

To the Editor, Mission Canyon Newsletter:

There has been a lot of misinformation, rumor and innuendo flying about the Mission Canyon neighborhood at Orange Grove since our adventure began. We would like to give you the facts about us; the Cooks and Burkes.

We started out to plan the building of our new homes in Mission Canyon while we still lived in our home in Sycamore Canyon. There was another slide starting in Sycamore Canyon affecting the access to our home and we wanted to move to a safer location.

We were introduced to the property through a realtor I had met some time ago. He called to see if we would be interested in a dilapidated home in Mission Canyon. We said no thank you. Then he called us a few weeks later and asked if we would be interested in that same house but that the offer now included two more vacant lots. When he first took the listing he did not know the seller owned three lots but the seller clarified the lot situation with him and he was doing the same for us.

I said I would take a look at it and get back to him. After I saw the land and looked at the tax assessor's map and stepped off the lots an idea popped into my head: What if we bought all three lots with our best friends, the Burkes, and we both built our new homes on two lots and sold the third house to help pay for the other two? This could be a way that we could afford to have lovely new homes and live next to our best friends. I got David up to see the site and he agreed it could work! Next we took our wives up to look things over. We all like the idea. We made our offer and started to investigate the viability of our plan. How excited we were when our offer was accepted!

We started dreaming about how our houses might look, what rooms we wanted, what sizes we wanted, what styles etc. etc. This was great! Talk about doing something exciting with your pals! This was going to be quite a trip to take together.

We did our research and discovered that the lots were created back when it was legal to create them, back in the 30's and 40's, so we knew the County would certify them as legal lots. We met with the County Special Problems Committee who filled us in on what the obstacles would be. The main issue would be sewage disposal. We were advised how to do the percolation tests. Two very large and deep test holes had to be dug and filled with rock then water to see how much water would percolate in a prescribed amount of time. This was going to cost us about \$60,000 just for this one test alone! But we had to know because if the property did not percolate properly, no permits would be issued! There was also no guarantee that just because two holes percolated properly that all the other holes we would need for all three lots would percolate properly. The holes had to be on flatter parts of the lots, no closer than 10' to the lot lines and no closer than 10' to any proposed houses.

Since David Burke is an AIA architect and I am a Licensed Land Surveyor, we put our skills together to determine just where the holes could and could not go. We put up the \$60k and had the first two holes dug and tested. They passed with a fair amount of margin.

We closed escrow and moved on with our planning.

We did some deep dreaming about what our dream homes would look like. We poured over many, many plans until we all found the ones we loved!

We paid to have the rest of the test holes dug and tested for percolation. The new holes were even better than the first two holes. We had 200% to 500% of the required capacity for the three new homes.

Once we picked out our new homes we put together a site plan and started meeting with some of the neighbors. That when things started to go south. The neighbors were already not liking us drilling so many holes on our lots and upset that we had not shown them our plans sooner! Actually we had just finished making up our minds and completing our plans when we showed them the plans!

It appeared that some neighbors had already made up their minds and that they intended to stop us! One neighbor cautioned us not to go too far with our plans because their homeowner's association would be reviewing our plans and if they don't like the size of what we were proposing, we would have to scale things back.

I set up a meeting with the MCA Board right away. The Board thanked us for coming to them and told us about the MCA ARB -- their architectural review board. We set up a meeting with the MCA ARB.

By now the slide in Sycamore Canyon near our current home was moving so fast that we were very concerned that access to our home there would soon be lost. We moved out into a rental house and are still there. Temporary access to our home has been restored but we know we will just have to move out again when CalTrans fixes the slide. We planned to move to our new house in Mission Canyon soon anyway, right?

We took our plans around to the neighbors we thought would be most impacted by our new homes.

During our meetings with the neighbors we discovered a perceived drainage problem on the lower part of Orange Grove that impacted the neighbors to the east. We decided to do a topographic survey of this area to see if there was something we could do to help this situation. This also did not go well. Our intentions were misunderstood. It was suggested that we had stolen this property from the elderly woman and we were only here to make an obscene profit and leave their neighborhood in shambles. Imagine my amazement when I was there to possibly help them and was attacked with these unfair and unjustified accusations. We could not imagine why someone would start such a personal attack. Nothing we could say would change this neighbor's mind. In fact, the price we paid for the property was very close to the asking price. We released funds through escrow early so our buyer could secure the exact unit she wanted at her new retirement home. She has been extremely helpful in providing pictures and drawings for the historical report on our planned remodel for the adobe house. And even after the close of escrow we remain friends and feel quite fortunate to find out that she is even a member of our new church.

Our meeting with the MCA ARB did NOT go well at all. It seemed that every neighbor on the block was out to protest our proposed houses! They had even hired an attorney to fight us and so then we had to do the same.

We were told that the old dilapidated house on our property may be a historical house! The house is way off level, cracked and has been neglected for many years. We had planned to demolish the one bedroom, one bath house and build our dream home in its place.

We then went on to the County Board of Architectural Review

(BAR) which sent us right back to the MC ARB after all the neighbors protested our plans.

We commissioned a historic review study of the old house to put that issue to rest. To our surprise the historic experts said the house did have historic value, not because of the house itself, but because the designer of the house was a famous furniture and industrial designer and the first inhabitant of the house was an artist who painted a nice mural in a Post Office in another state which made him a “nationally known artist”. Put those two together and *voila* the house is of historic value!

Okay, so we now had to drop our dream house plans and plan to restore the old house. The Burkes were going to live on this lot but since my wife is an artist and the old house had a nice living room with a huge northern view window we decided to switch lots with the Burkes. David designed an addition to the house so we would at least have a three bedroom house. We moved the garage to the other side of the house to meet the fire codes for access to the back lot. The upper lot of the three lots fronts on another street, Valencia, but access to that street from our upper lot was limited due to the slope of the land and we wanted to save as many trees as possible. An access driveway from Valencia would have had to cross the entire lot, wiping out many of our precious trees that created our privacy from the large Spanish home uphill and adjacent to this lot. We believed moving the garage was a much better solution.

The County certified these lots as six legal lots. This certification was announced by the County Counsel’s staff at the hearing on our permit for our septic system. County Counsel explained very clearly to the neighbors just why these were 6 legal lots and what they

could do to appeal that ruling. Most of the neighbors were there and listened to exactly what they could do if they wanted to challenge the Certificate of Compliances and that there still was time to do that. The neighbors hired another lawyer to see if there was any legal reason to challenge our Certificates of Compliance. There was not. The neighbors did not challenge the Certificates further.

At the next MC ARB meeting, we were told that it would not approve our dream houses and we had to redesign them completely. We wanted Spanish or Tuscan style homes and were told that that design was for “Downtown” not here! There are plenty of Spanish homes in the immediate area. There was NO particular style of home in the neighborhood. Housing styles ranged from ranch, to Spanish, to A-frame, to contemporary funk and even a manufactured move-on home.

It was clear that if we ever wanted to build a home here we had to shift gears, which we did. David designed a restoration of the existing home and two new contemporary homes. Existing homes all around our property are developed with one, two and even three story homes. We were told that even our newly re-designed homes were too tall at two stories and too big! Our lots are next to one with a 3,850 SF Spanish two story home, and another with a 4,750 SF two story Spanish style home, but regardless, our Spanish-style homes would not be approved. Some of the neighbors said that our homes had to be reduced to one story and no larger than 1,500 SF each!

The MC ARB told us that if we made certain changes to our plans, cut out a bedroom, moved the second story back from the street etc. etc. that it would approve our plans. We did that, as much as it

hurt. And then they said that was not enough! We had to cut more and more and more. Each time we went to them the neighbors would complain and express their dislike for our plans. The MC ARB would then change the target! We began to think that the only project that would please the neighbors was NO project at all!!!

The neighbors still would not accept the fact that these were separate legal lots even though the tax assessor's map had always shown them as separate lots and even though the Mission Canyon Specific Plan recognized all of them as separate lots and did its Environmental Impact Report (EIR) considering the build-out of all the smaller lots in this particular area.

What the heck again! This can not be! Surely the BAR would protect our rights!! So after about 6 trips to the MC ARB the MC ARB decided that we needed to go on to the County BAR. The MC ARB expressed appreciation for all the changes we had made and did NOT feel we deserved its disapproval. The Board said that it would send us on with a "neutral position". But to our shock the MCA ARB's minutes were VERY negative on our plans. The County BAR said that our plans were NOT acceptable and that our project would be denied at the next hearing, unless we made MAJOR changes again!!!

Paul & Claudia Cook