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Board of Supervisors Hearing Date: October 28, 2008

Case Summary: Project No. PM063010-(5) – Tentative Parcel Map No. 063010, Variance Case No. 2007-00011-(5) and Conditional Use Permit Case No. 2005-00151-(5)

Project Applicant: Alex Rogic

RPC Hearing Date: May 21, 2008
RPC Denial Date: June 18, 2008

Synopsis

The Los Angeles County Regional Planning Commission (“Commission”) held a public hearing on May 21, 2008 and took its final action on June 18, 2008, **denying the project, by a vote of 3-0-2 (Bellamy, Valadez absent)**. The proposal includes Tentative Parcel Map No. 063010, Variance Case No. 2007-00011-(5) and Conditional Use Permit Case No. 2005-00151-(5). The project proposes to create 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. A Negative Declaration was adopted for the project, as the project was determined to not have any significant impacts on the environment.

The project is located at 2716 Willowhaven Drive, in the La Crescenta Zoned District and unincorporated community of La Crescenta-Montrose, within the Fifth Supervisorial District.

Letter from the Town Council

Staff received a letter from the Crescenta Valley Town Council (“Town Council”) on May 20, 2008. 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 presented their vote for the project-- 34 in opposition and four in favor. The May 20, 2008 letter was forwarded to the Commission prior to the May 21 Commission public hearing.

Project Support

Staff received 15 letters or correspondence from local residents and other persons in support of the project. Staff also received one petition with 41 signatures in support on May 20, 2008 and provided it to the Commission at the May 21, 2008 public hearing.

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.

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.

Project Opposition

Staff received 19 letters or correspondence from local residents in opposition to the project. In addition, staff received one petition with 57 signatures in opposition, which was forwarded to the Commission prior to the May 21 Commission public hearing.

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.

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.

Applicant Rebuttal

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 Angeles 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.

Commission Decision

On June 18, 2008, the Commission closed the public hearing and denied the project. The Commission stated its main reasons as the project’s incompatibility with the existing community character and the unsuitability of the project site for development. The denial of the subdivision request is based on the following findings of the Commission:

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

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