Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Bruce W. McClendon FAICP
Director of Planning

June 5, 2008

TO: Harold V. Helsley, Chair
Leslie G. Bellamy, Vice Chair
Esther L. Valadez, Commissioner
Wayne Rew, Commissioner
Pat Modugno, Commissioner

FROM: Mr. Jodie Sackett, Senior Regional Planning Assistant
Land Divisions Section

SUBJECT: TENTATIVE PARCEL MAP NO. 063010
VARIANCE CASE NO. 2007-00011-(5)
CONDITIONAL USE PERMIT CASE NO. 2005-00151-(5)
AGENDA ITEM NOS. 8 a, b and c: JUNE 18, 2008

PROJECT DESCRIPTION

Tentative Parcel Map No. 063010 is a request to authorize the creation three single-family parcels (including one flag lot) on a 0.73 gross acre site. A Variance is requested for two single-family parcels with less than the minimum required net lot area of 10,000 square feet in the R-1-10,000 (Single-Family Residential—10,000 Square-Foot Minimum Required Lot Area) zone, with a net lot area of 7,724 square feet proposed for two parcels. In addition, the Variance is requested to allow retaining walls higher than six feet within the side and rear yard setbacks. The project requires a Conditional Use Permit ("CUP") for urban hillside management purposes. The subject property has one existing single family dwelling to remain.

PROJECT BACKGROUND

A public hearing on Tentative Parcel Map No. 063010, Variance Case No. 2007-00011-(5) and Conditional Use Permit Case No. 2005-00151-(5) was held by your Commission on May 21, 2008. On May 21, 2008 your Commission instructed staff to prepare findings for **denial** and return on June 18, 2008. On May 21, 2008 your Commission considered the testimony and evidence presented and based the decision on three facts:

1. That the proposed development is inconsistent with the Hillside Management provisions of the General Plan;

2. That the proposed development is inconsistent with the Zoning Ordinance; and

3. That the proposed development is inconsistent and incompatible with the existing characteristics of the neighborhood.

Please find attached draft findings for the denial of Tentative Parcel Map No. 063010, Variance Case No. 2007-00011-(5) and Conditional Use Permit Case No. 2005-00151-(5).

SMT:jds
6/5/08

Attachment: Draft denial findings

COUNTY OF LOS ANGELES
DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
TENTATIVE PARCEL MAP NO. 063010

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Tentative Parcel Map No. 063010 on May 21, 2008 and June 18, 2008. Tentative Parcel Map No. 063010 was heard concurrently with Conditional Use Permit Case No. 2005-00151-(5) and Variance Case No. 2007-00011-(5).

2. Tentative Parcel Map No. 063010 is a request to create three single-family parcels (including one flag lot) on 0.73 gross acres.

3. Variance Case No. 2007-00011-(5) is a related request to allow less than the minimum required net lot area in the R-1-10,000 (Single-Family Residential- 10,000 Square Foot Minimum Required Lot Area) zone for two proposed single-family parcels (7,750 net square feet provided for each).

4. Conditional Use Permit ("CUP") Case No. 2005-00151-(5) is required to ensure compliance with urban hillside management design review criteria, pursuant to Section 22.56.215 of the Los Angeles County Code ("County Code").

5. The proposed subdivision is an urban hillside project, as the subject property exhibits natural slopes of 25 percent or greater and is within an urban land use category of the Los Angeles Countywide General Plan ("General Plan"). A CUP is required for the project, since the three dwelling units proposed exceed the midpoint threshold of two dwelling units allowed for the site.

6. The subject site is located at 2716 Willowhaven Drive, within the La Crescenta-Montrose Community Standards District ("CSD") and the La Crescenta Zoned District.

7. The subject property is approximately 0.73 gross acres (0.65 net acres) in size. It has variable (flat to steeply-sloping) topography, with 0.22 acres within zero to 25 percent slopes, 0.02 acres within 25 to 50 percent slopes, and 0.47 acres within slopes of 50 percent or greater.

8. The project proposes 2,114 cubic yards of cut and 156 cubic yards of fill grading, with 1,958 cubic yards of offsite export.

9. There are no Oak trees existing on the subject site.

10. Parcel No. 3 as depicted on the tentative map dated November 20, 2007 is a flag lot gaining access via an existing 16-foot wide private driveway from Willowhaven Drive, a 46-foot wide dedicated street. Parcel Nos. 1 and 2 will gain access directly from Rockpine Lane, a 44-foot wide dedicated street.

11. The project site is zoned R-1-10,000.

12. Areas in all directions are zoned R-1-10,000, with R-1-7,500 (Single-Family Residential-7,500 Square Foot Minimum Required Lot Area) also to the west of the subject property.

13. The subject property currently has one existing single-family residence and a swimming pool, both to remain. It is surrounded by single-family residences in all directions, with the Shields Canyon Debris Basin also located to the south and west of the subject property.

14. The applicant is requesting a Variance to allow less than the required minimum net lot area of 10,000 square feet in the R-1-10,000 zone for proposed Parcel Nos. 1 and 2. Single-family residences are permitted in the R-1 zone pursuant to Section 22.20.070 of the County Code.

15. The subject property is located within the Category 1 (Low Density Residential- One to Six Dwelling Units Per Acre) Land Use Category of the General Plan. Category 1, an urban land use category, allows a maximum of four dwelling units on the subject property. The subject property contains hillside slopes greater than 25 percent, and the project proposes a density of three dwelling units, which is above the midpoint threshold of two dwelling units. Therefore, the project is subject to Hillside Management performance criteria as described in the General Plan.

16. Proposed Parcel Nos. 1 and 2 have an elevation sloping downward towards Rockpine Lane. They propose building pad areas that use "terraced" grading to preserve the existing hillside. Retaining walls higher than six feet are proposed within the side and rear yard setbacks in order to protect the terraced grading design. The retaining walls will be screened with plant materials and landscaping in order to reduce the overall aesthetic impacts of the development. The project is designated as urban hillside development, and a minimum of 25 percent (7,025 square feet) of open space is required. The project provides 61 percent (17,377 square feet) of open space consisting of deed-restricted landscaped and natural undisturbed area within the private yard areas of each residential parcel.

17. Staff received approximately 34 letters or correspondence from local residents-- 19 opposed and 15 in favor of the proposed development. In addition, staff received two petitions-- one with 57 signatures in opposition to the project, and another with 41 signatures in support of the project. Staff received the support petition on May 20, 2008 and provided it to the Commission at the May 21, 2008 Commission public hearing. Finally, staff received a letter from the Crescenta Valley Town Council ("Town Council") on May 20, 2008. In the correspondence received by staff, those in opposition stated concerns related to the applicant's previous subdivision request, denied by the

Commission in 1987; the violation of the existing Conditions, Covenants and Restrictions ("CC&Rs") for the underlying Tract No. 21972; overall community compatibility; the aesthetic impact of retaining walls and future residences; slope stability/landslides; drainage; adequate open/"green" space; haul route impacts to existing roads; additional traffic to be generated after new homes are built; and traffic safety and parking concerns along Rockpine Lane.

18. Correspondence in support indicated that the project will benefit the community by developing an underutilized portion of land along Rockpine Lane; appear aesthetically pleasing and not disrupt aesthetic views along of hillside; not intrude on the neighbors' privacy; improve property values in the area; utilize existing sewer, water and road infrastructure; help to eliminate existing brush fire hazards; preserve a large amount of open space; and provide additional housing needed in the community.

19. The Town Council, in its meeting on May 15, 2008, decided to take a neutral position on the proposed project. In its letter dated May 19, 2008, the Town Council outlined the details of its May 15th meeting and attached a table of the specific concerns expressed by the residents in attendance. The table also indicates that at the meeting, a total of 38 people indicated their concern of the project-- 34 in opposition and four in favor.

20. On May 21, 2008 the Commission heard a presentation from staff as well as testimony from the applicant's representative and the public. The applicant's representative made a presentation describing the proposed development. The Commission then heard testimony from three persons in support of the project, followed by testimony from 17 persons opposed. The applicant's representative was allowed one round of rebuttal before the Commission ended testimony and began its discussion.

21. On May 21, 2008 the Commission heard testimony from three persons who supported the project. Those in support stated that a "no growth" attitude exists in the community, creating a "double-standard" that is unfair to the applicant and his plans to improve his land. They stated that the future residences on the subject property will be constructed to a higher engineering standard than the existing surrounding residences and that all needed services, infrastructure and schools are already present. Supporters also emphasized that the project will be both an "improvement" and "benefit" to the community and that many property improvements (such as remodels, additions, etc.) have happened in the community and that they should "all" be supported. Finally, supporters remarked that the proposed lots are larger than many of the existing surrounding lots and that a wide street frontage is proposed for the new parcels along Rockpine Lane, which is consistent with the community.

22. On May 21, 2008 the Commission also heard testimony from 17 persons opposed to the project. Regarding the overall project proposal, opponents stated that proposed development is not in character with the community and that the project does not

conform to the "overall plan of the area". In addition, the point was made that an "out of control" subdivision precedent should not be set in the community. Opponents also stated that the same denial findings from 1987 are still valid today and that an approval would "reverse the old decision", setting a bad precedent. Opponents stated that the original tract CC&Rs influenced their decision to move to the area, they wanted them to be upheld, and that the project does not comply with the CC&Rs (which are "in force" and are a "living document"). Lastly, opponents claimed that those in support of the project do not live in the immediate area.

23. Regarding the site plan/design of the project, opponents stated that the existing lots were originally graded as "flat pads", and that the applicant's proposed "terraced" parcels, proposed setbacks and homes, are out-of-character with the community. It was stated by the opposition that the original subdivider provided "flat lots, similar floor plan designs and longer driveways", which are of a different character than the proposed development. Opponents also stated that the proposed front yard setbacks are an "unprecedented" five feet from the curb, and that the design provides inadequate driveway parking Opponents claimed that there are no "[re]subdivided properties" in La Crescenta and stressed that the community should be preserved as "stable and developed."

24. Opponents also commented on the feasibility/engineering of the project, arguing that the slopes on the subject property are at least 40 to 50 percent and too steep to develop. Opponents stated that the project will be adversely affected by "erosion" forces and that the terrain of the subject property is "unstable alluvial fan," poses a landslide risk, and referenced the previous collapse of retaining walls at a nearby Sherriff's Station--emphasizing that heavy rains in the area can cause landslides, floods and structure failures.

25. During the May 21, 2008 Commission public hearing, the applicant's representative gave rebuttal testimony and stated that the geology and soils reports have been reviewed by the Los Angles County Department of Public Works, with clearances issued. The representative emphasized that today's subdivision standards are "much more rigorous", ensuring a safer and more compatible project. The representative also claimed that there have been "no significant landslides" in the existing subdivision. The representative clarified that the proposed setbacks are five feet for garages and 10 feet for the residences, and added that the project "preserves significant views" and the applicant has done a "good job" to adapt the development to the terrain. Finally, the representative stated that the CC&Rs have not been violated and do not preclude subdivisions.

26. On May 21, 2008 the Commission considered all testimony and discussed the facts of the case. First, the Commission discussed that while staff, in its analysis, has found that

the project "can work," it was the Commission's responsibility to determine whether the development "should be" permitted.

27. On May 21, 2008 the Commission discussed the project's consistency with General Plan Infill Policies and Hillside Management Performance Review Criteria. The Commission indicated that infill development should be supported, but not in the "suburban" community where the subject property is located. The subject project constitutes an "urban" style of infill development that is not compatible with General Plan infill provisions. The Commission also indicated that although the development is "feasible", the project is "stretching" the limits and intent of the Hillside Management provisions of the General Plan. The Commission stated that the Hillside Management provisions were written to "protect the hillside" and that the term "innovation" stated in the Hillside Management Performance Review Criteria applied in designing hillside projects, was "misused" to support the subject project, leading to an inappropriate development proposal.

28. On May 21, 2008 the Commission also discussed the project's community compatibility and character, and the suitability of the site for development, indicating that there are too many "community inconsistencies" with the proposed development, such as reduced front yard setbacks, "terraced" home design/floor plan, over-reliance on tall retaining walls, shortened driveway entrances and insufficient/incompatible rear yard area. The Commission stated that the local area is currently not "transitioning from suburban to urban" and that the project is "out-of-character" and will set a precedent if approved. Further, the Commission reasoned that if the project was approved, other large lots in the community "can be expected to subdivide" and that not all of the neighborhood impacts of the proposed project can be predicted. The Commission indicated that it is "not the right time or place" for the proposed subdivision and that the area may not be "the right environment" to allow a subdivision with a zoning variance. The development is "technically feasible," but the neighborhood character would be changed "dramatically". Finally, the Commission indicated that the project, if approved, would "disrupt" many of the original tract's homeowners still residing in the community for 40 or more years.

29. On May 21, 2008 the Commission, after considering all of the testimony, continued the public hearing until June 18, 2008, and instructed staff to prepare findings for denial.

30. On June 18, 2008, the Commission closed the public hearing and denied Tentative Parcel Map No. 063010.

31. The denial of the subdivision request is based on the following findings:

    A. The design of improvement of the proposed subdivision is inconsistent with the General Plan, including hillside management provisions.

B. There is some evidence that the proposed project will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the project site.

C. The site is physically unsuitable for the type of development and density being proposed, since the property does not have adequate building sites to be developed.

32. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

THEREFORE, in view of the findings of fact and conclusions presented above, Tentative Parcel Map No. 063010 is **denied**.

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COUNTY OF LOS ANGELES
DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
VARIANCE CASE NO. 2007-00011-(5)

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Variance Case No. 2007-00011-(5) on May 21, 2008 and June 18, 2008. Variance Case No. 2007-00011-(5) was heard concurrently with Tentative Parcel Map No. 063010 and Conditional Use Permit Case No. 2005-00151-(5).

2. Variance Case No. 2007-00011-(5) is a request to allow less than the minimum required net lot area of 10,000 square feet in the R-1-10,000 (Single-Family Residential- 10,000 Square Foot Minimum Required Lot Area) zone for two proposed single-family parcels (7,750 net square feet provided for each), and also to allow retaining walls higher than six feet within the side and rear yard setbacks.

3. Tentative Parcel Map No. 063010 is a related request to create three single-family parcels (including one flag lot) on 0.73 gross acres.

4. Conditional Use Permit ("CUP") Case No. 2005-00151-(5) is a related request to ensure compliance with urban hillside management design review criteria, pursuant to Section 22.56.215 of the Los Angeles County Code ("County Code").

5. The subject site is located at 2716 Willowhaven Drive, within the La Crescenta-Montrose Community Standards District ("CSD") and the La Crescenta Zoned District.

6. The subject property is approximately 0.73 gross acres (0.65 net acres) in size. It has variable (flat to steeply-sloping) topography, with 0.22 acres within zero to 25 percent slopes, 0.02 acres within 25 to 50 percent slopes, and 0.47 acres within slopes of 50 percent or greater.

7. The project proposes 2,114 cubic yards of cut and 156 cubic yards of fill grading, with 1,958 cubic yards of offsite export.

8. There are no Oak trees existing on the subject site.

9. Parcel No. 3 as depicted on the tentative map is a flag lot gaining access via a 16-foot wide private driveway from Willowhaven Drive, a 46-foot wide dedicated street. Parcel Nos. 1 and 2 will gain access directly from Rockpine Lane, a 44-foot wide dedicated street.

10. The project site is zoned R-1-10,000.

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11. Areas in all directions are zoned R-1-10,000, and R-1-7,500 (Single-Family Residential- 7,500 Square Foot Minimum Required Lot Area) also exists to the west of the subject property.

12. The subject property currently has one existing single-family residence and a swimming pool, each to remain. It is surrounded by single-family residences in all directions, with the Shields Canyon Debris Basin also located to the south and west of the subject property.

13. The applicant is requesting a Variance to allow less than the required minimum net lot area of 10,000 square feet in the R-1-10,000 zone for proposed Parcel Nos. 1 and 2. Single-family residences are permitted in the R-1 zone pursuant to Section 22.20.070 of the County Code.

14. The subject property is located within the Category 1 (Low Density Residential- One to Six Dwelling Units Per Acre) Land Use Category of the Los Angeles Countywide General Plan ("General Plan"). Category 1, an urban land use category, allows a maximum of four dwelling units on the subject property. The subject property contains hillside slopes greater than 25 percent, and the project proposes a density of three dwelling units, which is above the midpoint threshold of two dwelling units. Therefore, the project is subject to Hillside Management performance criteria as described in the General Plan.

15. Proposed Parcel Nos. 1 and 2 have an elevation sloping downward towards Rockpine Lane. They will each have building pad areas that use "terraced" grading to preserve the existing hillside. Retaining walls higher than six feet will be used within the side and rear yard setbacks in order to protect the terraced grading design. The retaining walls will be screened with plant materials and landscaping in order to reduce the overall aesthetic impacts of the development. The project site is designated as urban hillside development, and a minimum of 25 percent (7,025 square feet) of open space is required. The project provides 61 percent (17,377 square feet) of open space consisting of deed-restricted landscaped and natural undisturbed area within the private yard area of each residential parcel.

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and Restrictions ("CC&Rs") for the underlying Tract No. 21972; overall community compatibility; the aesthetic impact of retaining walls and future residences; slope stability/landslides; drainage; adequate open/"green" space; haul route impacts to existing roads; additional traffic to be generated after new homes are built; and traffic safety and parking concerns along Rockpine Lane.

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23. Opponents also commented on the feasibility/engineering of the project, arguing that the slopes on the subject property are at least 40 to 50 percent and too steep to develop. Opponents stated that the project will be adversely affected by "erosion" forces and that the terrain of the subject property is "unstable alluvial fan," poses a landslide risk, and referenced the previous collapse of retaining walls at a nearby Sherriff's Station-- emphasizing that heavy rains in the area can cause landslides, floods and structure failures.

24. During the May 21, 2008 Commission public hearing, the applicant's representative gave rebuttal testimony and stated that the geology and soils reports have been reviewed by the Los Angles County Department of Public Works, with clearances issued. The representative emphasized that today's subdivision standards are "much more rigorous", ensuring a safer and more compatible project. The representative also claimed that there have been "no significant landslides" in the existing subdivision. The representative clarified that the proposed setbacks are five feet for garages and 10 feet for the residences, and added that the project "preserves significant views" and the applicant has done a "good job" to adapt the development to the terrain. Finally, the representative stated that the CC&Rs have not been violated and do not preclude subdivisions.

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that the project "can work," it was the Commission's responsibility to determine whether the development "should be" permitted.

26. On May 21, 2008 the Commission discussed the project's consistency with General Plan Infill Policies and Hillside Management Performance Review Criteria. The Commission indicated that infill development should be supported, but not in the "suburban" community where the subject property is located. The subject project constitutes an "urban" style of infill development that is not compatible with General Plan infill provisions. The Commission also indicated that although the development is "feasible", the project is "stretching" the limits and intent of the Hillside Management provisions of the General Plan. The Commission stated that the Hillside Management provisions were written to "protect the hillside" and that the term "innovation" stated in the Hillside Management Performance Review Criteria applied in designing hillside projects, was "misused" to support the subject project, leading to an inappropriate development proposal.

27. On May 21, 2008 the Commission also discussed the project's community compatibility and character, and the suitability of the site for development, indicating that there are too many "community inconsistencies" with the proposed development, such as reduced front yard setbacks, "terraced" home design/floor plan, over-reliance on tall retaining walls, shortened driveway entrances and insufficient/incompatible rear yard area. The Commission stated that the local area is currently not "transitioning from suburban to urban" and that the project is "out-of-character" and will set a precedent if approved. Further, the Commission reasoned that if the project was approved, other large lots in the community "can be expected to subdivide" and that not all of the neighborhood impacts of the proposed project can be predicted. The Commission indicated that it is "not the right time or place" for the proposed subdivision and that the area may not be "the right environment" to allow a subdivision with a zoning variance. The development is "technically feasible," but the neighborhood character would be changed "dramatically". Finally, the Commission indicated that the project, if approved, would "disrupt" many of the original tract's homeowners still residing in the community for 40 or more years.

28. On May 21, 2008 the Commission, after considering all of the testimony, continued the public hearing until June 18, 2008, and instructed staff to prepare findings for denial.

29. On June 18, 2008, the Commission closed the public hearing and denied Variance Case No. 2007-00011-(5).

30. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320

West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

A. That despite special circumstances or exceptional characteristics applicable to the property, the strict application of the code does not deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications; and

B. That the adjustment authorized will constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and

C. That strict application of zoning regulations as they apply to such property will not result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards; and

D. That such adjustment will be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

THEREFORE, in view of the findings of fact and conclusions presented above, Variance Case No. 2007-00011-(5) is **denied**.

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COUNTY OF LOS ANGELES
DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
CONDITIONAL USE PERMIT CASE NO. 2005-00151-(5)

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Conditional Use Permit Case No. 2005-00151-(5) on May 21, 2008 and June 18, 2008. Conditional Use Permit Case No. 2005-00151-(5) was heard concurrently with Tentative Parcel Map No. 063010 and Variance Case No. 2007-00011-(5).

2. A Conditional Use Permit ("CUP") is required to ensure compliance with urban hillside management design review criteria, pursuant to Section 22.56.215 of the Los Angeles County Code ("County Code").

3. Tentative Parcel Map No. 063010 is a related request to create three single-family parcels (including one flag lot) on 0.73 gross acres (0.65 net acres).

4. Variance Case No. 2007-00011-(5) is a related request to allow less than the minimum required net lot area of 10,000 square feet in the R-1-10,000 (Single-Family Residential- 10,000 Square Foot Minimum Required Lot Area) zone for two proposed single-family parcels (7,750 net square feet provided for each).

5. The proposed project is an urban hillside project, as the subject property exhibits natural slopes of 25 percent or greater and is within an urban land use category of the Countywide General Plan ("General Plan"). A CUP is required for the project, since the three dwelling units proposed exceed the midpoint threshold of two dwelling units allowed for the site.

6. The subject site is located at 2716 Willowhaven Drive, within the La Crescenta-Montrose Community Standards District ("CSD") and the La Crescenta Zoned District.

7. The subject property is approximately 0.73 gross acres in size. It has variable (flat to steeply-sloping) topography, with 0.22 acres within zero to 25 percent slopes, 0.02 acres within 25 to 50 percent slopes, and 0.47 acres within slopes of 50 percent or greater.

8. The project proposes 2,114 cubic yards of cut and 156 cubic yards of fill grading, with 1,958 cubic yards of offsite export.

9. There are no Oak trees existing on the subject site.

10. Parcel No. 3 as depicted on the tentative map is a flag lot gaining access via a 16-foot wide private driveway from Willowhaven Drive, a 46-foot wide dedicated street. Parcel

Nos. 1 and 2 will gain access directly from Rockpine Lane, a 44-foot wide dedicated street.

11. The project site is zoned R-1-10,000.

12. Areas in all directions are zoned R-1-10,000, and R-1-7,500 (Single-Family Residential-7,500 Square Foot Minimum Required Lot Area) also exists to the west of the subject property.

13. The subject property currently has one existing single-family residence and a swimming pool, each to remain. It is surrounded by single-family residences in all directions, with the Shields Canyon Debris Basin also located to the south and west of the subject property.

14. The applicant is requesting a Variance to allow less than the required minimum net lot area of 10,000 square feet in the R-1-10,000 zone for proposed Parcels 1 and 2. Single-family residences are permitted in the R-1-10,000 zone pursuant to Section 22.20.070 of the County Code.

15. The subject property is located within the Category 1 (Low Density Residential- One to Six Dwelling Units Per Acre) Land Use Category of the Los Angeles Countywide General Plan ("General Plan"). Category 1, an urban land use category, allows a maximum of four dwelling units on the subject property. The subject property contains hillside slopes greater than 25 percent, and the project proposes a density of three dwelling units, which is above the midpoint threshold of two dwelling units. Therefore, the project is subject to Hillside Management performance criteria as described in the General Plan.

16. Proposed Parcel Nos. 1 and 2 have an elevation sloping downward towards Rockpine Lane. They will each have building pad areas that use "terraced" grading to preserve the existing hillside. The project site is designated as urban hillside development, and a minimum of 25 percent (7,025 square feet) of open space is required. The project provides 61 percent (17,377 square feet) of open space consisting of deed-restricted landscaped and natural undisturbed area within the private yard area of each residential parcel.

17. Staff received approximately 34 letters or correspondence from local residents-- 19 opposed and 15 in favor of the proposed development. In addition, staff received two petitions-- one with 57 signatures in opposition to the project, and another with 41 signatures in support of the project. Staff received the support petition on May 20, 2008 and provided it to the Commission at the May 21, 2008 Commission public hearing. Finally, staff received a letter from the Crescenta Valley Town Council ("Town Council") on May 20, 2008. In the correspondence received by staff, those in opposition stated

concerns related to the applicant's previous subdivision request, denied by the Commission in 1987; the violation of the existing Conditions, Covenants and Restrictions ("CC&Rs") for the underlying Tract No. 21972; overall community compatibility; the aesthetic impact of retaining walls and future residences; slope stability/landslides; drainage; adequate open/"green" space; haul route impacts to existing roads; additional traffic to be generated after new homes are built; and traffic safety and parking concerns along Rockpine Lane.

18. Correspondence in support indicated that the project will benefit the community by developing an underutilized portion of land along Rockpine Lane; appear aesthetically pleasing and not disrupt aesthetic views along of hillside; not intrude on the neighbors' privacy; improve property values in the area; utilize existing sewer, water and road infrastructure; help to eliminate existing brush fire hazards; preserve a large amount of open space; and provide additional housing needed in the community.

19. The Town Council, in its meeting on May 15, 2008, decided to take a neutral position on the proposed project. In its letter dated May 19, 2008, the Town Council outlined the details of its May 15th meeting and attached a table of the specific concerns expressed by the residents in attendance. The table also indicates that at the meeting, a total of 38 people indicated their concern of the project-- 34 in opposition and four in favor.

20. On May 21, 2008 the Commission heard a presentation from staff as well as testimony from the applicant's representative and the public. The applicant's representative made a presentation describing the proposed development. The Commission then heard testimony from three persons in support of the project, followed by testimony from 17 persons opposed. The applicant's representative was allowed one round of rebuttal before the Commission ended testimony and began its discussion.

21. On May 21, 2008 the Commission heard testimony from three persons who supported the project. Those in support stated that a "no growth" attitude exists in the community, creating a "double-standard" that is unfair to the applicant and his plans to improve his land. They stated that the future residences on the subject property will be constructed to a higher engineering standard than the existing surrounding residences and that all needed services, infrastructure and schools are already present. Supporters also emphasized that the project will be both an "improvement" and "benefit" to the community and that many property improvements (such as remodels, additions, etc.) have happened in the community and that they should "all" be supported. Finally, supporters remarked that the proposed lots are larger than many of the existing surrounding lots and that a wide street frontage is proposed for the new parcels along Rockpine Lane, which is consistent with the community.

22. On May 21, 2008 the Commission also heard testimony from 17 persons opposed to the project. Regarding the overall project proposal, opponents stated that proposed

development is not in character with the community and that the project does not conform to the "overall plan of the area". In addition, the point was made that an "out of control" subdivision precedent should not be set in the community. Opponents also stated that the same denial findings from 1987 are still valid today and that an approval would "reverse the old decision", setting a bad precedent. Opponents stated that the original tract CC&Rs influenced their decision to move to the area, they wanted them to be upheld, and that the project does not comply with the CC&Rs (which are "in force" and are a "living document"). Lastly, opponents claimed that those in support of the project do not live in the immediate area.

23. Regarding the site plan/design of the project, opponents stated that the existing lots were originally graded as "flat pads", and that the applicant's proposed "terraced" parcels, proposed setbacks and homes, are out-of-character with the community. It was stated by the opposition that the original subdivider provided "flat lots, similar floor plan designs and longer driveways", which are of a different character than the proposed development. Opponents also stated that the proposed front yard setbacks are an "unprecedented" five feet from the curb, and that the design provides inadequate driveway parking Opponents claimed that there are no "[re]subdivided properties" in La Crescenta and stressed that the community should be preserved as "stable and developed."

24. Opponents also commented on the feasibility/engineering of the project, arguing that the slopes on the subject property are at least 40 to 50 percent and too steep to develop. Opponents stated that the project will be adversely affected by "erosion" forces and that the terrain of the subject property is "unstable alluvial fan," poses a landslide risk, and referenced the previous collapse of retaining walls at a nearby Sherriff's Station-- emphasizing that heavy rains in the area can cause landslides, floods and structure failures.

25. During the May 21, 2008 Commission public hearing, the applicant's representative gave rebuttal testimony and stated that the geology and soils reports have been reviewed by the Los Angles County Department of Public Works, with clearances issued. The representative emphasized that today's subdivision standards are "much more rigorous", ensuring a safer and more compatible project. The representative also claimed that there have been "no significant landslides" in the existing subdivision. The representative clarified that the proposed setbacks are five feet for garages and 10 feet for the residences, and added that the project "preserves significant views" and the applicant has done a "good job" to adapt the development to the terrain. Finally, the representative stated that the CC&Rs have not been violated and do not preclude subdivisions.

26. On May 21, 2008 the Commission considered all testimony and discussed the facts of the case. First, the Commission discussed that while staff, in its analysis, has found

that the project "can work," it was the Commission's responsibility to determine whether the development "should be" permitted.

27. On May 21, 2008 the Commission discussed the project's consistency with General Plan Infill Policies and Hillside Management Performance Review Criteria. The Commission indicated that infill development should be supported, but not in the "suburban" community where the subject property is located. The subject project constitutes an "urban" style of infill development that is not compatible with General Plan infill provisions. The Commission also indicated that although the development is "feasible", the project is "stretching" the limits and intent of the Hillside Management provisions of the General Plan. The Commission stated that the Hillside Management provisions were written to "protect the hillside" and that the term "innovation" stated in the Hillside Management Performance Review Criteria applied in designing hillside projects, was "misused" to support the subject project, leading to an inappropriate development proposal.

28. On May 21, 2008 the Commission also discussed the project's community compatibility and character, and the suitability of the site for development, indicating that there are too many "community inconsistencies" with the proposed development, such as reduced front yard setbacks, "terraced" home design/floor plan, over-reliance on tall retaining walls, shortened driveway entrances and insufficient/incompatible rear yard area. The Commission stated that the local area is currently not "transitioning from suburban to urban" and that the project is "out-of-character" and will set a precedent if approved. Further, the Commission reasoned that if the project was approved, other large lots in the community "can be expected to subdivide" and that not all of the neighborhood impacts of the proposed project can be predicted. The Commission indicated that it is "not the right time or place" for the proposed subdivision and that the area may not be "the right environment" to allow a subdivision with a zoning variance. The development is "technically feasible," but the neighborhood character would be changed "dramatically". Finally, the Commission indicated that the project, if approved, would "disrupt" many of the original tract's homeowners still residing in the community for 40 or more years.

29. On May 21, 2008 the Commission, after considering all of the testimony, continued the public hearing until June 18, 2008, and instructed staff to prepare findings for denial.

30. On June 18, 2008, the Commission closed the public hearing and denied Conditional Use Permit No. 2005-00151-(5).

31. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents

and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

A. The proposed use is inconsistent with the General Plan, including hillside management provisions; and

B. The requested use at the proposed location will:

   i. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
   ii. Be materially detrimental to the use, enjoyment and valuation of property of other persons located in the vicinity of the site, or
   iii. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

C. The proposed site is inadequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses surrounding the area; and

D. The proposed site is adequately served:

   i. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and
   ii. By other public or private service facilities as are required; and

In hillside management areas:

A. The burden of proof for hillside management design review has not been met by the applicant; and

B. The denial of proposed dwelling units exceeding the midpoint of the permitted density range in urban hillsides is based on the inability to mitigate problems of public safety, design and/or environmental considerations, as provided in the code and the General Plan.

THEREFORE, in view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 2005-00151-(5) is **denied**.

DRAFT