on a computer in Tahoe and re-sent it to home computer in Pasadena.)

From: STEPRes@aol.com [mailto:STEPRes@aol.com]

Sent: Tuesday, November 15, 2005 9:53 PM

To: Suzuki, Takako

Cc: CLMBYU@aol.com; sodonks@earthlink.net; dpelch@hahnlawyers.com; lparks@glendale.edu;

Jsfreshwater@aol.com; tadashi@tadashicollection.com

Subject: re: Hillside Terrace

Taka -- sorry, here I go again asking you to share an email with Councilman Madison. You should know that he has been extraordinarily thoughtful through these hearings on the subdivision of the Hillside Terrace property. It's refreshing to see that he understands the concerns the neighbors have expressed regarding the water issues, and the continuing review of the progress, should it take place. He is in the unfortunate position of having a lot of hillside constituents, and whatever happens on this project may set precedence for the future. In speaking with a couple of neighbors this afternoon, none of us believe that the lot is buildable. We think the "founding fathers"-- or whoever drafted the original property lines -- knew full well that there was only a small part of the lot that was buildable -- and that's where the current house sits. We are relieved to know that there will be specialists studying the property.

Here's my note, please share it with Mr. Madison --- and express our gratitude for listening to a good number of neighbors who are genuinely concerned about the safety of this hillside.

Mr. Madison and Staff:

Would you help me clarify a few points so I am sure that what I tell the rest of the neighbors is correct?

- 1) Even though we are focusing on studies in Conditions 12 and 13, the other conditions continue in effect. Correct?
- 2) Who selects the professionals to conduct the studies? Are there certain criteria required in terms of qualifications? What are they? Who approves the selection? May we also hire a specialist to test the property? Would they have access?

Regarding the studies: There is concern among the neighbors across from the development regarding the potential for the new home to *re-direct* the underground springs. (This was an issue in one or two of the first set of letters last summer.) In our case, we have mature trees, including 3 Giant Redwoods whose root systems keep our hill in place. They are nourished by the underground springs. If those springs are re-routed because of the location of Madison's development, then our mature trees could weaken and or die and topple onto our home; plus, the loss of those root systems could cause our hillside to fail. At that point, what recourse do we have? (There is no way that we could water from the top -- that much water to sustain the trees would erode the hillside.) Will the professionals be looking at those issues? The underground water doesn't "belong" to any of us so the studies need to be pretty comprehensive to determine what impact they have on the surrounding properties. In fact, if the experts walk down to the arroyo and look up on the hill, they can tell by the vegetation exactly where the springs are and where they are not. Bottom line: this really needs to be a comprehensive study that looks at the impact of building a home on that property both from safety aspects of the integrity of the hill and from the impact of re-directing the underground water. That becomes a safety issue unto itself.

Okay. I re-read the Hillside Ordinance and still can't figure how the massing of that design is considered within the limits (yes, I understand the height, set-back, etc., but in terms of compatibility with neighboring homes, character of the neighborhood, aggressive excavation, etc. it just doesn't fit. It will be another "white elephant" like a similar house on the corner of Grand and California that was built and put up for sale two years ago. Still no buyers) Several of us were shaking our heads over the meaning of the Hillside Ordinance 17.29.010 A, C, G, A, and J? Also 17.29.060 C and D; 17.29.080 F1, 2? Maybe someone in the City can help us sort all that out. It is clear that approving this project based on the Hillside Ordinance will set a precedent for future development. Get ready for a lot of three story houses that are out of character with the surrounding the neighborhood...

Thanks for your help -- I want to get this information right before I discuss with any more neighbors . . .

Shari

Response to the note sent to Steve Madison:

Subject: RE: Hillside Terrace
Date: 11/16/2005 11:10:36 AM Pacific Standard Time
From: tsuzuki@cityofpasadena.net
To: STEPres@aol.com

I got the following response to your questions from David Sinclair. If you would like to meet with him and/or John Poindexter at the Planning Department, let me know.

Question #1 -- Because the project has not been approved, no conditions are technically "in effect" yet. If the project is approved, the City Council may add conditions, delete conditions, or modify conditions.

Question #2 -- The City will hire the appropriate professional(s) at the applicant's cost. The city wants to move forward with this process. Per the review that staff has suggested to the City Council, Ms. Thorell, or any other neighbor may review the studies, or have someone they designate, also do so. As for providing access to Chris Madison's property, that is a civil matter between Ms. Thorell and Chris Madison.

Update sent via email and hard copy to interested neighbors:

Subj: re: Hillside Terrace development
Date: 12/11/2005 4:10:11 PM Pacific Standard Time
From: [STEPres](mailto:STEPres@aol.com)
To: noelhanson@hotmail.com, sodonks@earthlink.net, lparks@glendale.edu, CLMBYU, sbice@law.usc.edu, dorlind@pacbell.net, john@4ls.org, mdromney@sbcglobal.net, aokelley@msn.com, csherman@icsecurity.com, mona@tadashicollection.com, jukropina@omm.com, pwalker@deweyballantine.com, ewalker@dbllp.com, dromney@sbcglobal.net, Jsfreshwater, t.larter@worldnet.att.net
CC: dpelch@hahnlawyers.com, STEPres@aol.com, RCTPW

Happy Holidays! Here's a much belated update following the November 7 City Council meeting. Many thanks to Ed Bedrosian, Carolyn Miller, Lee Parks, Dale Pelch and Bob Thorell for speaking in opposition to the project. Others attended, and still others sent letters.

In summary: Councilman Madison said that he is well aware of the underground water problems on this hill. As such, he was not persuaded that enough soil and hydrology tests have been conducted to assure the safety of Chris Madison's proposed hillside development. The City Council therefore voted to require the soil and hydrology reports be conducted PRIOR to granting approval of the subdivision. The City appoints the specialists the reports will undergo a peer review mandated by the Council. We may also bring in our own specialists if we choose. The report is to be made available for interested parties to review and the proposed development is scheduled to come before the Council in February (90 days were allowed to finish the surveys and get input from neighbors. No Council date has been set to my knowledge).

I subsequently wrote to both Councilman Madison and the City Manager to request that the down-slope properties also be reviewed for the possible impact of a structure diverting the current underground water streams. In our case, we have 3 giant redwood trees that are fed by the underground water. If the water is diverted, then we likely will lose those trees. Those trees,

along with several other mature trees that are fed by the underground streams stabilize our hillside. Even though we might have less water in our basement, the loss of those trees good be catastrophic to the stability of our own property. I have no word if impact on the down-slope properties will be considered.

Also, I asked for clarification on 7 different points in the Hillside Ordinance where the proposed project does not seem in compliance. I have no word on that as of yet.

Recently Councilman Syd Tyler noted in a communication to his constituents that several projects have been proposed for hillside development which appear to conform with the technical aspects of the Hillside Ordinance, but not the spirit of it. He specifically mentioned massing, architectural compatibility, and 3 story structures. Those are all issues we continue to have concerns about with this proposed project.

I will keep you informed as additional information becomes available. Have a safe and happy Holiday Season!

Shari

From: STEPRes@aol.com [mailto:STEPRes@aol.com]
Sent: Thursday, January 19, 2006 9:37 AM
To: Kurtz, Cynthia
Subject: re: Hillside Terrace

Cynthia -- Happy New Year! Hope 2006 is a great year for you!

Do you know if the hydrology studies have been done on the Chris Madison property? If so, when is the report available. Thanks for letting me know . . .

Shari Thorell

Subject: RE: Hillside Terrace
Date: 1/30/2006 5:06:47 PM Pacific Standard Time
From: ckurtz@cityofpasadena.net
To: STEPRes@aol.com
CC: dsinclair@cityofpasadena.net

Shari,

Sorry for the delay in getting back to you. I have to admit your message got misplaced. But I finally talked to staff today. We haven't hired anyone to do the studies yet. We have to request bids. The requests for proposals are completed and will be out some time this week. The proposes have thirty days to get proposals back to us. So we are at least several months from having anything for you to review. Hope that helps.

Cynthia

November 11, 2005

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

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

Dear Members of the City Council:

We own the second property to the north of the subject lot on Hillside Terrace. We have similar slope and drainage problems, and leaning Oak trees as the proposed lot at 725 Hillside Terrace. Last winter, after 10 inches of rain, we lost four California Live Oaks that were leaning down slope to the East. These trees were similar to many of the Oak trees at 725 Hillside.

If the present plan for 725 is approved and we have heavy rains after the aggressive excavation, I believe that some of the existing Oaks will fall. This is particularly true of the Oaks along the ancient retaining wall next to the sidewalk. This wall is leaning outward and needs to be examined by someone more knowledgeable than I. The Oak trees are particularly valuable to soften the view of the proposed house from the street below.

My concern is not only safety but also for the preservation of these beautiful trees. I am concerned that if a huge excavation is made upslope from these trees, water will be able to penetrate the soil around the trees resulting in their loss. A possible solution may be to anchor each tree to something up the slope at least during construction or until a new wall can be installed. I recommend that an arborist be consulted before making plans.

Sincerely,

Tom and Norma Larter
625 Hillside Terrace
Pasadena , CA 91105