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OUR FILE NUMBER:

005510.00020
12024356.1

March 20, 2014

VIA EMAIL AND FIRST CLASS MAIL

Mr. Richard W. Eckardt
Attorney at Law
500 South Grand Avenue, #1900
Los Angeles, CA 90071-2668

Re: San Rafael Elementary School

Dear Mr. Eckardt,

This office represents the Pasadena Unified School District. I have been requested to respond to your inquiry concerning whether San Rafael Elementary School can be modernized. The attached May 29, 2012 final CGS letter is conclusive for the purposes of modernization at San Rafael Elementary School. The conclusions of CGS's Engineering Geologist, and Senior Engineering Geologist as specified in the attached letter are: "The geologic map provided in the report indicates the site is underlain by 'Holocene Young alluvium' and thus the consultants conclude these features qualify as 'active faults'. This conclusion seems reasonable based on the data provided in the referenced reports and no additional information is requested. In conclusion, the engineering geology and seismology aspects are adequately addressed in the referenced reports prepared by the consultants, and no additional information is requested at this time."

As you may or may not be aware, in order to receive Division of State Architect (DSA) approval on modernization or new construction projects, CGS has to approve the soils report, and send a letter to DSA approving the site plans. Based on the attached letter, CGS will not send a letter to DSA approving the modernization of San Rafael, and therefore DSA will not approve any modernization projects for the San Rafael School site, regardless of any historic or current site mapping by CGS. Our understanding is CGS is relying on Education Code Section 17212.5 provides "no school building shall be constructed, reconstructed, or relocated on the trace of a geological fault along which surface rupture can reasonably be expected to occur within the life of the school building." In addition, Title 14 Section 3603 specifies that no structure is permitted in the area within fifty (50) feet of an active fault.

Certainly the District understands your concern. However, given the nature of the potential risks to the safety of school children under the care of Pasadena Unified School District, it seems difficult to challenge the position taken by CGS and the corresponding DSA prohibition against modernization or construction within fifty (50) feet of an active fault.

I hope this helps clear things up.

Thank you.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Terry T. Tao

TTT:mq

Enclosure

cc: John Pappalardo
Constance Schwindt

STATE OF CALIFORNIA, NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR

DEPARTMENT OF CONSERVATION

CALIFORNIA GEOLOGICAL SURVEY

SCHOOL REVIEW UNIT • 801 K STREET, MS 12-32 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-7324 • FAX 916 / 322-4765 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov/cgs

Mr. Patrick Kennedy
Interim Chief of Facilities
Pasadena Unified School District
351 South Hudson Avenue
Pasadena, CA 91109

May 29, 2012

Subject: **Fourth Engineering Geology and Seismology Review for San Rafael Elementary School – Elevators & Toilet Building F 1090 Nithsdale Road, Pasadena, CA CGS Application No. 03-CGS0146**

Dear Mr. Kennedy:

In accordance with your request and transmittal of additional documents, the California Geological Survey performed a fourth review of the engineering geology and seismology aspects of the consulting report prepared for San Rafael Elementary School in Pasadena. This review was performed in accordance with Title 24, California Code of Regulations, 2007 California Building Code (CBC) and followed CGS Note 48 guidelines.

We reviewed the following consulting report, which we received on May 17, 2012, as a reply to our request for additional information:

5. **Fault Rupture Hazard Investigation, San Rafael School, SWC of Nithsdale and San Miguel Rds, Pasadena, California:** Hydrologue, Inc., 2827 East Foothill Boulevard, Pasadena, CA 91107; company Project No. 4016-00, report dated September 9, 2011, 22 pages, appendices and figures attached.

Previously, we reviewed the following reports:

4. **Fault Rupture Hazard Investigation, San Rafael School, SWC of Nithsdale and San Miguel Rds, Pasadena, California:** Hydrologue, Inc., 2827 East Foothill Boulevard, Pasadena, CA 91107; company Project No. 4016-00, report dated September 9, 2011, 22 pages, appendices and figures attached.

3. **Response to California Geological Survey Review dated April 5, 2010, Pasadena Unified School District, PUSD – School Modernization Proposed Elevators & Toilet Building F, San Rafael Elementary School (SRE267), 1090 Nithsdale Road,**

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1. **Preliminary Geologic Hazards Evaluation for Pasadena Unified School District, San Rafael Elementary School (SRE 267):** Hydrologue, Inc., 2827 East Foothill Boulevard, Pasadena, CA 91107; company Project No. 3879-01, report dated September 2, 2009, 15 pages, Appendices and figures attached.

CGS previously reviewed and submitted our findings regarding this project in our review letters dated April 5 and June 7, 2010 and October 12, 2011. Based on our third review, additional information was required regarding the active faulting/surface rupture hazard potential.

Active Faulting & Coseismic Deformation Across Site
Previously, the consultants conducted a fault study at the site to determine if the San Rafael Fault was located under or within 50 feet of the proposed buildings (Report 4). Their fault study consisted of twelve closely-spaced CPTs and three hollow-stem auger borings along a profile extending 50 feet beyond the proposed building footprints. Based on this data, they concluded young alluvial soils are displaced by faulting.

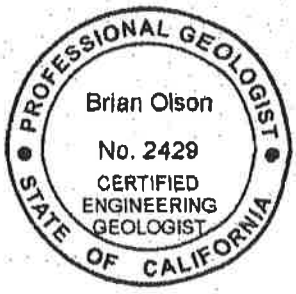
In the current report (Report 5), the consultants provide the results of a high-resolution seismic reflection study performed at the site to better locate the location of "major faults crossing school property." This study involved acquiring seismic reflection data along two profiles trending southwest to northeast across the northern and southern portions of the school site. Four "fault-like anomalies" were identified in both seismic profiles. Connecting points along the two profiles suggests these features generally trend northwest-southeast, subparallel to the San Rafael Fault. The geologic map provided in the report indicates the site is underlain by "Holocene Young alluvium" and thus **the consultants conclude these features qualify as "active faults".** This conclusion seems reasonable based on the data provided in the referenced reports and no additional information is requested.

The consultants established 50- to 65-foot wide setback zones from the surface projection of these faults, which are depicted on their Site Plan. Due to the closely spaced nature of the faults at the site, these setbacks overlap each other such that only the southern corner of the school property is outside a setback zone. As a result, it is our understanding the two proposed elevator shafts adjacent to Buildings A & C and the proposed toilet building are no longer planned for construction at the site.

In conclusion, ***the engineering geology and seismology aspects are adequately addressed in the referenced reports prepared by the consultants***, and no additional information is requested at this time. If you have any questions about this review letter, please telephone the reviewer at (213) 239-0876.

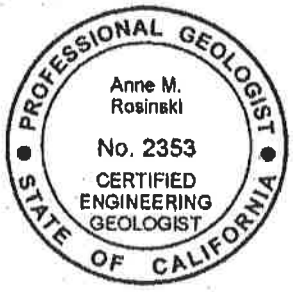
Respectfully submitted,

Brian Olson
Engineering Geologist
PG 7923, CEG 2429



Concur:

Anne M. Rosinski
Senior Engineering Geologist
PG 7481, CEG 2353



Copies to:

Ferris Karim, *Supervising Architect*
Division of State Architect, 700 North Alameda Street, Suite 5-500, Los Angeles, CA 930012

Seyed Mortazavi, *Certified Engineering Geologist* and *Registered Geotechnical Engineer*
Hydrologue, Inc., 2827 East Foothill Boulevard, Pasadena, CA 91107

Tamara Schaeffer, *Architect in General Responsible Charge*
Carmichael-Kemp Architects, 302 W. Foothill Boulevard, Monrovia, CA 91016

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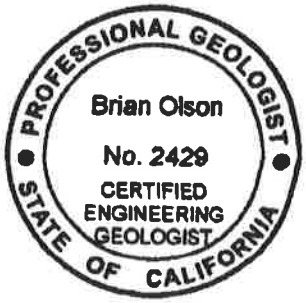

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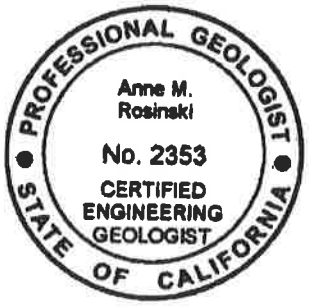

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Tamara Schaeffer, *Architect in General Responsible Charge*
Carmichael-Kemp Architects, 302 W. Foothill Boulevard, Monrovia, CA 91016

On Mon, Mar 17, 2014 at 5:07 PM, eckardt@alumni.usc.edu <richard.w.eckardt@sbcglobal.net> wrote:

Doctors Pappalardo and Gundry,

NEW AND IMPORTANT INFORMATION.

As you know, Doctor Gundry sent out a Notice of Public Hearing for March 24, 2014 at 7:00 P.M. at the San Rafael Elementary School, with Doctor Pappalardo as contact person.

We have lived, for the past 40 years, half a block to the West, on Nithsdale.

I have reviewed again David Azcarraga's power point presentation dated June 9, 2012, which I reviewed when it was first generated.

The PUSD Board has been acting, and basing it decisions, as if the California Geological Survey has certified, or intends to certify, the Eagle Rock San Rafael inactive fault, as ACTIVE.

NOT TRUE.

Based on the CGS maps I reviewed, showing last activity as approximately 700,000 years ago, I today went directly to the geologist with the knowledge and authority, making these decisions, at Sacramento, Mr. Chris Wills. He explained that this is NOT certified as an active fault, and that there is no evidence known to CGS which would induce them to certify this as an active fault.

As David Azcarraga explained to the Board, in the section on questions and answers:

"Q: Have the San Rafael faults been certified as active by the California Geological Survey (CGS)? When do you anticipate receiving it?
"A: The faults passing through San Rafael Elementary School have not yet been certified as active (an active fault as defined by the Alquist-Priolo Earthquake Zoning Act is one that has ruptured within the last 11,700 years). According to the initial report, the peer review and notable seismologists like Dr. Lucy Jones it is almost certain that the faults will be certified as "active." The CGS should finalize its certification of the faults between June and August 2012.
"Q: What if the faults are found to be inactive? Will the school remain open?
"A: If the faults are found not to be active by CGS, the Alquist-Priolo Act would not apply and the school could remain open."

Accordingly, Alquist-Priolo Earthquake Zoning Act is inapplicable, and San Rafael Elementary School can remain open.

Perhaps you know that LAUSD went through this with respect to Belmont (now called Edward R. Roybal Learning Center), located at Beaudry and West First Street. The result is that about one-third of the brand new high school was carved out and enrollment was reduced from about 3,600 to about 2,500 pupils. With strong neighborhood initiative and commands to the District, LAUSD voted, in May, 2003, to finish the school using funds from voter initiative bond Measure K, with certain modifications. Yes, the project went way over budget. But, it greatly benefited the neighborhood.

We do understand the financial dilemma which you face, with dropping elementary enrollment, which obviously means less money from the State. The State is certainly in better shape than three or four years ago. The last numbers I saw for San Rafael showed a census of 382 and showed improved test scores and a high successful dual language track.

However, since you now know that Alquist-Priolo is no longer applicable, the enormous capital budget projections can now be scrapped, and the $5,300,000 TT funds can be utilized to proceed with the upgrades to the existing building. We do understand that you have aging plant, with San Rafael having been built in 1929 (at or about the time that our neighborhood first began to be built out). There is no need to declare this prime property as excess.

That would have a very serious adverse financial effect on property values.

It is vitally important for the San Rafael neighborhood continue to have an elementary school where children can walk to school.

Give me a whistle with your views.

Dick Eckardt