

From: [Christopher Van Gundy](#)
To: [City Council](#)
Cc: [Christopher Van Gundy](#); [Block, Stuart](#); [Joshua Muller](#)
Subject: Re: April 1, 2024 City Council Meeting - 139 Lexford Road -ADDENDUM
Date: Thursday, March 28, 2024 7:05:53 AM

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Dear City Council,

In addition to the attachment to my email yesterday, please include in the file that email and this email.

I would also like to note that the originally attached set of proposed conditions was taken from the original conditions approved for years and which contained several conditions recently rejected by the Planning Commission. So I added back in the original conditions, updated the financial security numbers in accordance with Stuart Block's calculations (also previously submitted and part of the appeal), and added in some properties in various sections. Some conditions the Planning Commission carried over from before, so I used the "City Updated" conditions. I also got the neighbors' approval for all of this.

So these conditions I submitted yesterday are essentially the conditions that were in place for years, updated with newer Planning Commission condition language where applicable, new financial security numbers to reflect increased costs after 8 years, and some additional properties for inspections and parking restrictions. The City has the power to approve these protections pursuant to the city code as explained in our appeal. Specifically, the rejection by the Planning Commission of important protections in place for years in the face of even more grievous developments (the recent collapse of at least two hillsides of similar structure and soil at 519 Hampton and 180 Somerset as per Alan Kropp's most recent report, also submitted) ignored the city code mandate to protect neighbors.

It will cost millions of dollars to remove hundreds of dump trucks of material from the steep, unstable hillside from 139 Lexford, at great risk to the properties currently supported by that massive quantity of soil, 130 and 140 Somerset, and neighboring properties and foundations given the months of hoe ramming required to do so (and where test borings need to go 30 feet into the hillside and failed at 7). There is only fairness to all including the developer, and upside to the City and neighbors in re-instating the requested protections. The current property owner bought the property knowing these protections were previously in place for years. If that LLC is serious about developing the property as it claims, then they can afford these protections.

If the City confirms the rejection of these established protections and the project collapses, is abandoned, or surrounding properties collapse or are damaged, and/or God forbid one of us is hurt in a collapse as happened at 139 Lexford some years ago, the city will be on the hook for millions of dollars. The LLC's indemnification will be meaningless since it will have no money.

The Planning Commission explained its rejection of these established protections with one word - buildability. It made it harder to build because the financial security figures were deemed to be too high. There was no thought to the issues I raised above in removing the protections, or to the fact that anyone who builds this property will need millions of dollars anyway to hoe ram out all of this material from a steep hillside and build a proper foundation.

And the established conditions will further buildability. There will be no CEQA lawsuit that we were forced to bring before and which will effectively stop development for several years. There will be an active management of key development milestones by a neutral and well-respected soils engineer, Alan Kropp, to ensure that the property is developed in a workable and sensible way. Development started previously, and Alan's help identified mistakes in the planning.

Thank you for your consideration. I will see you all Monday night.

Regards,
Chris

On Mar 27, 2024, at 8:35 AM, Christopher Van Gundy
CVanGundy wrote:

Dear City Council:

Attached please find the suggested conditions of approval for your consideration, revising the Planning Commission's approval. All of this information is in the file and the appeal, but has not been pulled together this way. I circulated to 30+ neighbors, received their input and revised.

Thank you.

Christopher Van Gundy
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From: no-reply@ **Sent:** Wednesday, March 27, 2024 8:20 AM
To: Christopher Van Gundy **Subject:** Sheppard Mullin Document Delivery
- Accuroute

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