

November 9, 1982, Planning Commission Density Ordinance Workshop

1. ROLL CALL

Present: Bergeson, Harle, McPeak, Peterson, Signorelli,
Councilmember Ollinger
Absent: Hayes, Sharp

2. APPROVAL OF MINUTES - October 11, 1982

M/S Harle, Signorelli, to approve the minutes of October 11, 1982,
as written.

Motion carried; Commissioner Bergeson abstained.

3. DISCUSSION

Referring to McPeak's handout dated October 22, 1982, it was agreed
to move the Pfendt property from Table V to Table III as it is a
pending project again. The Dal Bozzo property (Valley Road and
Camino de Herrera) is in Table V as it is presently an abandoned
project.

Bergeson suggested that since tentative densities were suggested for
those parcels of one unit each, prior to public hearings there should
be some established criteria. Peterson suggested every one writing
a report and see what changes should be made. Ollinger agreed saying
need reasonable criteria, i.e., appearing in nearby vicinity,
equipy for recently approved applications.

Peterson said he does not understand the rationale behind the range.

Harle said the reasoning for not having a range was that always
asking for better where developer will ask for maximum and any
whittling down gets you in arguments. No point. Whole idea of
density is to give people a number to plan for. Specific rather
than range.

Discussing Table V in McPeak's October 22nd handout,

		<u>units</u>	
Murphy	5-043-22	1:1.4	looked at surrounding, i.e., Swezy 1 for 1.4 acres and Fitzsimmons 2 for 2.8 acres

Peterson pointed out that we must be careful not to downzone property
that happens to be in the "public acquisition area" in the General Plan -
because if another property contiguous gets higher density, then you
cannot downzone one next door. First zone for consistency, and then
consider "public acquisition area."

Bergeson - how about if have low income housing - upzone or downzone?
ACS - that is why I don't agree with Housing Element. Ollinger
reminded that all of that in Housing Element would be subject to
public hearings any way.

Peterson - have to say so in our methodology. i.e., downzone and make
property cheaper. Ollinger - not necessarily downzoning as don't have
zone yet. Peterson - just Ollinger do we have comparative property?

Fitzsimmons---	6-013-41	<u>units</u>	
Baumsteiger	6-013-41	1 or 2	1 with possibility of 1 more if can show access. McPeak - seems you are judging things. Nothing that says cannot come in from Mont Terrace.

Discussion about criteria again - access, size, slope.
Bergeson - you are ignoring General Plan - if you have to hesitate in
terms of density for open space and housing. i.e., how can you
designate density if something General Plan says is open space.

Ollinger - purpose of public hearings is to see what have we overlooked
and when gets down to it PC whether reduces density or minimizes because
in ridge area. i.e., Pfendt save North ridge by clustering on South ridge.

Harle - just to go in at start and say 2 I don't know.

McPeak - have to recognize that some of these parcels were definite scheme for someone to develop. Look at surrounding parcels. Two ~~or~~ - all agreed no vehement objection. Ollinger - but don't want to say-kind see kind of thing we have on Greenfield - jsut make sure note that access is consideration.

Peterson - feelme-re more comfortable going with one unit higher.

Fitzsimmons - 2 . steep but good access.

Litt - Peterson abstained. McPeak - flat. Peterson - except knoll where tank was going to go. 2.

Sunny Hills - access off Sunny Hills?

177-190-05 - Hayes had said 10/11 open and few trees - good for developin

Ollinger-- Decided on 5.

Ollinger - maybe both Sunny Hills ones should be passed along to next phase.

McPeak - have to assign alternate density 1 fair market housing 2nd for low cost.

Peterson - tempted to say 2. steep. frontage along Shaw.

6-061-24 - McPeak - how do we know that side of hill is as slide prone as other? Signorelli - side that slid was main man-created. because that side went, does not mean other one will.

6-061-24 - Peterson. 3. Think too stepp to develop upper portion. If needs one d/w off Shaw. On Shaw frontage. agreed. McPeak - have not looked at well enough. 600' frontage. Peterson - maybe should give more than 3. McPeak - conceivably 8 units. Make some consistency seems said 5 on that one then see at least 6 on this one. agreed. tentati

Dal Bozzo we okayed 5. Ollinger - steep Harle - deep ravine, bad access. McPeak - valley.

Jerome Draper. 295 Los Angeles Boulevard said Mr. Pfendt had received a letter from Mr. Leitzell, then Town Engineer, in which he stated the Town's position, and that he could expect 2.5 units on his property. He said he felt the applicant should adhere to the General Plan. Anything else is a waste of everyone's time. He also asked about economic viability, and over how many years he could expect this could be applied. He also questioned the inclusion of legal expenses in the cost sheets.

Mr. Bley said he believes these expenses were litigimate, although he admitted this area was a little unclear.

Mr. Roth stated he emphatically disagreed.

Mr. Peterson said one of the questions from the audience had been is Mr. Pfendt going to sell lots? It is apparently not his intention to build homes.

Mr. Roth stated he felt the Commission should know Mr. Pfendt's position at this time. He should tell the Commission whatever he plans to do; it would be very helpful to commit himself one way or the other.

Mr. Bley said he didn't think he could say anything at this time. It would depend on the economy.

Mr. Edridge said it was a state law that the applicant must take care of his own legal fees if he takes on the Town.

Mr. Davison pointed out that Indian Rock 1 and 2 had a lot of problems; however, there is stability on the ridge. The portion being proposed for development is the most stable and best part of the area. Aside from the political and planning standpoint, strictly from an engineering standpoint, he said he had no trouble with what is being proposed. He said the bottom line is what is going to get approved.

Jerome Draper said Mr. Pfendt has been coming here for the last 4 years. He said he thought the Commission should ask him to come before them with a plan that is going to be built.

At this time the Public Hearing was closed and discussion went to the Commission.

Commissioner McPeak stated The Commission is back where they started. The application has not submitted a complete application. He is ready to make a motion to disapprove the plan.

Commissioner Sharp. I agree we need to consider all the parcels up there. Twenty units on 12 acres is never going to be acceptable in my mind. Twenty on the whole property is not acceptable to me. That is something I would not consider. It is not our position to make the applicant's proposal. The figures that are set out in this cost estimate are something that I can't rely on. I agree with Hadden; economic viability is a big question mark. We are still looking at row houses.

Commissioner Harle: I feel exactly the same way. It has been said that Mr. Pfendt has come with all different combinations and is willing to try almost anything, but what he has not tried is less than 20 units. The economic viability is not a planning problem.

That is a problem I don't think we should have as one of our considerations. The only proposal for making money here is to sell twenty to twenty-two lots at \$80,000 each, as if that were the only viable way to make money. I feel 20 lots is too much.

Commissioner Signorelli: In the first cost breakdown, you can't charge taxes to the costs. Those are for public service and are required of everyone. Taxes are a service charge to the community. I am having a philosophical problem here. The Community will gain a great deal on that parcel. It is true that the developer does owe the community some compromise because of the Environmental Impact. I know Commissioner Sharp is concerned about the traffic. I know the people who live out on San Francisco Boulevard are concerned about that too. I feel that giving up all of that 10 acres does help buy off part of it. On the other hand, it would seem to me that the Town is going to get \$800,000 worth of property, without paying anything for it except for the mitigation that it is entitled to. I can't

support this because I don't think it is in keeping with the neighborhood up there. The project just is not in keeping with the neighborhood.

Commissioner Peterson said he thought it was pretty much cut and dried. He said he regretted the fact that the north ridge was not formally before the Commission. If it were, they would have to consider density transfer based on the advice from the Town Attorney and his reading of the General Plan. If the applicant doesn't bring the north ridge before the Commission as a part of the application, then the Commission can't possibly grant anything more than one unit per acre.

M/S McPeak, Harle that we recommend disapproval of Z-219, application of Siegfried Pfenndt, Astra Enterprises, A/P Nos. 177-250-30 & 41, off the end of Tomahawk Drive, for proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for 20 single family dwellings for the reasons it exceeds the density allowable by the General Plan and Conservation zone which allows 1 unit per acre, and second, it leaves unresolved a contiguous 12 acre parcel. Passed unanimously.

M/S McPeak and Harle to reconsider the above motion. Passed unanimously.

M/S McPeak, Harle to strike the words "recommend disapproval", and the motion would therefore read: Move to deny Z-219, application of Siegfried Pfenndt, Astra Enterprises, A/P Nos. 177-250-30 & 41, off the end of Tomahawk Drive for proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for 20 single family dwellings for the reasons it exceeds the density allowable by the General Plan and Conservation zone which allows 1 unit per acre, and second, it leaves unresolved a contiguous 12 acre parcel. Passed unanimously. P/C 12-15-82

Commissioner Signorelli mentioned the Housing Element, again stressing the 12 - 20 units per acre.

Applicant was advised of the 10 day appeal period.

At this time the Town Attorney advised the Planning Commission not to discuss this item further at this point.

4. NEW BUSINESS

A. V-1040 ROBERT L. ADRIAN 53 BELLA VISTA AVENUE

Mr. and Mrs. Robert Adrian present.

Staff reported a like variance had been granted to a Mr. Regge in March of 1980 on this parcel. She saw no problems.

Reason for the request is the lot is surrounded by creeks on three sides, and it is important to bring the house as close to the front property line as possible, since this is the only side of the property that is not creek frontage. As the land gets closer to the creek banks, the fill material is deeper, and it is essential to place the house on the more stable soil near the roadway.

Town Engineer Davison said there may be a few problems when the building permit is applied for. The improvement on Bella Vista is way over on one side of the right-of-way, and at some time in the future, it may become desirable to widen the street. The Town Engineer feels it is essential to build the new dwelling so the living and parking areas will be accessible to future street widening requirements.

Mr. Vincent Regge, seller of the lot says the road has been like this for 50 years; this is the last unimproved lot, so no additional traffic should come into the area.

Commissioner Signorelli said he spoke to the neighbor across the street who said she was concerned over the elevation of the house. This lady appeared a little later in the meeting and said she had no objections to the variance.