

From: **Phil Hagenah**

Date: Mon, Sep 14, 2020 at 4:47 PM

Subject: Re: PV Planning and Zoning Meeting

To: Susan Hagenah

On Mon, Sep 14, 2020 at 4:00 PM wrote:

To the members of the TPV Planning Commission:

My wife and I continue to be upset with changes that have been happening in our Town and in our neighborhood of 25 years.

Our concern is the change regarding grading and building permits which has allowed pad sizes to be raised higher than their neighbors and created drainage problems for those neighbors as well as unsightly lots which do not conform to the previous elevations.

In our neighborhood in particular, both 5940 E. Cheney Drive and 6207 Cholla Drive have had fill added to their lots to create grades well above what is natural.

These changes are destroying the character of our neighborhoods and making enemies of neighbors. Even our friends who are Builders and Developers do not understand or like the changes which have been made in the past year or so which have created such unreasonable conditions.

In addition, while in this same neighborhood, please view recent examples of newer homes that have been built INTO the running of the land, not raising above it: 6250 E. Cheney Dr., 6230, and 6220, also. And, right around the corner: 7535 N. Ironwood Dr., 7425 N. Ironwood Dr. and 7501 N. Ironwood Dr.

We are all asking WHY and WHO made these changes and how can we stop this? In this Covid-19 atmosphere, with no human to human representation at meetings, you cannot justify allowing unasked for (by Town residents) changes to further destroy our neighborhoods.

Please drive past both these formerly mentioned addresses to see exactly what has happened (as well as the other addresses you have on record from other residents).

Please be responsive and sensitive to the existing and long time residents and remedy this problem. Don't destroy the character of our Town.

Thank you,
Susan and Phil Hagenah
[REDACTED] E. Cholla Place
Paradise Valley, AZ

From: Jennifer Gustafson
Sent: Wednesday, October 28, 2020 4:57 PM
To: Paul Mood <pmood@paradisevalleyaz.gov>
Subject: Planning Group Video

EXTERNAL

Thanks for alerting us to the Video on the Building Pads. I watched and learned plenty. I was confused to how this was occurring in the photo below. It's Joshua Tree Lane. The house foundation will start above the perimeter fence. It might make the house look out of place with beautiful remodeled houses to the South and East that are a floor below this new house.



I'll look forward to watching this progress.

Best-

Jenn

From: Phyllis Peshkin

Sent: Monday, November 23, 2020 5:47 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Subject: Fwd: Pad Height Review, 9/15/20-Personal experience with adverse impact due to elevated pad height and subsequent issues to my adjacent property.

Importance: High

EXTERNAL

This was my cover letter again encouraging outreach to me and my availability to participate.

Begin forwarded message:

From: Phyllis Peshkin

Subject: Re: Pad Height Review, 9/15/20-Personal experience with adverse impact due to elevated pad height and subsequent issues to my adjacent property.

Date: September 14, 2020 at 11:55:52 AM MST

To: jwainwright@paradisevalleyaz.gov, Chairman Daran Wastchak <dwastchak@paradisevalleyaz.gov>, JRose@paradisevalleyaz.gov, TCampbell@paradisevalleyaz.gov, CCovington@paradisevalleyaz.gov, OLewis@paradisevalleyaz.gov, pgeorgelos@paradisevalleyaz.gov

Cc: Town Manager Jill Keimach <JKeimach@paradisevalleyaz.gov>, Mood Paul <pmood@paradisevalleyaz.gov>, Peshkin Lawrence

Town Manager, Town Engineer and Town Planning Commission,

Sorry for my late entry, computer problems. Attached are my comments related to the Planning Commission's discussion of Building Pad Heights, and our engineer, Nick Prodanov's, red-lined evaluation and associated narrative of the original approved G/D plan for the adjacent property. Thank you for recognizing the consequences when the surrounding area is not considered and only the property being developed is the focus. We now have a wonderful neighbor and are hoping to have a solution. Our situation is a result of the "construction team" and not any homeowner which is why the Town's involvement i.e. reviews, approvals, on-site inspections ... is so vital to support and protect innocent residents.

I am available for any further explanations.

Sincerely,
Phyllis Peshkin

Planning Commission Chairman Wainwright and Planning Commissioners,

The review of Pad Heights and subsequent issues is critical especially since there is so much new construction activity. Developers are buying “older homes” in established subdivisions. Many of these projects are SPEC homes. Contractors are not interested in listening to a neighbor but they will listen to Town Staff.

I am taking this opportunity to participate in this discussion due to my first hand experience. My intent is to prevent other residents from having the same unfortunate experience. The home on the property adjacent to us was demolished in 2013 and a SPEC home began construction. As we watched dirt being delivered daily (total: 758 CY) to the site, we were very concerned and alerted the Town Staff. Town Staff assured us that there would be no harm to us. Within 6 months we had our first flood and one year later, a second flood due to a grading and drainage design which did not take into consideration the surrounding area. We had more significant rainfall storm events in Aug. 2, 2005 and Aug. 24, 2006 with no problems. Former owners also never had flooding.

Here are some issues created to our property by the significantly elevated adjacent pad:

- Changes historic flow path of stormwater drainage

- Increases flow/velocity of stormwater runoff

- Non-compliant with neighborhood character, subdivision plat, declaration of restrictions

- Raising a house on fill that is adjacent to a wash will eliminate a portion of the overbank area needed to convey flows and diverts the overflow, putting other areas at risk

- Creates a steeper driveway slope: example > 11%

- Directs stormwater runoff to street and adjacent property

- Retention/detention measures not strategically placed to capture the increased velocity and volume of the home's significantly larger footprint and elevation

- With added fill the pervious area is now elevated and sloped reducing the time to allow the runoff to percolate as a result of gravity

- Interferes with quality of life e.g. privacy, views, security thus diminishes home value

- Significant expenses both for restoration and evaluation of a solution

- NFIP claim would be denied due to not meeting FEMA's definition of a flood - “2 or more acres or 2 or more properties involved ...”

Suggestions to avoid complications from elevated pad heights:

- An onsite meeting during “approval phase” would be beneficial to see adjacent home pad heights, the street pitch, utility equipment placement, and other variables

- Noticing by mail to adjacent neighbors (practiced with Hillside Properties) of a significant elevation, should be required so neighbors can express any concerns

- Share on-site inspection information with various staff and depts. when consequences are observed or anticipated, to surrounding areas

- Require the contractor to submit and follow the subdivision's final plat and declaration of restrictions/CC&R during the application/initial review. Insures the new property will be in compliance with those recorded documents which are readily available from the Title Company or the County Recorder
- Offer the possibility of a variance to the contractor to avoid harming an adjacent property (example: variance offered to homes in a floodplain surrounded by homes which are low with no history of flooding)

For your information, in February, 2019 we filed a complaint with the State of Arizona, Bureau of Technical Registration (BTR). After a rigorous investigation, the Board unanimously agreed that the grading and drainage design created an adverse impact on our adjacent property and the engineer was sanctioned. (The Town has many of the BTR documents which are also available with a public records request to the State of Arizona, BTR.)

Nick Prodanov, PE who is very familiar with TPV codes visited our property and reviewed the grading and drainage document. He then submitted his evaluation to the Town in 2018 which I am attaching.

It would be helpful to understand the various consequences I described if you drive by our home (5421 E. Via Buena Vista) and through our neighborhood. There is a new home 5530 E. Orchid Lane (2016 date of construction), which is not significantly elevated. Their backyard is adjacent to the Cherokee Wash which is similar to our situation. It is one street south and 3 houses east of us. This home is in our subdivision and I am not sure why it was not elevated but is a good example of how to consider the surrounding homes and neighborhood.

Thank you for your service to protect our community. I am available for clarification or any additional questions.

Sincerely,
Phyllis Peshkin (Town Resident since 1993)

CLIENT

GREEN STREET REALTY INVESTMENTS, LLC
ATTN: MARC NASSOS
3131 EAST CAMELBACK ROAD, SUITE 410
PHOENIX, AZ 85018
(480) 221-6169

SITE ADDRESS

8600 NORTH AVENIDA DEL SOL
PARADISE VALLEY, AZ 85253

LEGAL DESCRIPTION

PARCEL NO. 1:
LOT 17, OF MOCKINGBIRD LANE ESTATES V, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 154 OF MAPS, PAGE 43;
EXCEPT BEGINNING ALL THE SOUTHWESTERLY CORNER OF SAID LOT 17;
THENCE ALONG THE WESTERLY LINE OF SAID LOT 17 NORTH 00 DEGREES 02 MINUTES 05 SECONDS WEST A DISTANCE OF 12.10 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID LOT LINE NORTH 00 DEGREES 02 MINUTES 05 SECONDS WEST A DISTANCE OF 17.90 FEET TO THE MOST SOUTHERLY LINE OF SAID LOT 18 OF SAID MOCKINGBIRD LANE ESTATES V;
THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 18 NORTH 46 DEGREES 22 MINUTES 02 SECONDS EAST A DISTANCE OF 114.95 FEET;
THENCE LEAVING SAID LINE SOUTH 40 DEGREES 33 MINUTES 08 SECONDS WEST A DISTANCE OF 127.95 FEET TO THE TRUE POINT OF BEGINNING;
DOES NOT MEET TOWN'S CURRENT STANDARDS NEED TO USE 0.35 COEF.

PARCEL NO. 2:
A PORTION OF LOT 18, OF MOCKINGBIRD LANE ESTATES V, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 154 OF MAPS, PAGE 43 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 18, SAID CORNER LYING ON A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 45.00 FEET; A RADIAL LINE TO SAID CORNER BEARS SOUTH 46 DEGREES 22 MINUTES 02 SECONDS WEST;
THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 18 SOUTH 46 DEGREES 22 MINUTES 02 SECONDS WEST A DISTANCE OF 120.47 FEET;
THENCE LEAVING SAID LINE NORTH 40 DEGREES 33 MINUTES 08 SECONDS EAST A DISTANCE OF 122.86 FEET TO A POINT ON SAID CURVE HAVING A RADIUS OF 45.00 FEET; A RADIAL LINE TO SAID POINT BEARS SOUTH 62 DEGREES 25 MINUTES 30 SECONDS WEST;
THENCE SOUTHERLY ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 45.00 FEET, ARC LENGTH OF 12.61 FEET AND A CENTRAL ANGLE OF 16 DEGREES 03 MINUTES 28 SECONDS TO THE POINT OF BEGINNING

REFERENCES USED

MOCKINGBIRD LANE ESTATES S M.C.R. BOOK 154, PAGE 43

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE MONUMENT LINE OF MOCKINGBIRD LAND ALSO BEING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PARADISE VALLEY MARICOPA COUNTY, ARIZONA BEING N89°35'30"W, AS RECORDED IN BOOK 154, PAGE 43 - M.C.R.

ENGINEER'S FINISHED FLOOR CERTIFICATION

FINISHED FLOORS, WHEN CONSTRUCTED IN ACCORDANCE WITH THE GRADING PLAN, WILL BE A MINIMUM OF 1' ABOVE THE WATER SURFACE ELEVATION DURING THE 100-YEAR, 6-HOUR STORM EVENT.

SITE DATA:

AREA: 1.03 ACRES ~ 44,956 SF
ASSESSOR'S PARCEL NUMBER: 168-56-018C
SUBDIVISION: LOT 17 - MOCKINGBIRD LANE ESTATES S
EXISTING ZONING: R-43
EXISTING AREA UNDER ROOF: 2,708 SF
PROPOSED AREA UNDER ROOF: 8,264 SF ~ F.A.R. - 18.38%
LOT COVERAGE: 18.46%
NUMBER OF RETAINING WALLS: 2 ~ 256 L.F. - TOTAL
EX. DRIVEWAY ~ MATERIAL: DECOMPOSED GRANITE
NEW DRIVEWAY ~ MATERIAL: CONCRETE PAVEMENT ~ 3,174 S.F.
SLOPE OF DRIVEWAY: ~ 6% (MAXIMUM EXISTING)
EARTHWORK (CUT): ~ 48 C.Y. (~11%)
EARTHWORK (FILL): 758 C.Y.

DRAINAGE STATEMENT

PER DEVELOPMENT GUIDELINES SITE RETENTION IS PROVIDED FOR THE DIFFERENCE BETWEEN PRE- AND POST-DEVELOPMENT CONDITIONS. EXISTING GRADING AND DRAINAGE PATTERNS ON THE LOT WILL BE MAINTAINED.

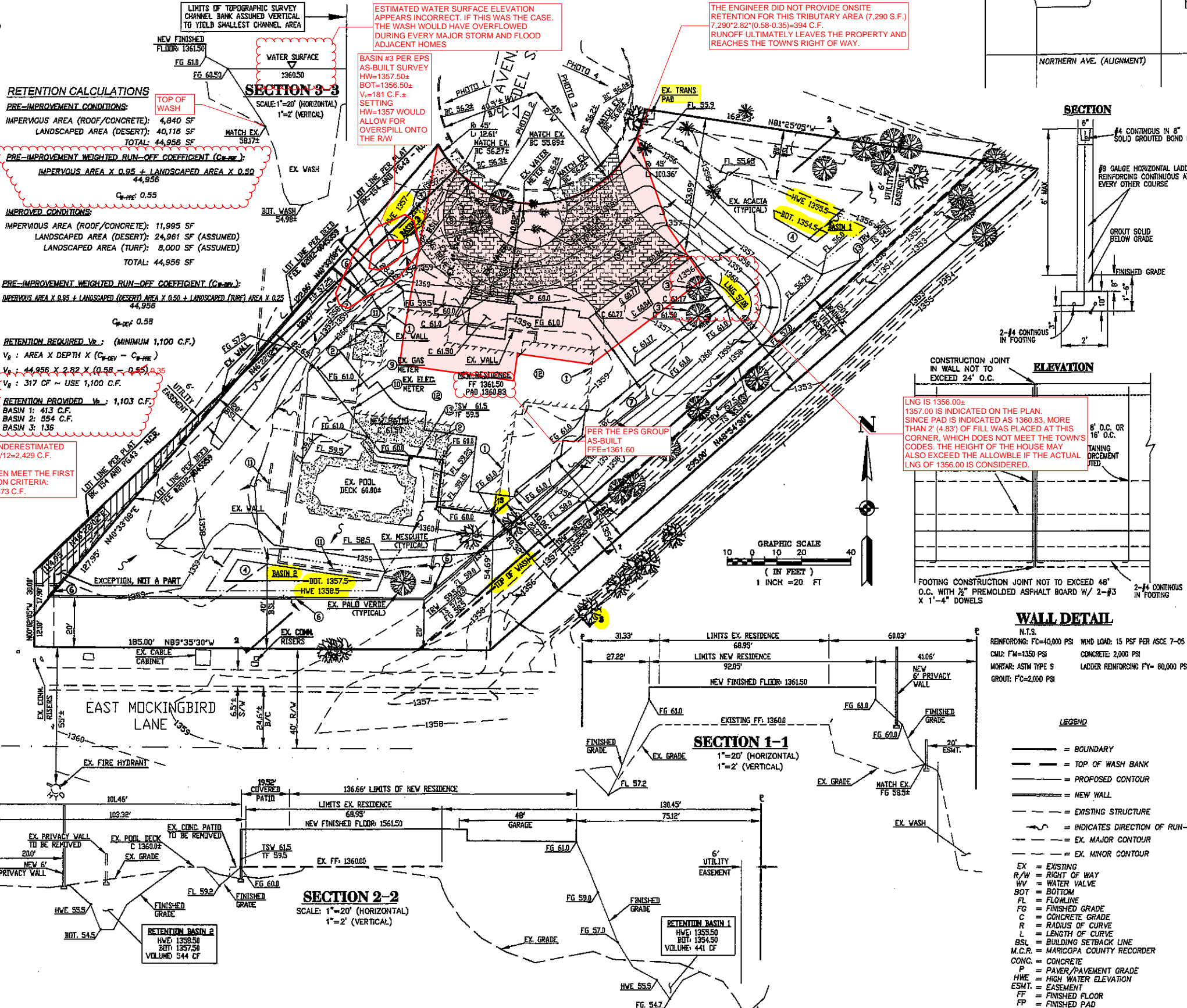
BENCHMARK

FOUND A.D.O.T. ALUMINUM CAP MARKING THE EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 4 EAST
ELEV.=1349.97 (NAVO'88 DATUM)

SITE, GRADING AND DRAINAGE PLAN

8600 NORTH AVENIDA DEL SOL

A PORTION OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 4 EAST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



D&M Engineering
DURAN THOMPSON, P.E.
1020 EAST GILBERT DRIVE, SUITE D
TEMPE, AZ 85281
PH: (480) 350-9590
FAX: (480) 350-9486
E-MAIL: engineer@dmengineer.com

GREEN STREET CAPITAL, LLC
8600 NORTH AVENIDA DEL SOL
PARADISE VALLEY, AZ 85253

SITE, GRADING AND DRAINAGE PLAN

BLD12-34719

From: Mike Flood
Sent: Friday, November 27, 2020 5:48 PM
To: Paul Mood <pmood@paradisevalleyaz.gov>
Subject: Expressing building pad concerns

EXTERNAL

Dear Mr. Moody,

We live at 6431 E Cheney Drive in the Town of Paradise Valley. It appears that a number of new residences in our area have been and are being constructed on raised building pads, presumably to obtain maximum views, often to the disadvantage of neighboring properties. It would seem that the Town should more carefully monitor all new construction to disallow these elevated residences that do not conform to the surrounding area. I would like the Town to address these concerns regarding new construction and building pad height issues.

Thank you for your kind attention.

Mike and Colleen Flood
E Cheney Dr
Paradise Valley, AZ 85253



August 29, 2018

To: Mr. Lawrence Peshkin
Homeowner
5421 E Via Buena Vista
Paradise Valley, AZ 85253

Re: **Civil Engineering Review
Grading and Drainage Plans
8600 N Avenida Del Sol
Paradise Valley, AZ 85253
LDG Project #1805107**

Dear Mr. Peshkin:

Per your request, we have prepared this narrative describing the major deficiencies we have discovered during our review of the approved grading and drainage plans for a new single-family residence, located at 8600 N Avenida Del Sol, Paradise Valley, AZ 85253, including the potential adverse drainage impact to your home at 5421 E Via Buena Vista, which is located downhill and northeasterly of the subject property.

We have reviewed the civil engineering plans for the 8600 N Avenida Del Sol property, which are called: "Site Grading and Drainage Plan" and are prepared by D&M Engineering, dated 2/19/13 and signed by Mr. Steven Bargeloh, PE. Per the Maricopa County GIS map, the house was completed in 2013.

The new home finish floor elevation was raised by approximately 12" from the previously built home on the lot. The new building footprint was further expanded towards northeast and east, where the natural grades are down to 1356.00±. This brought the building's finish floor elevation 6.5 feet above the natural grade and the adjacent street grades. A new steep (11%±) driveway was built to provide access from the street to the new garages. By constructing the raised access driveway, altered from what the approved plans call for, the sheet flows coming from west were diverted northeasterly to the cul-de-sac and discharged onto the driveway of 5421 E Via Buena Vista Home, which caused flooding of the home. ARS, §48-3613 precludes a landowner from the diversion and obstruction of waters in any watercourse without securing proper authorization and permits to do so. The statute also precludes homeowners from diverting natural sheet or concentrated flows on their property and causing such waters upon their neighbors.

The onsite storm water retention calculations are not correct and are not in accordance with at the time applicable - Storm Drain Design Manual, Town of Paradise Valley, Ordinance Resolution No. 537, 1987. The Engineer has used runoff coefficient of 0.55 as a pre-development coefficient, instead of the approved and listed in the Town's manual 0.35. This has reduced the amount of required on-site storm water retention (2,429 c.f. required vs. 1,103 c.f. provided) on-site and it has increased the potential runoff that could leave the subject property and impact adjacent downstream homes.

Furthermore, the Engineer did not provide on-site retention for the runoff generated from the northeast side of the

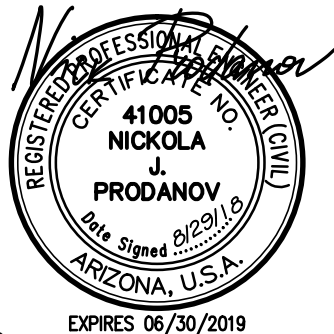
building roof, hardscape and access driveway. Run off was sent to the street's right of way and towards the driveway of 5421 E Via Buena Vista. Section 5-10-8, Item B from the Town of Paradise Valley Code, states: "No development shall be permitted to occur within the Town which causes an increased flow of surface water discharged from the subject site. On-site storm water retention areas shall be adequate to contain the volume of water required by the Town's Storm Drain Design Manual, current edition. The tributary area used in the computation shall be the area of the site." Article 8-7 Drainageways from the Town of Paradise Valley, Item A states: "It is unlawful and a public nuisance to allow or cause any alteration, diversion, retardation, obstruction or impeding of the flow of waters in any watercourse or drainageway whenever such action creates a hazard to life or property, damages or endangers by flooding, erosion or any other means any public or private property or improvements, or reduces the capacity of a watercourse or drainageway."

The Town of Paradise Valley Zoning Ordinance, Article X regulates the limits of building height. For the subject property, the maximum height is 24 feet, measured from the lowest natural grade (LNG) at the building footprint. The lowest natural grade at the building footprint is 1356.00 near the southeasterly corner of the new garage. The plans call for LNG of 1357.00. A height certification was performed by D&M Engineering, sealed by Duran Thompson, PE on May 3rd, 2013. The height certification calls for total height of 23.6 feet measured from lowest natural grade of 1357.00, which would bring the height of the building in non-compliance (24.6 feet > 23.6 feet), since the actual lowest natural grade is 1356.00.

Based on above described major deficiencies it is our opinion that the prepared civil engineering plans for 8600 N Avenida Del Sol do not meet the standard of care to protect downstream properties from increased runoff, historic flow diversions and flooding.

LDG opinions and statements are based on review and analysis of the provided materials to date of the preparation of this letter and are based on a reasonable degree of engineering certainty. We reserve the right to modify our opinions should new information or facts be presented or come to light.

Respectfully Submitted,



Nick Prodanov, PE, PMP
Principal
Land Development Group, LLC

Enclosures

- Site Grading and Drainage Plan, prepared by D&M Engineering, dated 2/19/13 and signed by Mr. Steven Bargeloh, PE.
- Height Certification, D&M Engineering, dated 5/3/13 and signed by Mr. Duran Thompson, PE.

References

- Storm Drain Design Manual, Town of Paradise Valley, Ordinance Resolution No. 537, 1987
- Storm Drainage Design Manual, Town of Paradise Valley, 2018
- Town of Paradise Valley Code, Chapter 5, Building and Construction
- Town of Paradise Valley Zoning Ordinance, Article X, Height and Area Regulations
- Drainage Design Manuals for Maricopa County, Arizona

**TOWN OF PARADISE VALLEY
HEIGHT CERTIFICATION FOR PRIMARY BUILDING
(R-43 AND R-175 ZONING)**

(Date)

1.4.11 ENG. NEERING

(Name of Engineering or Land Surveying Firm)

1020 E GILBERT DR. 340 TEMPE, AZ 85281

(Mailing Address of Firm)

(Name of Contractor)

(Job Site Address)

(Permit Number)

The height or vertical distance of the primary building must be certified from the lowest point of the natural grade or the lowest un-restored excavated grade below the structure to the highest point of the structure.

I certify that the elevation of the PRIMARY BUILDING is:
(Type of Structure Being Built)

1357.0 ELEV. LNK
feet (above sea level) at the lowest point of the natural grade or lowest un-restored excavated grade below the structure

1380.52 ELEV. ROOF & TILE
feet (above sea level) from the highest point of the roof (including roof coverings such as tile, shingles, etc).

Accordingly, the total height of the above reference structure is 23.6 feet measured from the lowest point of the natural grade or the lowest un-restored excavated grade below the structure to the highest point of the structure (excluding chimneys).

24.6

I also certify the Open Space Criteria, as shown on the approved building plans, have been met.

I certify that the PRIMARY BUILDING is:
(Type of Structure Being Built)

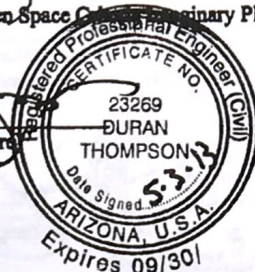
60 feet from/below the Open Space Criteria Imaginary Plane along the NORTH side of the property.
(North, South, East, West)

60 feet from/below the Open Space Criteria Imaginary Plane along the SOUTH side of the property.
(North, South, East, West)

60 feet from/below the Open Space Criteria Imaginary Plane along the EAST side of the property.
(North, South, East, West)

60 feet from/below the Open Space Criteria Imaginary Plane along the WEST side of the property.
(North, South, East, West)

(Engineer/Surveyor's Signature)



(Engineer/Surveyor's Stamp)

From: jtzachariah@aol.com

Sent: Sunday, November 29, 2020 7:13 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Hugo Vasquez <hvasquez@paradisevalleyaz.gov>; Paul Michaud <pmichaud@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Loras Rauch <LRauch@paradisevalleyaz.gov>; Deborah Robberson <dobberson@paradisevalleyaz.gov>; Andrew Miller <amiller@paradisevalleyaz.gov>; Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>; adviser_az@msn.com; Planning Commissioner Pamela Georgelos <pgeorgelos@gmail.com>; Planning Commissioner Charles Covington <wescov1@yahoo.com>; Planning Commissioner Jim Rose <JRose@paradisevalleyaz.gov>; Planning Commissioner Daran Wastchak <dwastchak@paradisevalleyaz.gov>; Planning Commissioner Campbell <campbellbci@aol.com>; Hillside Committee Member Scott Jarson <sjarson@paradisevalleyaz.gov>; Hillside Committee Member Scott Tonn <stonn@paradisevalleyaz.gov>

Subject: building height violations

EXTERNAL

Mayor Jerry Bien-Willner and all committee members:

I am writing in regards to the recurrent residential building code violations as it pertains to the height limit of 24 ft.

There is one thing for certain in life – change. Rules and regulation are dynamic for various reasons. As in all rules and regulations, over time some will bend the rules to attain an individual goal. Thus the rules and regulation must be constantly updated to account for these unintended variations.

In this situation – I am not sure how this came to be – but it needs to be stopped. The idea of being able to build the ground below the home up 8-10 ft and keep the home less than 24 ft (although the end result is 34 ft!!) is ludicrous! The pictures of what has already happened here in Paradise Valley is disheartening – not building within the rules – but is an eyesore.

I do see the utility in reviewing how this came to be – but the main goal should be to remedy this going forward - to preserve the integrity of the town's codes and beauty of our town.

Teresa Zachariah
e san Miguel ave

From: Phyllis Peshkin

Sent: Sunday, November 29, 2020 2:15 PM

To: Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>

Cc: Jill Keimach <JKeimach@paradisevalleyaz.gov>; Paul Mood <pmood@paradisevalleyaz.gov>;

Hagenah Phil

Subject: Pad Height, new construction concerns

EXTERNAL

Dear Council Member Andeen,

I was **very** encouraged when I received the email from Susan and Phil. They stated your interest and support regarding new construction and the various consequences resulting from elevating pad heights and putting our residents' quality of life and safety at risk. I feel in order to have effective improvements, **communication** is necessary specifically if you have/had a direct experience which resulted in an adverse impact to your existing adjacent property. I know Town Council was suggesting new codes and ordinances but that will not help since the Town has the **discretion to enforce them**. In my opinion, it is critical to consider the surrounding area and require the Subdivision's recorded Declaration of Restrictions during the application phase. Even subdivisions built in the 1970's that do not have an active HOA have the subdivision's standards set by the builder with a non-waiver clause to protect our older established neighborhoods (specifically Flatland) that are targets for SPEC homes by developers.

I look forward to having a productive conversation where we can learn from each other and preserve our Town's unique character.

Thank you for your dedication to protecting the residents of Paradise Valley.

Phyllis Peshkin

From: Phyllis Peshkin

Sent: Sunday, November 29, 2020 12:59 PM

To: Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>

Cc: Paul Mood <pmood@paradisevalleyaz.gov>

Subject: List of addresses of new homes built with similar elevation and retention to our "older home"

EXTERNAL

Chairman Wainwright,

Here is the list I referred to for a quick drive around my established neighborhood. I cannot emphasize enough how critical the pad height review resulting in subsequent dangerous consequences, thus it is imperative that the Town supports our residents in these situations. In my opinion, a good start to "support" residents is with communication. Improvement happens with involvement and that is my intent.

Thank you for listening,

Phyllis

New Construction (elevation/retention per Town Code and surrounding area)

The following addresses are all homes built since 2016. They are elevated within the 2 feet allowed of the street (LNG), have retention in the front of property and are within 1 street of our home. Also note the height of the homes relative to the surrounding homes. The first 2 homes have a wash adjacent to their backyard. Take a quick ride around the 4 streets to see how there is no adverse impact on any adjacent property from these properties. I am interested to hear your thoughts. Essentially they are all the same relative elevation to the street as our home and the other homes in Mockingbird Lane Estates V and VI. Year/s built = ()

5530 E. Orchid Lane (2016-2017) adjacent to Cherokee Wash, 1 street south of Via Buena Vista

8620 N. Avenida Del Sol (2018-2020) adjacent to a wash, diagonal to west side of our home.

5423 E. Via De Cielo ((2016-2018) 1 street north of Via Buena Vista

8700 N. 55th Pl. (2016-2018) SW corner of Via De Cielo & 55th Pl. 1 street north of Via Buena Vista

8716 N. 55th Pl. (2020) NW corner of Via De Cielo & 55th Pl. 1 street north of Via Buena Vista

There are other new homes in our area however these are the newest and closest to our home and are all in Mockingbird Lane Estate V or VI.

-----Original Message-----

From: Ronald C Duff

Sent: Tuesday, December 1, 2020 1:08 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Cc: Phil Hagenah

Subject: Building pad height changes

EXTERNAL

We have been residents of Paradise Valley for over three years and have watched in distress the systematic destruction of the town/area we have fell in love with! It seems the planning commission and town planners have zero sense when it comes to what is reasonable development and what is not. They have utterly failed the existing residents of Paradise Valley. The interpretation of the building pad heights is just the most recent example of poor judgment on the planners part. The building pads should be based on the existing topography of the lot with minor adjustments for natural drainage, not allowing fill of 6 feet as is the recent example on Cholla, that example borders on gross incompetence! These decisions degrade our living environment the reason we all moved to this special place. This is not Scottsdale or Phoenix stop trying to make us like them, the houses in our area are built into the landscape our streets follow the natural contour of the land we have no street lights no sidewalks or curbs and we like it that way, that is why we paid extra to buy here. Do the right/correct thing keep this area substantially the way it is the way it was meant to be. Building pad heights should not be allowed to increase above what is absolutely necessary to compliment natural drainage. Start protecting your residents and stop pandering to developers! Paradise Valley is special it is unique please help us protect it.

Ron and Lynn Duff
N Invergordon Rd
Paradise Valley, AZ

Sent from my iPad

-----Original Message-----

From: Connie Marolt

Sent: Tuesday, December 1, 2020 12:13 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Subject: Height restrictions

EXTERNAL

We live at [REDACTED] E Cholla Drive. Our house now looks like the guard house to the house right across the street. We used to see part of Mummy Mountain but it is entirely blocked due to the extra 20 or so tons of dirt to make their view better and compliment their negative edge pool. We have been here in this neighborhood since 1972. We don't mind change but this is absurd and simply WRONG. Constance and William Marolt

Sent from my iPhone

From: John Cotton

Sent: Tuesday, December 1, 2020 10:41 AM

To: Paul Mood <pmood@paradisevalleyaz.gov>; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Hugo Vasquez <hvasquez@paradisevalleyaz.gov>; Paul Michaud <pmichaud@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Loras Rauch <LRauch@paradisevalleyaz.gov>; Deborah Robberson <drobberson@paradisevalleyaz.gov>; Andrew Miller <amiller@paradisevalleyaz.gov>; Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>

Subject: Please support Councilmember Andeen and Vice Mayor Pace

EXTERNAL

Please support Councilmember Andeen and Vice Mayor Pace in their drive to revise the town's ordinances that govern building pad heights and other similar issues.

John C. Cotton

From: nancy albert
Sent: Wednesday, December 2, 2020 4:37 PM
To: Susan Hagenah
Cc: Paul Mood <pmood@paradisevalleyaz.gov>
Subject: Re: from Phil and Susan Hagenah re Town Pad Heights and building heights

EXTERNAL

We and neighbors have complained about this for years during the building of the Smith house (NE corner of Ironwood and Cheney and others at that time. We were told the plans submitted did not show the rise in elevation of the land surrounding . By the time they came to check the house was built as well as landscaping done. We asked isn't someone supposed to check the houses as they being built ? We were told they are way to busy to get to all the houses. I don't know that anything will change as it seems the new money/ builders money speaks better than us. I'm tired of fighting and talking to city hall as we and our neighbors have been ignored for over 20 years.

Nancy Albert
Sent from my iPad

On Dec 2, 2020, at 4:14 PM, Susan Hagenah wrote:

Dear Neighbors in Paradise Valley -

We are greatly troubled by some of the raised pad heights in our Town and have been talking with the Town Council. They are aware of the concern by many residents and have turned this over to Planning and Zoning for a recommendation. If you have not seen examples of egregious violations please drive past 6207 Cholla Drive (at Cholla Place) and 5940 E. Cheney Drive. In the first case, not only the pad height of the new residence was raised, but the entire yard has had dirt added to raise it about 12' above the previous grade and road!! At the second, a home was allowed to be raised up and subsequently built to such a height that the 30+ year neighbors were despondent and have moved.

Our lovely Town needs many voices to let the Town Engineer and Council know that this is not what we want!! This goes against the years of following land contours and respect for our desert and lifestyle.

Please help us:

Here are many "talking points" gathered by our Town Council Vice Mayor, Julie Pace, to help us ALL to take a few minutes to email Town Engineer Paul Mood (his email address is below) about the crazy new construction going on all around us.

PLEASE ! take a few minutes to email him your concerns for these raised pad heights and the negative impacts they are having on neighbors and neighborhoods - we have an opportunity to really get some much needed attention toward solutions. WE NEED EMAILS - LOTS of them! Deadline is Dec. 7th

6pm. You only need to email Mr. Mood, or as many people as you like. Any questions, please reply. And please feel free to fwd this to other neighbors!

Thanks,

Phil and Susan Hagenah

----- Forwarded message -----

From: **Julie Pace** <Julie@scottsdaledailyphoto.com>

Hi to all and please circulate this to as many people who care about the Town and would be willing to write or speak on this important issue. They can sign petitions and send in joint letters from their neighborhoods also.

Based on many discussions and resident complaints about this situation that is adversely impacting neighborhoods throughout our community, and in particular on Mummy Mountain, below are talking and writing points that you can use as you wish to submit to Town Council and Planning Commission regarding recommendations regarding applicants raising building pad heights, instead of continuing to require applicants to build into the land and follow the contour of the land.

This situation is ruining neighborhoods and causing great distress among PV residents. Everyone's comments and emails will make a difference to get the Town Council and Planning Commission to work with Town Staff to stand up and do something. Many have asked to date, but nothing has been changed and more houses are being built in a way that is making a negative impact in neighborhoods. There are several current examples of this problem. **Thank you for taking the time to stand up and send in comments so your voice can be counted to Preserve Paradise Valley.**

Deadline for Comments: 6 pm Monday December 7

You can attend the Planning Commission to watch and to speak on this important issue if you like. Just join the Zoom meeting on Tuesday, December 16 at 6 pm

Use whatever themes you want as each of your voices matters greatly. Councilmember Andeen and Vice Mayor Pace have been pushing these issues for awhile but do not have enough support to make the changes that need to be made. Please help by standing up and let's try together to get others on Council, Planning Commission, and on Town Staff to fix this problem before more damage is done.

Send your emails to the addresses below, which includes Town Manager, Town Staff, Town Council, Planning Commission and Hillside Committee Members:

pmood@paradisevalleyaz.gov
jkeimach@paradisevalleyaz.gov
hvasquez@paradisevalleyaz.gov
pmichaud@paradisevalleyaz.gov

gburton@paradisevalleyaz.gov
lrauch@paradisevalleyaz.gov
drobberson@paradisevalleyaz.gov
amiller@paradisevalleyaz.gov
jbienwillner@paradisevalleyaz.gov
jpace@paradisevalleyaz.gov
eandeen@paradisevalleyaz.gov
pdembow@paradisevalleyaz.gov
smoore@paradisevalleyaz.gov
mstanton@paradisevalleyaz.gov
athomasson@paradisevalleyaz.gov
jon@calviswyant.com
adviser_az@msn.com
pgeorgelos@gmail.com
wescov1@yahoo.com
jrose@paradisevalleyaz.gov
dwastchak@paradisevalleyaz.gov
campbellbci@aol.com
sjarson@paradisevalleyaz.gov
stonn@paradisevalleyaz.gov

Points you could use in letters, emails, and comments at the meeting or use whatever you feel comfortable to submit to get attention and a resolution to this issue :

1. Please honor and stand up for the Town of Paradise Valley and take actions to preserve Paradise Valley. **Your inaction is causing harm to the Town we love.** Please do something with the role each of you play to stop raising building pad heights.
2. **This issue regarding building pad heights and starting to allow lots to be built over 2 feet in height on slightly sloping lots or hillside lots needs to stop now.**
3. Residents are regularly making complaints to the Town identifying houses that are well over 2 feet in height and up to 8 feet in height. What is the Town doing about this situation? What is the enforcement? How does the Town propose to fix the damage?
4. Town residents expect the Town Staff, Town Council, and Planning Commission to look out for the residents and the goals of the Town. Why are each of you not taking steps to address the problem when it was first raised more than two years ago. Now it is getting worse and worse and still no one who has authority is doing anything to stop the problem. This is a great disappointment.
5. **Why is the Town allowing builders to raise the entire house to one level when that is not how PV was previously built?** Instead, builders and architects used to follow the contours of the land. We hear staff say that applicants want to avoid stairs in a house and want the entire house one level. A personal desire to avoid stairs in a house is not enough to change decades of rules to build by following the contours of the land. This is not what PV residents agreed to

and how does Town Staff override decades of rules based on a convenience request today. What is the authority to do so? This is not allowed in the General Plan.

6. Why is the landscape area being built up higher? This is ruining neighborhoods to allow landscaped areas of the entire yard to be built up. This was never allowed and is a mistake by the Town. This is not in keeping with the Town's General Plan or the Code. Please correct the mistakes and cease allowing any further degradation of our community and open space and adverse impact to the desert environment, existing residents and their properties and views.

7. **Close any loopholes in the Town Code** if applicants are taking advantage and not honoring the Town and its General Plan.

8. Staff interpretation and Town Code has not changed so why and how is this major change in raising building heights happening? Please research and correct asap. Do not delay so we do not have even more damage done in our communities.

9. **Do not allow a new change in which landscape area is being built flush with finished floor. That has not been allowed before and is not the building style or approvals allowed in Paradise Valley.** How did this last house (5656 E Indian Bend) get approved with raising the entire yard for landscaping to be even with the house? The landscape in the recent house continued the elevation of the pad out over the down slope. Who allowed this new change to happen? Landscape has always been built with tiered yards and consistent with contours of the land.

10. Why are some Council members and Planning Commission members not supporting the existing residents and homes and instead letting new builds destroy neighborhoods? Please let us know who is favoring new builds that increase building pad height, as opposed to existing residents. Residents have a right to know.

11. **Please make sure to look at Town Code and ensure the Town is regulating the elevation of the building pad and the elevation and type of construction on top of that building pad.**

12. The Town should add language in the Code that the maximum height of the pad shall not exceed two feet from the natural grade or more specifically from the finished floor.

13. Evaluate whether builders doing a cut and fill on a sloping lot would allow for a level pad that could meet Town Code.

14. Examples of houses built against the Town historical rules and interpretations and that are causing great disruption in neighborhoods include but are not limited to: 5940 E Cheney, 6207 Cholla Drive (raised property 8 feet high), and 5656 E Indian Bend.

Good examples of homes built into the land and following contours of the land include 7535 N Ironwood, 7425 Ironwood, 7501 Ironwood, 6286 E Cheney, 6250 E Cheney, 6230 E Cheney, 6220 E Cheney, 6214 E Cheney and many others in our community.

15. The Town's 2012 General Plan is absolutely not being followed. There were six themes in our Town's 2012 General Plan and three of them are directly on point that each of you must follow: (1) Creating a Sense of Community, (2) Preserving Natural Open Space and (3) Improving Aesthetics and Creating a Brand.

16. The Town's 2012 General Plan identified quality of life issues as privacy, dark skies, protection against noise, valuing and preserving the desert environment, preserving open space, preserving private wash corridors, and that the Town will maintain comprehensive and an up-to-date set of ordinances and codes to ensure that development is sensitively designed and high quality. The Town failing to require applicants to build with the contours of the land and the applicants raising building heights does not meet these goals and is in violation of the Town's General Plan. Covering over the desert environment with fill dirt 8 feet high on the entire property on a downslope is a violation and should not be tolerated by any of you.

17. As a resident, I do thank each of you for serving as volunteers. We know our Town staff is hard working, but if we do not honor our Town values and resident preferences and do something right now to stop the bad direction the Town is going by allowing increases in building heights and pads and landscape heights, there is nothing left to save. Our Town is destroyed and our aesthetics and brand is gone. The uniqueness of PV is irrevocably lost. Please do something now to honor our Town values and residents' wishes. You know when you see it what is the right fit for our Town and what is not. Take action, please.

Julie Pace

Dictated but not proofed. Thanks. Have a great day!

From: Mike Ingram

Sent: Thursday, December 3, 2020 10:51 AM

To: Paul Mood <pmood@paradisevalleyaz.gov>; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Hugo Vasquez <hvasquez@paradisevalleyaz.gov>; Paul Michaud <pmichaud@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Loras Rauch <LRauch@paradisevalleyaz.gov>; Deborah Robberson <drobberson@paradisevalleyaz.gov>; Andrew Miller <amiller@paradisevalleyaz.gov>; Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>; adviser_az@msn.com; Planning Commissioner Pamela Georgelos <pgeorgelos@gmail.com>; Planning Commissioner Charles Covington <wescov1@yahoo.com>; Planning Commissioner Jim Rose <JRose@paradisevalleyaz.gov>; Planning Commissioner Daran Wastchak <dwastchak@paradisevalleyaz.gov>; Planning Commissioner Campbell <campbellbci@aol.com>; Hillside Committee Member Scott Jarson <sjarson@paradisevalleyaz.gov>; Hillside Committee Member Scott Tonn <stonn@paradisevalleyaz.gov>

Subject: PV Town Pad Heights and Building Heights

EXTERNAL

To Whom It May Concern,

While I understand some of my neighbors are concerned about current new home construction in our neighborhood, my suggestion is for everyone to chill out, take a deep breath, and let's wait and see what the project looks like when finished. It might actually raise the values for all our properties in the neighborhood.

Mike Ingram

██████ E. Cholla Drive

Paradise Valley, AZ 85253

From: Peggy Schultz
Sent: Friday, December 4, 2020 1:23 PM
To: Paul Mood <pmood@paradisevalleyaz.gov>
Subject: Paradise Valley home pads

EXTERNAL

Hello Mr. Mood,

We are writing to express our dismay with current building practices in Paradise Valley. We own a home on [REDACTED] E. Cholla Drive and have noticed several new construction projects that are raising the building site pads much higher than permitted by zoning as well as raising the surrounding landscaping. Such practices violate the nature of the landscape and this unique community.

We thank you for your service and for listening to our concerns.

Sincerely,

Peg & Dave Schultz

From: Hope Ozer

Sent: Sunday, December 6, 2020 7:59 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Cc: Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Phil Hagenah

Subject: Building Pad Heights

EXTERNAL

Dear Paul,

I am writing to you as a citizen of the Town and not in my official capacity as a member of the TPV Board of Adjustment.

I understand that there is some confusion/conflict related to building pad heights on properties that have recently been built on slightly sloping lots that are not considered hillside as such, and thus not governed by hillside code. I certainly understand the concern of the neighbors of the properties that are impacted by those homes being built on higher pads. I also recognize the desire for the owners of those properties being built to desire the most optimal positioning of their homes.

To mitigate these issues going forward, one option might be to reclassify properties on slightly sloping lots as hillside. Or create a new designation with appropriate criteria for properties on slightly sloping lots. This will be an ongoing challenge unless specified prior to additional redevelopment of these properties.

Thanks for your consideration!

Warm regards,

Hope H. Ozer

██████ N Kober Road

Paradise Valley, AZ 85253

A. G. ATWATER, JR.

For the benefit of our community as well as all property owners building height code restrictions must apply to all construction and renovation projects.

Roof heights must be enforced and calculated from grade level of the land not an artificial, man made level, nor from the highest point of an individual property

A. G. ATWATER, JR.

DEAR MR. MOOD -

BOTH DONNA (MY WIFE) AND I AGREE THAT RAISING BUILDING PAD HEIGHTS, INSTEAD OF CONTINUING TO REQUIRE APPLICANTS TO BUILD INTO THE LAND AND FOLLOW THE CONTOUR OF THE LAND IS UNACCEPTABLE. IF ALLOWED TO CONTINUE IT WILL ADVERSELY IMPACT ALL NEIGHBORHOODS. THE TIME TO STOP THIS PROCESS IS NOW, BEFORE DOING MORE DAMAGE TO ALL NEIGHBORHOODS.

MY WIFE'S COMMENTS ARE NEXT,

THANK YOU.

A.G. Atwater

Atwater
N. Desert Fairways Drive
Paradise Valley, AZ 85253

MR. PAUL MOOD
PV TOWN ENGINEER

From: Pamela Hollenbeck

Sent: Sunday, December 6, 2020 8:01 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Hugo Vasquez <hvasquez@paradisevalleyaz.gov>; Paul Michaud <pmichaud@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Loras Rauch <LRauch@paradisevalleyaz.gov>; Deborah Robberson <drobberson@paradisevalleyaz.gov>; Andrew Miller <amiller@paradisevalleyaz.gov>; Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>; adviser_az@msn.com; Planning Commissioner Pamela Georgelos <pgeorgelos@gmail.com>; Planning Commissioner Charles Covington <wescov1@yahoo.com>; Planning Commissioner Jim Rose <JRose@paradisevalleyaz.gov>; Planning Commissioner Daran Wastchak <dwastchak@paradisevalleyaz.gov>; Planning Commissioner Campbell <campbellbci@aol.com>; Hillside Committee Member Scott Jarson <sjarson@paradisevalleyaz.gov>; Hillside Committee Member Scott Tonn <stonn@paradisevalleyaz.gov>

Subject: Building pad build-up

EXTERNAL

I understand that the town council will be discussing this topic. This problem has been distressing me for sometime. Just in our neighborhood we have had several new builds that have been way built up as well as the building pad built out so that they loom over the house below them as well as stick out like sore thumbs on the mountain sides. This is ruining the views for all Paradise residents not only those who live above or below these structures.

The first picture in a new house in our cul de sac that is so large and high it covers the whole lot and looms over the house below which used to be the Lincoln's . David and Joan (who was a former PV mayor and member of the Hillside committee) were long time PV residents. They would have been horrified to have this house looming over their back yard. I think the square footage should be limited. If people want 10,000 or 20,000 Sq. Ft then they should have 2 or 3 acres.

The next picture is the real atrocity on 57th pl. and Indian Bend. Mr. Vasquez told me this pad was not built up which I find hard to believe because as you can see in the picture the original driveway is still the and way below the house. On top of that tons of fill dirt was hauled up there to build the pad out toward the street which ended up so steep that when it rained last winter the dirt all washed down on to the street. Dump truck after dump truck were lined up for days hauling dirt up there. This house is an absolute disgrace and should be torn down.

This has been going on for sometime. The pad for the house on the SW corner of Ind. Bend and 62nd St. was built up about 20 or 30 feet.

I assume there are rules and regulations for hillside building. If this is the way they are being followed they definitely need to be reconsidered and rewritten.

Thank you,
Pamela Hollenbeck



From: BERNARD FRANCOIS

Sent: Monday, December 7, 2020 3:11 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Cc: Melinda Moss Francois

Subject: Demand that Building Pad Heights Not Be Raised and Homes Should be Built Into the Land

EXTERNAL

Dear Mr Mood

Why is the Town of Paradise Valley allowing builders to raise the entire house to one level which has not been the practice in the past ? Instead builders and architects use to follow the contours of the land. This is not in accordance with the General Plan.

Please preserve and protect the casual desert character of our community we all love so much.

Thank you very much to your attention to this matter

Bernard and Melinda Francois

██████ East Palo Verde Place
Paradise Valley AZ 85253

From: Phil Hagenah

Sent: Monday, December 7, 2020 5:32 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Cc: Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Paul Michaud <pmichaud@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Phil Hagenah Hagenah

Subject: Fwd: Something has changed, and it's wrong...

EXTERNAL

Dear Mr. Mood,

Many years ago, I've been told (and I think it was Jon Wainwright), our Town Manager Bill Mead, in search of a solution, drove around our town and determined which homes should be designated "hillside", and which ones were "NOT".

Unfortunately, there was no designation for neighborhoods that are, clearly, in between. There lies the current problem being addressed by many residents. We are looking forward to solutions regarding pad heights and drainage in new construction.

Susan and I have been looking around our immediate neighborhood, and observed something troubling. Many of the newer homes along Ironwood and Cheney have been built INTO the land - directly opposed to two very new homes that have now been built UP. Higher. A lot higher.

I thought I would ask a builder: WHAT HAS CHANGED?

Last year, our entire neighborhood was appalled at what happened at 5940 E. Cheney Dr. (TOPV study session 1/23/2020 agenda item 20-045). Sadly, the neighbors directly west of this new home have put their home of about 25 years up for sale, as their beautiful vistas have been destroyed. That is WRONG. Then, just a few months ago, the Cholla Dr. "landing strip", 6207 Cholla Dr. or "Cholla Dr. Mesa", as the neighborhood refers to this giant pile of dirt - raising the natural land by at least 8 ft. So, looking around, we noticed so many of the newer homes in this neighborhood were built INTO the land - NOT UP.

GOOD examples include 7535 N. Ironwood, also 7425 Ironwood and 7501 Ironwood. also, 6286 E. Cheney Dr. 6250 Cheney Dr., 6230 E. Cheney Dr. and 6220 E. Cheney Dr. some of these homes now look directly into the previously mentioned mound of dirt at 6207 Cholla Dr.

As this problem proceeds through Planning Commission, and on to Council, please search for solutions. The simplest one would be to lower building heights on areas that should be classified as "gently sloping" Who came up with building heights of max. 24 feet? If the town can legislate "you cannot paint your hillside home pink", you can certainly help bring sensible building practises to the neighborhoods being affected. Furthermore, "flatland" is also being affected by these pad heights.

We realize Planning Commish. and Council members have a life outside your volunteer commitments. We thank you for your time and service to our wonderful Town.

Phil Hagenah

██████ E. Cholla Place

TOPV

From: Susan Hagenah
Sent: Monday, December 7, 2020 2:35 PM
To: Paul Mood <pmood@paradisevalleyaz.gov>
Cc: Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>
Subject: Pad Heights, TPV

EXTERNAL

Dear Mr. Mood,

My husband and I have lived in Paradise Valley for over 25 years ~ in the same home on a sloping 2+acre lot. Our neighborhood is on the West slope of Mummy Mountain ~ not quite elevated enough to have been designated as "Hillside" but with incredible mountain views to the East nonetheless. We have two large natural washes on either side of our property and over these past years have observed many deluges, droughts, 100 and 500 year rains. Our property was adversely impacted soon after we built by the enormous home built next door to the West. It is over 10,000' and rises well over 30' high on the East end.

Our driveway was washed out many times as a result of the new water flow so we have spent much time and money to protect our drive, home, and landscaping.

It is with great concern that we are now watching a huge pile of dirt under and East of the new home being built at 6207 Cholla Drive. This dirt pile slopes down to the Intersection of Cholla Drive and Cholla Place.

In the past 25 years we never had a drainage problem from the previous home on the property as their yard and landscaping followed the natural slope down toward the East. This pad height is going to create terrible problems for the neighbors to the East and Northeast because they are all LOWER than the streets (see Ironwood Drive homes on East side). Please do not allow this pad height and others like it to negatively impact neighbors, neighborhoods and our Town's natural desert.

You are supposed to protect our desert and natural washes for the beauty as well as the natural drainage of water. This home and others like it (5940 E. Cheney Dr.) are creating terrible stormwater drainage problems which can only be addressed by YOU and the Town of Paradise Valley.

Please, if you can possibly drive past this area you will see our concerns and hopefully all make the necessary changes/adjustments to pad heights. Please protect our Town's unique character!!!!

Thank you,
Susan Hagenah
[REDACTED] E. Cholla Place
PV

From: Molly Livak
Sent: Monday, December 7, 2020 1:48 PM
To: Paul Mood <pmood@paradisevalleyaz.gov>
Subject: Stop raising building pads

EXTERNAL

Good Afternoon,

Please honor and stand up for the Town of Paradise Valley and take actions to preserve Paradise Valley. **Your inaction is causing harm to the Town we love.** Please do something with the role each of you play to stop raising building pad heights.

Thank you,
Molly Livak
[REDACTED] N Shadow Mountain Road

Sent from my iPhone

From: taber@taberanderson.com

Sent: Monday, December 7, 2020 1:05 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Cc: Kimberly Anderson; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Hugo Vasquez <hvasquez@paradisevalleyaz.gov>; Paul Michaud <pmichaud@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Loras Rauch <LRauch@paradisevalleyaz.gov>; Deborah Robberson <drobberson@paradisevalleyaz.gov>; Andrew Miller <amiller@paradisevalleyaz.gov>; Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>; adviser_az@msn.com; Planning Commissioner Pamela Georgelos <pgeorgelos@gmail.com>; Planning Commissioner Charles Covington <wescov1@yahoo.com>; Planning Commissioner Jim Rose <JRose@paradisevalleyaz.gov>; Planning Commissioner Daran Wastchak <dwastchak@paradisevalleyaz.gov>; Planning Commissioner Campbell <campbellbci@aol.com>; Hillside Committee Member Scott Jarson <sjarson@paradisevalleyaz.gov>; Hillside Committee Member Scott Tonn <stonn@paradisevalleyaz.gov>

Subject: Re: Building Pad Heights

EXTERNAL

Dear Mr. Mood, Town Council Members and Representatives,

I'm aware you are likely receiving numerous requests about this topic.

As a suggestion, as was the process in the past, anyone wishing to construct or reconstruct a home on a homesite in Paradise Valley should be REQUIRED by the Town to first submit an "As-Is" topographical plan prior to receiving any Demolition, Grading and or Building Permits of any kind.

The Town's engineering department should then compare the topographical plan submitted to the historic topographical information already possessed by the Town. If an applicant is found to have manipulated the grades on the homesite (as if often done during the "Demolition Phase" of a pre-existing home or portions thereof then the Applicant should be required to restore the previously existing and approved grades and potentially be fined and have the application for new grading and building permits denied until full compliance has been completed and approved by the Town's building inspectors.

A way to potentially prevent grade manipulation during the Demolition phase is to require the Applicant to submit a plan that includes spot elevations (above sea level) of all primary rooms and garages of the existing home (in the case of a requested renovation or tear down) certified by a Registered Land Surveyor acceptable to the Town's engineering department.

I respectfully request that you protect our town building guidelines and reject efforts to allow the building up of pad heights beyond natural grade in our community. For years, our town has preserved a feeling of openness, space and a natural assimilation with the land, which has until recently been protected by the 2012 General Plan. I urge you now to safeguard the aesthetic of our community by denying further misinterpretation of town guidelines.

Like many PV residents, we have lived here for years and wish to preserve our beautiful community. We thank you for your efforts in keeping our town the charming, unique hamlet it has always been.

Kind regards,

Kim Anderson

From: Kimberly Anderson

Sent: Monday, December 7, 2020 11:11 AM

To: Paul Mood <pmood@paradisevalleyaz.gov>; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Hugo Vasquez <hvasquez@paradisevalleyaz.gov>; Paul Michaud <pmichaud@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Loras Rauch <LRauch@paradisevalleyaz.gov>; Deborah Robberson <drobberson@paradisevalleyaz.gov>; Andrew Miller <amiller@paradisevalleyaz.gov>; Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>; adviser_az@msn.com; Planning Commissioner Pamela Georgelos <pgeorgelos@gmail.com>; Planning Commissioner Charles Covington <wescov1@yahoo.com>; Planning Commissioner Jim Rose <JRose@paradisevalleyaz.gov>; Planning Commissioner Daran Wastchak <dwastchak@paradisevalleyaz.gov>; Planning Commissioner Campbell <campbellbci@aol.com>; Hillside Committee Member Scott Jarson <sjarson@paradisevalleyaz.gov>; Hillside Committee Member Scott Tonn <stonn@paradisevalleyaz.gov>

Subject: Building Pad Heights

EXTERNAL

Dear Town Council Members and Representatives,

I respectfully request that you protect our town building guidelines and reject efforts to allow the building up of pad heights beyond natural grade in our community. For years, our town has preserved a feeling of openness, space and a natural assimilation with the land, which has until recently been protected by the 2012 General Plan. I urge you now to safeguard the aesthetic of our community by denying further misinterpretation of town guidelines.

Like many PV residents, we have lived here for years and wish to preserve our beautiful community. We thank you for your efforts in keeping our town the charming, unique hamlet it has always been.

Kind regards,

Kim Anderson

From: dyan Getz

Sent: Monday, December 7, 2020 11:03 AM

To: Paul Mood <pmood@paradisevalleyaz.gov>; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Hugo Vasquez <hvasquez@paradisevalleyaz.gov>; Paul Michaud <pmichaud@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Loras Rauch <LRauch@paradisevalleyaz.gov>; Deborah Robberson <dobberson@paradisevalleyaz.gov>; Andrew Miller <amiller@paradisevalleyaz.gov>; Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Vice Mayor Julie Pace <jpace@paradisevalleyaz.gov>; Council Member Ellen Andeen <eandeen@paradisevalleyaz.gov>; Council Member Paul Dembow <pdembow@paradisevalleyaz.gov>; Council Member Scott Moore <smoore@paradisevalleyaz.gov>; Council Member Mark Stanton <mstanton@paradisevalleyaz.gov>; Council Member Anna Thomasson <athomasson@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>; adviser_az@msn.com; Planning Commissioner Pamela Georgelos <pgeorgelos@gmail.com>; Planning Commissioner Charles Covington <wescov1@yahoo.com>; Planning Commissioner Jim Rose <JRose@paradisevalleyaz.gov>; Planning Commissioner Daran Wastchak <dwastchak@paradisevalleyaz.gov>; Planning Commissioner Campbell <campbellbci@aol.com>; Hillside Committee Member Scott Jarson <sjarson@paradisevalleyaz.gov>; Hillside Committee Member Scott Tonn <stonn@paradisevalleyaz.gov>

Subject: Raising Build Pads

EXTERNAL

In the last couple of years I have watched builders bring in dirt to raise pads for homesites. This has happened on two lots in my neighborhood. The one currently being built on my street, Palo Verde Place and Mummy Mountain, is massive and the elevations are ridiculous. I trust that town approves and follows the guidelines set by council, but this project on Mummy Mtn and Palo Verde is way off course. It's very unfortunate. This home will obstruct others views. My husband and I played by the rules when we built our home. We agreed to building limitations because we wanted to PRESERVE Paradise Valley. We LOVE Paradise Valley for the views, the dark streets and skies, and its respect of the desert. When did this philosophy begin to change and why?

Please do NOT allow building pads to be raised.

Dyan Getz

█ East Palo Verde Place

From: Phyllis Peshkin

Sent: Tuesday, December 8, 2020 11:12 AM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Cc: Jill Keimach <JKeimach@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>

Subject: Attachment for packet Planing Commission Review of Building Pad Height

Importance: High

EXTERNAL

Hi Paul,

I know during the last review, Sept.15th, the Commissioners were interested in other engineer's comments. I know you have Mr. Marmon's (P.E.) signed and sealed review which he submitted to BTR as he was on the Enforcement Action Committee as an assessor. I am sending it again for you to **include it in the packet** that was due yesterday. I am trying to participate with factual and requested information that will help in the discussion resulting in improvements during the pre-approval, approval, and on-site inspection phase of both re-development (former homes demolished) and new development. With the re-development projects there is a history which should be considered. We must protect our residents and it will ultimately make your life easier !

Thank you,
Phyllis

March 23, 2019
9087 E. Sahuaro Drive
Scottsdale, AZ 85260

Sent by mail and e-mail

State of Arizona
Board of Technical Registration
1110 W. Washington St.
Phoenix, Arizona 85007



Attn: Mr. Shawn Thacker, Investigator

Re: P19-037, Steven Bargeloh, P.E. No. 47507 (Civil) Grading and Drainage
Project: Site Grading and Drainage at 8600 N. Avenida Del Sol, Paradise Valley, AZ

Dear Mr. Thacker

As requested, I have reviewed the documents provided to me by the Board of Technical Registration (BTR). The documents included:

- The Complaint Form
- The Allegations included in case P19-037
- The Allegor's Documents
- The Respondent's letter and Documents
- Supplementary Documents submitted at the Assessor's Request

It is alleged by the neighbor residing at 5421 E. Via Buena Vista, Mrs. Phyllis Peskin, that the Respondent's grading and drainage design plan for the property at 8600 N. Avenida Del Sol fell below the standard of care for Professional Engineers and did not consider the adverse impact on the existing adjacent property of the Allegor. This possible violation of the Board's Practice act is: The Respondent may have failed to apply the appropriate technical knowledge and skill in the practice of a Board regulated profession.

The site plan used in this review is titled: "Site Grading and Drainage Plan, 8600 North Aventine Del Sol" and dated 2-1-13.

The following is my review of the allegations by Peskin's with the information at hand. I do not know any of the participants in this case or other specifics about it. I have made the following observations regarding the submitted site plans, calculations and other documentation.

Determination of the 100-year floodplain. Several issues are apparent when reviewing cross section 3-3 on the site plan. The accurate determination of the proposed floor slab by calculating the 100-year elevation is the single most important driving force in establishing the floor slab elevation of the proposed house and site grades. There is a note on the cross section which says "Limits of topographic survey channel bank assumed vertical to yield smallest channel area". The note indicates that an artificially small area was used in the Manning's equation calculation. Why would the respondent do this? It makes the 100-year flood plain higher than necessary makes the floor slab higher and consequently requires more fill on the site. If there was insufficient data to complete the cross-section, than additional survey should have been performed.

The respondent's single Manning Equation submitted to the City in 2013 in the supplementary review package by the respondent presumes that many iterations were done adjusting the area and wetted perimeter to yield a cross section which handles the design flood, which is OK. This information is not submitted to the City or to the Board for review.

These questions lead the assessor to believe that the 100-year flood plain was not calculated correctly.

Retention Calculations. The existing site weighted run-off coefficient, C is calculated on the site plan to be 0.55 based on the pre-development conditions. In the Site Data section on the site plan size of the new house is shown to be three times the existing home, and the retention calculations indicate a the total impervious area increased 2 and one-half times, yet the post development run-off coefficient increased only 1%. This result could not be possible.

The assessor could not see desert landscaping (with impervious underlayment) on the pre-development photos of the previous house at 8600. In the Paradise Valley Storm Drainage Design Ordinance 537 which the respondent refers to indicates that the runoff coefficient for a townhouse development would be 0.55. This is clearly not the case in the pre-existing condition.

This reviewer does not see how the respondent's pre-development run-off coefficient is accurate. The previously mentioned Ordinance 537 assigns a runoff coefficient of 0.45 to existing residential development which is closer to the truth. The result of having the very high pre-existing runoff coefficient is that insufficient volume is calculated and designed for the on-site storm water management on the site.

Site pre- and post- development grading. The photos of the pre-development site show bare earth with a flat roofed dwelling. The existing topography and the photos indicate the grades on the existing site are gentler than the proposed grading for the new home. These conditions lend themselves to a long time of concentration for the existing conditions. In other words any rainfall falling on the existing 8600 site did not runoff quickly. The proposed grading for the new 8600 site show a pitched roof house directing a part of the roof to the cul-de-sac and much steeper grades along the front. These conditions result in a much faster time of concentration, meaning that rainfall falling on the roof and the grading and driveway along the front will runoff much quicker than the existing conditions. Faster time of concentration increases the rainfall intensity in the runoff calculations. All this means is that the proposed grading directed more water more quickly to Avenida than existing conditions.

The 2013 Flooding Event. The flooding event which occurred during the construction of 8600 should have raised red flags with the respondent that something was amiss. Instead he blames the allegor for causing the incident. The problem should have been reviewed on the spot, the cause identified, and a cure developed while construction was in progress.

There is conflicting statements in the material regarding pre-development flooding of the allegor's residence and that will not be addressed here.

The respondent frequently refers to using available information while performing this project. I concur that the respondent knew where to obtain information in the design manuals at the time. However what appears to be lacking is the proper application of the information during design. The flood plain, grading and storm water management calculations were not performed properly, and the 2013 flooding incident was ignored.

I conclude that Mr. Bargeloh did not apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same time. This was a direct contributor to the flooding experienced by the alleger's.

I recommend that this case be forwarded to the Enforcement Advisory Committee for consideration. I also recommend that the respondent be required to take accredited courses in flood plain and storm water management design.

Thank you for this opportunity to be of service to the Board of Technical Registration. Please feel free to contact me regarding this.

Sincerely,



Robert H. Marmon, P.E.
AZ PE #45921
Expires: 3/31/2022



-----Original Message-----

From: Phyllis Peshkin <[REDACTED]>

Sent: Tuesday, January 19, 2021 2:48 PM

To: Paul Mood <pmood@paradisevalleyaz.gov>

Cc: Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>; Jill Keimach <JKeimach@paradisevalleyaz.gov>; Planning Commissioner Jonathan Wainwright <jon@calviswyant.com>; Hagenah Phil <[REDACTED]>; Peshkin Lawrence <[REDACTED]>

Subject: Attachments for packet re: Joint Mtg., Building Pad Height Discussion, Jan. 21st Thank you
Importance: High

EXTERNAL

Mr. Mood,

Please include the following 3 attachments in the packet for the January 21st, 6 PM Special Joint Town Council/Planning Commission meeting of the Building Pad Height Discussion. Since you are the lead contact, I think it would be beneficial if both Mr. Brent Skoglund and Mr. Bob Lee are included since they have personal experience and are familiar with actual historical changes in Town construction/topography on "Flatland" Properties-my concern, and "Sloping" Properties (which are not considered Hillside). Just a suggestion.

Thank you for your continuous support and professional engineering guidance on this crucial ongoing subject which affects us all.

Sincerely,
Phyllis Peshkin

Various staff statements from emails obtained via a February, 2019 Public Records Request regarding the adverse impact to our existing adjacent property. Created by a re-developed property which included significant elevation in a FLATLAND subdivision. Town has cited no code violations which was used to support over a million dollar lawsuit threat against us by former owner.

(8/5/2016) "...As I started this letter, I am clear this has been a contentious issue for your neighbor since before you moved in. I re-affirm that I believe your house was constructed in accordance with Town requirements. I am not looking to place the Town in the middle of any civil disputes nor drag you into a new one ..."

(8/9/2016) "... historically it was more of a sheet flow through there and not a defined wash. The pad development for 8600 changed that. Regardless the street cul-de-sac has always drained there. I'm trying to stay away from blaming the 8600 engineer from not accounting for the drainage. You cannot engineer flows into the street when the street is draining back towards the lot."

"... when new property owners reroute historic flows and the Town accepts those designs so long as they meet the other requirements of the code. Even if you assume that to be correct and the Town accepts the new redirected flows into the street then the Town is responsible that the flow does not create flooding for neighboring property. That sounds like it opens the Town up to liability. That flow which prior to the new house flowed between the two lots as a more spread out sheet flow. Today because of the pad and grading that same flow has concentrated ..."

(10/26/2017) "... the answer is that no (as in zero) new homes in any area of town have "directed" the storm runoff into the street. Each and every new home has onsite retention, including the one next to her."

[see attachment with blue arrows showing approved new stormwater flow directed to street]

(08/02/2016) "... Richard does the inspection in conjunction with the final building inspection. He doesn't look at landscape but does look at the size and depth and location of the retention basins. He also looks at other things like the driveway and such but the main thing is the onsite retention."

"... Richard reviews that design to verify that the calculations to determine the amount of retention are accurate. He looks at the plan to verify that the rainwater can actually get into those basins. So while the Town doesn't have the liability for the design, we do verify that it works." "... He then goes out at the end and verifies that the actual grading matches the approved plans"

[Plan shows a circular driveway with a <6% grade but actual driveway is a straight driveway with an 11% slope. Retention calculation coefficient wrong. Placement & size of retention basins ineffective]

(08/23/2016) Document begins: "It is recommended that the Town seriously consider backing away from this situation for the following reasons: (10 items including:)

10. b. The Town issued a permit for the new residence which is immediately adjacent to a wash and included significant filling of the site without fully understanding the then existing situation with respect to: i. The capacity of Cherokee Wash to convey flows to protect finished floors during a 100-year event. ii. The impact that significant filling of the yard to raise the house pad would have on the capacity of the overbank area to continue to convey flows. c. Town review of the grading plan did not identify the imbalance of the retention basins with respect to the subareas they serve."

* updated 05/25/2017: 1997 study says Cherokee Wash channel is evaluated as a 2-year capacity.

(09/10/2018) "... Can I get a letter drafted on Town of Paradise Valley letterhead indicating that our property is not in Code Violation? " (from former owners to senior staff)

Contact me and I will share emails in their entirety which are also available to you via TPV Public Records. Please drive through my neighborhood to understand our challenge. We have a wonderful new family for neighbors and must respect their privacy. Thank you for your service to our Town.

Phyllis Peshkin

There are many negative consequences that occur when an adjacent property's pad height is elevated. The damage is exaggerated when the **surrounding area is not considered**. My experience involved a **FLATLAND** re-development property (former home built in 1975, neighborhood developed 1973-1976) **SPEC HOME** by **developer**. No neighbor. No history of stormwater problems.

Contacted Town Staff, (Mr. Lee), Feb. 2013 alerting truckloads of fill being delivered. Continuous contact during 12 months of construction including staff visit following 1st stormwater flooding event-7/2013, yet no action by Town against the construction team to protect us. FEMA visited our property 8/2013, confirmed we are not in a SFHA, this is a **stormwater problem to be addressed by local jurisdiction**. Advised us due to the FEMA definition of a Flood, (2 acres or 2 properties), an **NFIP CLAIM** would be **DENIED**. Second stormwater flood occurred Sept. 2014.

Some consequences of an elevated pad I experienced include:

Threatened Law Suit **against us** by 1st owner for over a million dollars claiming: no Town code or ordinance violations & they had not been in any "collaborative discussion" [with TPV or us]

Redirecting the historical stormwater flow

Sending to **STREET**: Stormwater from front pitched roof, driveway and front area of property

No accommodation on street to accept this new runoff, formerly retained on-site

Changing the "flow type" from sheeting to concentrated (more damaging)

Reducing the time for pervious area to percolate runoff into the soil (elevation increases speed of flow)

Adding stormwater **volume** (home is larger and elevated creating more impervious area = more runoff)

Increasing **velocity** due to elevation creating steeper inclines, example driveway >11%

Eliminating a portion of the overbank **area adjacent to wash** that would be used to convey flows thus **diverting flows to other areas**

Creating new topography in previous areas which accepted runoff that were flat and now are sloped.

Aiming concentrated runoff to utilities, specifically APS transformer and PUE

Not placing retention measures in areas of faster/new runoff due to elevation & not sized accurately

No consideration of harmful consequences when demolishing walls constructed to protect against overflow of wash, specifically a property elevated adjacent to a natural wash

Requiring monsoon protection of adjacent properties **during** monsoon season construction

ADEQ's SWPPP would add accountability however TPV has no record of SWPPP for this property

My participation in this critical review is to prevent other residents from an emotionally exhausting, financially burdensome, and noncooperative experience. Apparently I am not alone from reading the various resident responses. My hope is that with every failure is a lesson. I would like to know **what I did wrong** in my efforts to preserve my quality of life. I disagree with former staff who cautioned the 1st owner in a letter about a civil dispute. I believe that the **licensed professionals who create/construct the defective design/property are liable** but it is the **Town's responsibility to enforce building codes promptly during the planning, inspection, or research (after listening to residents) phase**. The State Board of Technical Registration ("BTR") which licenses various professionals does hold their members accountable to protect the public. After a thorough objective investigation of our complaint as alleged which included an interview with the respondent (engineer), BTR unanimously agreed that his design created an adverse impact on our adjacent property. Please read our case for their professional enlightenment. There is a disconnect and I am encouraged that with the commitment of both the Town Council and the Planning Commission, it can be resolved. Regrettably I was restricted from interacting with Town staff beginning Oct. 2017, then restricted from interacting with Town Council beginning Sept. 2018. That is why I am using this as my platform to be a productive voice.

We have a wonderful family as our new neighbor and we must respect their privacy. **Protection of the Surrounding Area with Proactive Enforcement of Town Codes** is imperative. Thank you for the opportunity to participate and I am available for further explanations. Thank you for your dedication to TPV.

Phyllis Peshkin

