

Pasadena Residents for a Healthy Environment

UPDATE

January 29, 1998

No doubt, you all have noticed the Kodak site being cleared. All the old fences are down and all the trees have been removed. I do not think many more hang gliders will be touching down there. Even the Blue Line may not come out our way. The ARBA Group is going ahead with its project, but, because of our efforts, we have negotiated some changes to the original overwhelming development. The agreement between Pasadena Residents for a Healthy Environment and the City of Pasadena reached an agreement on November 21, 1997. In the agreement we achieved several of our goals:

- The development will start at the south end and proceed north.
- There will be no retail space larger than 75,000 square feet (no big box stores like Home Depot).
- If the north end will be commercial, ARBA will go ahead and do that. In that case the developer will meet with the City and PRHE, and will attempt to resolve traffic mitigation issues.
- If the developer wishes to have movie theaters, a parking structure, or any other entertainment facility, the Conditional Use Permit will be modified and an associated Environmental Impact Report will have to be filed and approved (a rather lengthy process).
- Signage will conform to the Pasadena sign ordinance unless a variance is granted.
- Our legal expenses were paid by the developer.

Those of you who supported this effort got a victory for fighting City Hall and we must be encouraged from that. We raised \$10,000. We were financially supported by over 80 households and 1 large business. Our garage sale raised \$1,000. We got the developer to live up to some of the neighborhood themes that the City should have been pursuing and enforcing.

However, now is not the time to rest on our laurels. For example, we have learned that Home Depot has an option to buy the Xerox building! We need to learn from this last fight and work together to get something we can live with on that site. Remember, keep in mind that the election for our City Council member will take place in a year, and we will want to see a neighborhood-oriented elected official as our representative.

***** LATE BREAKING NEWS *****

Consistent with not resting on our laurels, the developer has already dug what appears to be the footprint for the parking structure that was associated with the movie theaters. He did not have an excavation permit for this work and the City did not notify PRHE of this work. The developer and the City claim that this is a "borrowing pit" and not an excavation. To us this is preposterous and a clear violation of our legally binding agreement. We have notified the City, the Star-News, LA Times, Pasadena Weekly, and the Superior Court Judge for the case of this violation. We have requested sanctions against the City and the developer. A copy of the letter is attached. We will report to you on any updates at our next meeting which will be held Tuesday, February 17 (Hastings Library, 7 pm).

If you want to see a copy of the legal agreement, contact Gil at 351-0788.

3/16/98
7.A.2.

Pasadena Residents for a Healthy Environment

3660 Hampton Road
Pasadena, CA 91107

January 26, 1998

City Manager Phil Hawkey
City of Pasadena
100 North Garfield Ave
Pasadena, CA 91109

Dear Mr. Hawkey and Members of the City Council:

We are outraged!

For years, the City of Pasadena has pushed the over-development of east Pasadena, despite the wishes of the residents of this area. We have made numerous pleas at the City Council chamber to mitigate this development to a reasonable scale. Finally, it was necessary for Pasadena Residents for a Healthy Environment to file suit against the City for the City's failure to follow proper state and Federal environmental laws regarding the latest proposed over-development, known as Hastings Village on the old Kodak site.

After much negotiation, a settlement was reached. But, the ink on the agreement between Pasadena Residents for a Healthy Environment and the City of Pasadena over the proposed development has hardly dried and already the developer has gone ahead and excavated the northwest corner of the property without an excavation permit. Furthermore, and more importantly, he has violated our legal agreement (Case Number BS 044 926 - Stipulation for Entry of Final Judgment & Final Judgment Pursuant to Stipulation) which states that,

"If Hastings Village decides it wishes to develop the north end of the site for entertainment purposes, it shall submit a new application for a modification of the CUP to Pasadena. An EIR shall be prepared in conjunction with the application." The legal agreement goes on to state that "no development of the north end shall take place until the appropriate approval process - an EIR and modification to the CUP for entertainment purposes and design review for commercial purposes - has been completed."

The footprint for this excavation matches the parking structure (with one level below ground) that the developer proposed adjacent to the movie theaters on the north end of the property. The parking structure never showed up on any developer plans until entertainment usage of the property was proposed. To go back to the original CUP goes back to a retail development which had no parking structure.

We remember when the developer came to City Hall and pleaded that he was building a development that had a "locus of village scale." Where is that "locus" now?

Pasadena Residents for a Healthy Environment has always tried to get along with all our neighbors and to seek mediation when disagreements arise. This developer has sought to

take advantage of this fair play attitude, and now feels he can disregard binding legal agreements which he and his attorney have signed.

When is the City government going to arise from its blind support of over-development without regard for the residents of the area? We, the citizens of Pasadena, who pay the bills for City Hall demand action. As a minimum, we want:

- Sanctions to be taken against the City department that allowed this violation to occur and the developer
- In accordance with the legal settlement, we expect that the excavated hole will immediately be filled back in, and that all work will stop until the hole is filled,
- We demand to be included in monthly meetings with the city and the developer to review the work to date and the future plan for the following month, and
- We want a Pasadena city inspector present on the site whenever development activity is present.

Residents in a number of areas in the City are watching to see how the City handles its agreements in east Pasadena. They realize that if the City will not live up to its word, then it does not pay to negotiate. We expect the City to live up to its word.

Please provide a written response to this letter detailing your plan of action on each of the above four points. Please provide this response by February 3, 1998.

Angry in East Pasadena,



Gil Galvan

President, PRHE

cc: Pasadena City Council
Los Angeles Times
Pasadena Star-News
Pasadena Weekly
Jan G. Levine, Attorney for Petitioner
Frank Rhemrev, Attorney for Respondent
Superior Court Judge David Yaffe