

# Park Hill Estates v.2 Supervisors Hearing Oct. 16, 2012

## Applicant's Presentation- Jeff Nelson



# Summary



- There is no basis for an EIR or further delays.
- This project is exactly what the Community Plan and Housing Element environmental review anticipate here.
- Fire Dept says they are fine with our project it meets all their standards.
- It offers new improvements that County can not require.
- The County in-house expert Melissa Mooney says there is not substantial evidence of any missing bio information.

# Our request



- We have made repeated changes since inception. Dropping homes, redesigning all lots, now added off site road improvements we have no requirement to do.
- It is a fine project that deserves approval. The Planning commission approved it.
- We respectfully request that you confirm that approval by denying the appeal as staff recommends.

# Reminder-Artistic rendering of the lots & max home sizes



**LOT DATA**

Lot	Acre	Eleva
1	0.95	37
2	0.64	35
3	0.33	35
4	0.62	35
5	0.77	34
6	0.75	35
7	0.61	34
8	0.58	34
9	0.59	34
10	1.07	34
11	0.97	34
12	0.60	34
13	0.64	33
14	0.70	33
15	1.09	34
16	0.75	34



## Developments since May 2012, two Supervisors hearings



1. We talk to Fire about the Roads work program of \$95K- \$120K. We write offer to do so for timely final approval (7/19/2012)
2. We update State HCD on local infill housing processing with affordable.
  - ✦ They say “We would not discourage litigation”
3. We talk to Sheldons, GSD & EHS. Lot 10 pad is dropped 2 ft. w/ agreed architectural restrictions.
4. Planning Commission approval- Sept 5, 2012.
5. Discuss two stage improvement to the road with neighbors at their request.(9/11/2012)
6. They then file appeal.
7. We meet Oct 1, 2012 on San Antonio Creek Rd. to assess the road improvements and if additional road improvements possibly separately funded by neighbor interests are practical.

# More since May 2012



- Research- County has damages for not processing this project in legal timelines- no free pass for project delays.
- Roads provided work program summary for improvements to road at cost of max \$120,000. Flowers cross checks it.
  - Widens some key portions
  - Paving overlay
  - Delineation and Markers
  - Tree trimming
- At Tree Farm Supervisors hearing Supervisor Wolf says while she recused herself on Park Hill she always expected that lot to be developed after she moved in nearby.

# Subdivision Map



## EASEMENT LEGEND

- EXISTING EASEMENTS:**  
 (NUMBERED ITEM BELOW CORRESPONDS TO NUMBER WITHIN HEXAGON ON DRAWING)
- 1 AN EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY FOR PUBLIC PURPOSES RECORDED JUNE 10, 1947 AS INSTRUMENT NO. 480, IN BOOK 688, PAGE 499, RECORDS. 3' WIDE.
  - 2 AN EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA FOR WATER PIPE PURPOSES RECORDED JUNE 10, 1950, AS INSTRUMENT NO. 8021, IN BOOK 622, RECORDS. 10' WIDE.
  - 3 A EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA FOR WATER PIPE PURPOSES RECORDED FEBRUARY 9, 1954, AS INSTRUMENT NO. 2387, IN BOOK 1, OFFICIAL RECORDS. WIDTH VARIES.
  - 4 AN EASEMENT IN FAVOR OF FIORY A. OLIVOLO, ET UX. FOR ROAD AND PUBLIC UTILITY PURPOSES RECORDED FEBRUARY 28, 1966, AS INSTRUMENT NO. 3755, IN BOOK 1364, PAGE RECORDS.
  - 5 AN EASEMENT IN FAVOR OF ROGER W. JETTE, ET UX. FOR ROAD AND PUBLIC UTILITY PURPOSES RECORDED JANUARY 12, 1969, AS INSTRUMENT NO. 778, IN BOOK 1364, PAGE 118 RECORDS.
  - 6 A 15' EASEMENT IN FAVOR OF GOLETA WATER DISTRICT FOR PIPELINES AND

# Views toward Ocean, UCSB





# Density

The density  
16 homes  
on 14.8  
acres is  
lower than  
the average  
lot size in  
vicinity

Via Los Santos Area Properties



# Bonus Density



- The State had chosen to help infill projects, particularly those with affordable housing, as infill is preferred planning statewide.
- Infill is optimum planning.
- We have told the State the County is avoiding its housing mandates by endless processing delays.
- Remedies are available. They said they would not discourage us from seeking those judicial remedies.

# Reminder-Affordable Housing - Options



- County requires 30%+ of the project -6 affordable w/ 4 compensating units
- OR pay \$1.3 million in in lieu fees
- OR do a state bonus density project- this was our choice-
  - One very low income rental unit *Rental Casita*
- Neighbors view it as threat to their property values, it is like a 2<sup>nd</sup> unit with arch. and rental controls.

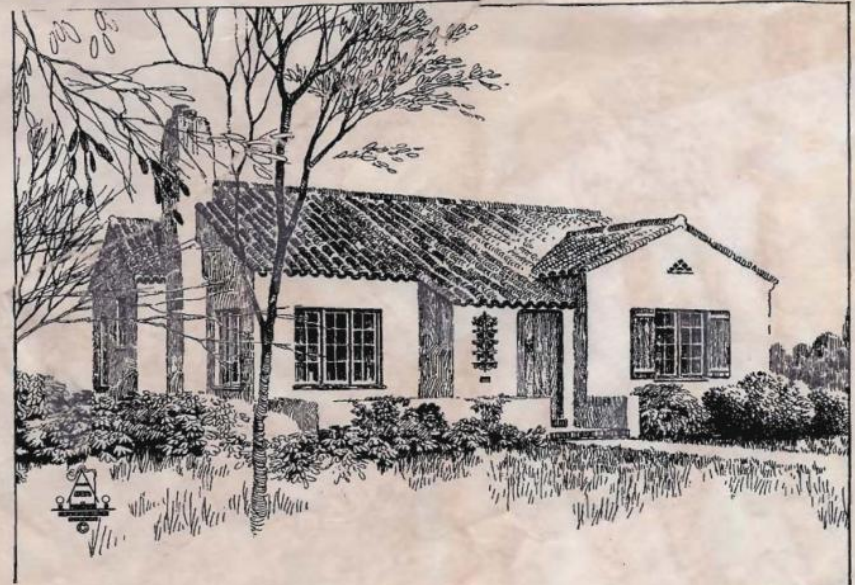
# In-lieu over the years- **this property**



- 1997- \$95,000 for 14 lots
- 2007- \$ 787,000- 12 lots
- 2011- \$1.1 million for 12 lots, \$1.3 million for 14 lots
- 2012- 2013- County to reassess

# Affordable Rental Casita

Affordable rental



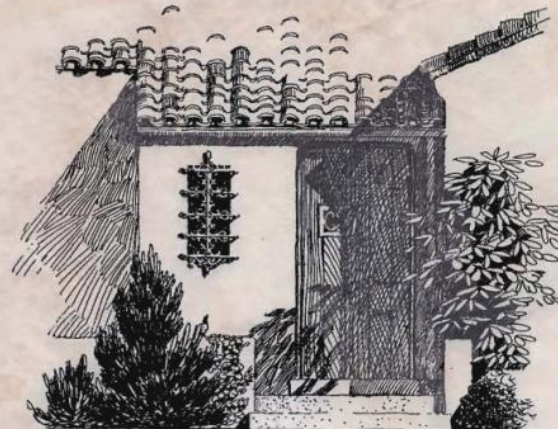
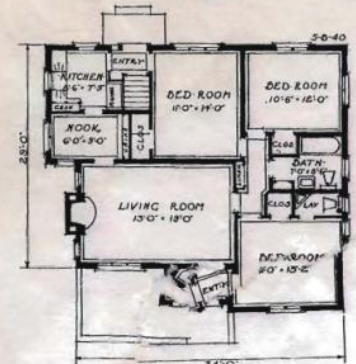
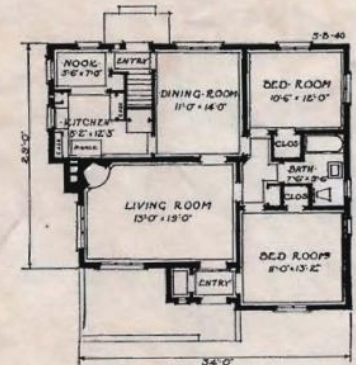
DESIGN 5-B-40

## SPANISH FROM THE GROUND UP

*With a choice of plans for your approval*

So charming is this bungalow, so studied in detail, form, and mass that no slightest change in the exterior would seem permissible. To eliminate such necessity, yet make it available to the greatest number of home builders, alternate plans are presented. One has but two bedrooms, the other three, thus meeting family needs. A study of the plans will reveal other differences, particularly in the kitchen.

Construction: Hollow tile walls, stucco finish, tile roof.



# Affordable is not different than if a lot had a lawful 2<sup>nd</sup> unit



# Example: one-story home w/ lower roof to west



# Tucker Grove emergency access

1/3 mile away



- The Road-San Antonio Creek Rd.- through Tuckers Grove was full use road until 1974
- It is an existing condition (under 24') like many roads in high fire areas
- We propose to widen it by 16 to 18 ft.
- Roads and Fire agree there is no nexus to requiring improvements for this project.
- No County funds for this as it is not on GTIP
- Fire says “it will be safer”





1/3 mile Away  
San  
Antonio  
Creek @  
Tuckers  
Grove



## Fire & Road access

- The San Antonio Creek Road-Tuckers Grove connection is an area wide issue not created by or related to our project.
- The project as built will be more fire safe than the dry summer grasses that are there now. Four new hydrants too.
- There is no substantial evidence that development of this property per its zoning presents a risk to others in the neighborhood.
- The Housing Element environmental review anticipated this number of homes here, with this road grid.

# Fire – Eric Peterson, County Fire Marshall



- “This project meets all County Fire Department standards. I’ve been in discussions with Planning & Roads as to this issue.”
- 
- “This project would not require any additional improvements to meet our standards. As has been stated many times, there is no nexus to this project to additional road improvements.”
- Asked his opinion of the proposed improvements, Peterson said, “Enhancements to that road, we see as a good thing. But again, it has no nexus to this project.”
- A Commissioner asked him – “Is it safer for the residents to have this road widened to 16-18 feet?” Peterson said, “I would have to say “yes”.

# No Nexus



- Fire Dept. confirmed at Supervisor hearing there is no nexus or requirement as to the Tuckers Grove for this project.
- Church CUP's B'nai B'rith adding a house on its site. The neighbors opposed that home, but it was approved.
- In the 2007 approval of the 12 Park Hill lots, Commissioner Cecilia Brown stated that there is **“no nexus between this project and that issue”**,

## We Contribute to solution...



- Our approved and developed project can provide the extra \$120,000 in further improvements.
- The County alone decided to limit traffic through that road in the 1970's. If they have harmed this property in doing so, it is their liability.
- This is the last available funding for this improvement, it has not been on County GTIP.
- If a CEQA suit thwarts this improvement, that is specifically the neighbors doing, specifically Mr. Vickers and Mr. Brown.

# This is just 4 more homes...



- Some 450 lots in the area,
- Castro approved 4 homes,
- CUP's over time for three houses of worship, with hundreds of members and outside users.
- County and neighbors concede 12 lots is perfectly fine & w/ 2nd units (24 total) the only issue is the incremental **4** extra homes now over that **12**.

# Grasslands, Bio



- 2007: mitigation amount: *2.7 ac.*, 2011- *6.1 acres*
- UCSB Cheadle Center gave conceptual OK to off-site restoration at West Campus Bluffs.
- Off site has been determined better than a small area in this neighborhood that would become a “biological sink”.
- **Mark DeLa Garza biologist will speak to bio.**

# Reminder- Scattered native grasses 2011



**Vegetation/Landuse Community**

- Coastal Sage Scrub  
(Coyote bush/CA. Sagebrush Series)
- Coastal Sage Scrub with Native Grassland  
(Coyote bush/CA. Sagebrush Series w/ Purple Needlegrass Association)
- Native Grassland (Purple Needlegrass Series)
- Non-Native Grassland (Cal. Annual Grassland)

- Coast Live Oak Tree (Ind.)
- Ornamental
- Rocks
- Utility

Parcel Boundary (APN #059-290-041)

50 0 50 100 Feet

Airphoto Date: 3/16/2010

**Figure 1. Vegetation/Landuse Communities**

**Park Hill Estates  
2010 Vegetation Survey**

Watershed Environmental, Inc. 6/31/10



# There is no substantial evidence requiring more biological study

- **Ms. Mooney at the Planning Commission:**
- “It comes down to the facts of the case—a 10-12 acre site with 3 acres of grasslands, we reviewed everything, and included a mitigation plan that requires restoration.
- I have read Mr. Magney’s (3) letters, and reviewed the information in them and have come to the conclusion that essentially while there is a lot of information about sampling and criticism of the County’s procedures, there are no substantial facts offered to come to his conclusions. There is no additional information, he did not find any additional species, or more grasslands. I conclude that our analysis is adequate under CEQA. “

## Cecilia Brown at the PC:



- “At the time we voted in January, I still had concerns about the biological impacts. Ms Mooney had received that day a letter from Mr. Magney which she did not have time to review.
- “The bio resource issue was resolved to her satisfaction after the December hearing.”
- “I feel more confident now that the review was totally adequate”.

# Cecilia Brown at the PC:



- Mr. Nelson's road improvements make this a better project. The Fire Department said it is a better thing. Roads said it is a good thing as well.
- I think this is a superior project to the 2007 plan, not only for the grassland mitigation, but for the fire safety as well because we are getting the offsite improvement offered by Mr. Nelson.
- This project is not perfect, but I find that the MND is adequate.

# Reminder-Bio-Grasslands



- The property has no endangered or protected species.
- At any point, if property was legally disked, it would change the baseline to no native grasses, that makes it more fire safe

# CEQA



- This exactly a project contemplated under Comprehensive Plan EIR and Housing Element ND.
- Commentators say CEQA has been hijacked by NIMBYs, used only for delay of new homes near them.
- Neighbors want an EIR rather than safer roads?
- After neighbors said, repeatedly, we want safer roads? Really?
- This proposed contribution is well beyond all legal limits.

# Time



- 42 years for the Zelucks, Cohens
- 890 days in process for this project... Which is adding four homes to an approved 12
- Time has a cost in matters economic.
- If County requires more processing or neighbors file a CEQA suit to thwart the road improvements the detriment to neighborhood safety is on them.

Two 1/2 plus years, over 400 hours of staff time



- The staff has spent over 400 hours reviewing this application and hundreds of hours in earlier applications.
- They recommend approval.
- The PC approved this project.

# Summation



- The owners have waited since the water moratorium in 1972, it is time.
- There is no factual basis for a focused EIR. It will not happen. Appellants know that well as it is simple a time blocking move.
- There are many public benefits here, including enhanced area safety.
- Neighbor(s) who still want an EIR or the 2007 plan rather than road improvements- this puts into question the legitimacy of that road improvement concern.



# Summation



- This is about **four** additional homes above the 2007 plan.
- Characterized by Cecilia Brown as a better plan than the 2007 plan.
- An adding to area safety per the Fire Department.
- The most logical way to address the County's affordable housing requirement
- The extra benefit of road improvements is above what the County can require of anyone or fund by itself.

# Summation



- A stalled process has led to this step- The County has denied this effectively for 22 months.
- An EIR request is yet another stalling attempt to add one- two more years -an effective denial.
- If the County will not stand up for good planning it deserves consequences.
- This is an outstanding project that deserves approval.

# THANK YOU

4700 Via Los Santos Area Properties



One Inch = 350' Date of Aerial : August 2008

# Extra Slides





**LOT DATA**

Lot	Acres	Footprint
1	0.95	
2	0.64	
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14	0.70	
15	1.09	
16	0.75	





Perrell Rd

Santa

Via Rubi

Via Orquidia

Via Los Santos

LOT 19

LOT 14

LOT 13

LOT 12

LOT 11

LOT 10

LOT 9

LOT 8

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

NOT A PART  
OF THIS DEVELOPMENT

# Background-A long time in coming...



- The current owners buy this property in early 1970's
- Water Moratorium- 1972- 1997.
- 1997 proposal- 14 lots
- Mired in process until Lou Zeluck dies in 2004
- Planning 2005-2007- 12 approved
- 2007 market downturn
- 2010 we enter to create a better plan
- First PC target Nov 2010
- January 2012 PC- no action on project- they ask for focused EIR

# Why Modify Permits from 2007?



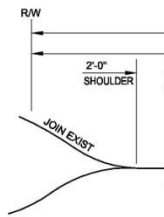
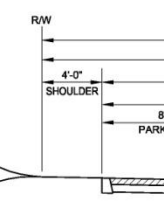
- The Property did not sell at the top of the market with the prior approval.
- Unworkable affordable in-lieu fee
- Unworkable grasslands in back yards and detention basin
- Additional lots add to economic viability.

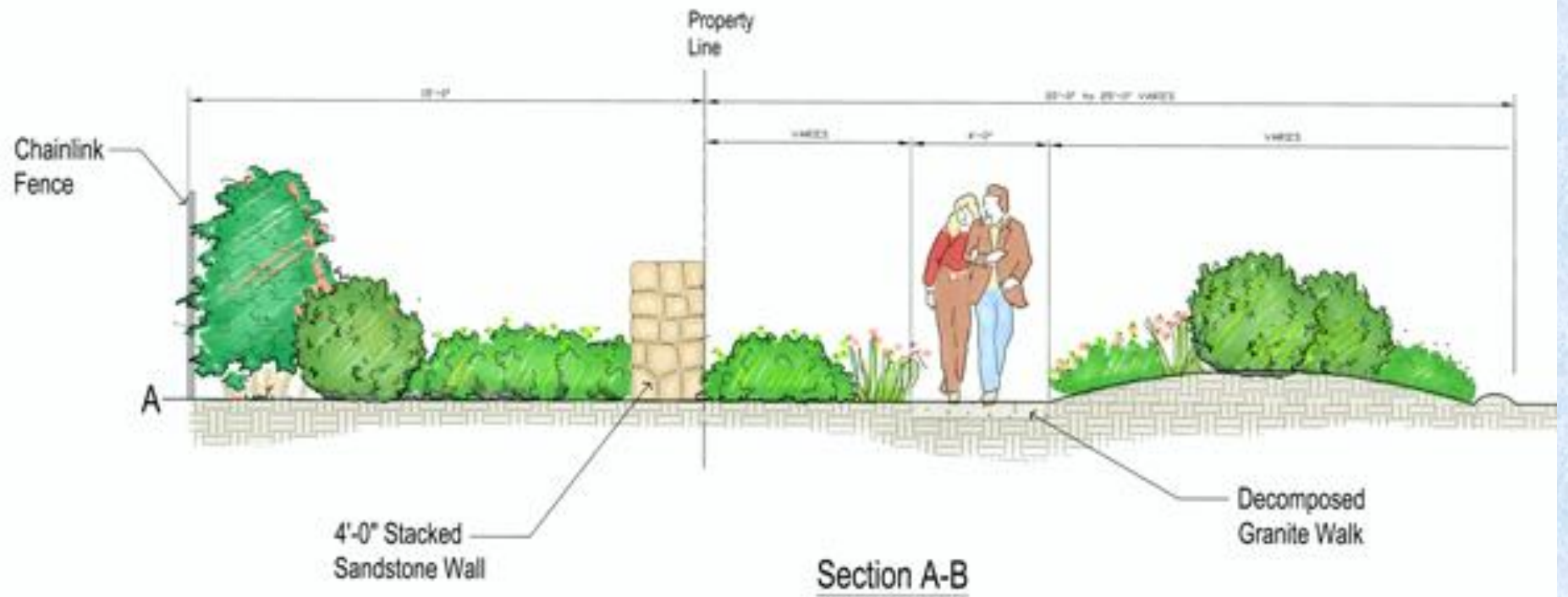




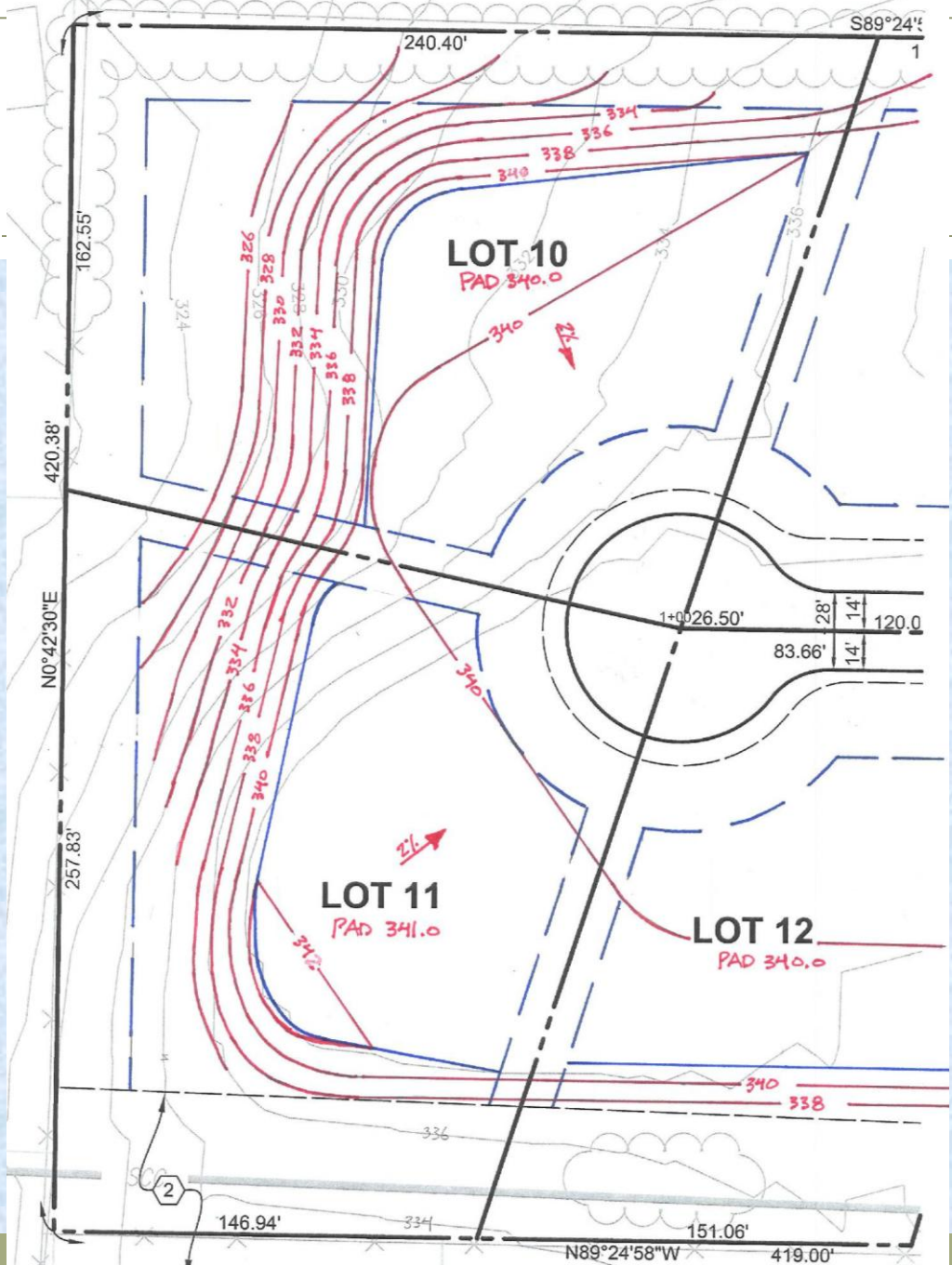


# Subdivision Improvement Plan





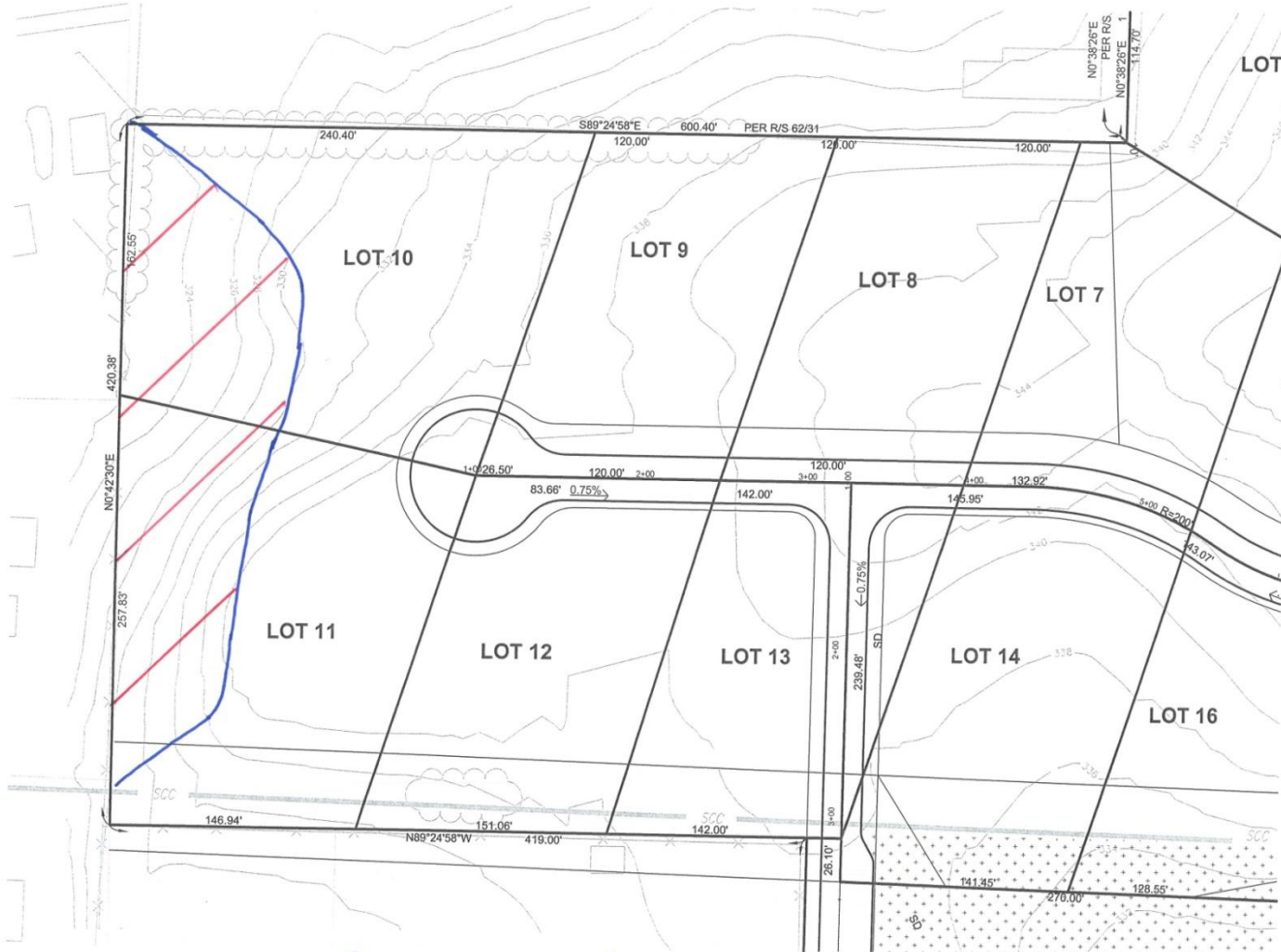




# Area draining to west AFTER



Z:\ACADDWG\1020\DWG\JUS\_Revisions\_2011\0802\1020\_TENTATIVE MAP - Standard\1020\_TENTATIVE MAP.dwg, 8/2/2011 1:32:43 PM, jschwan



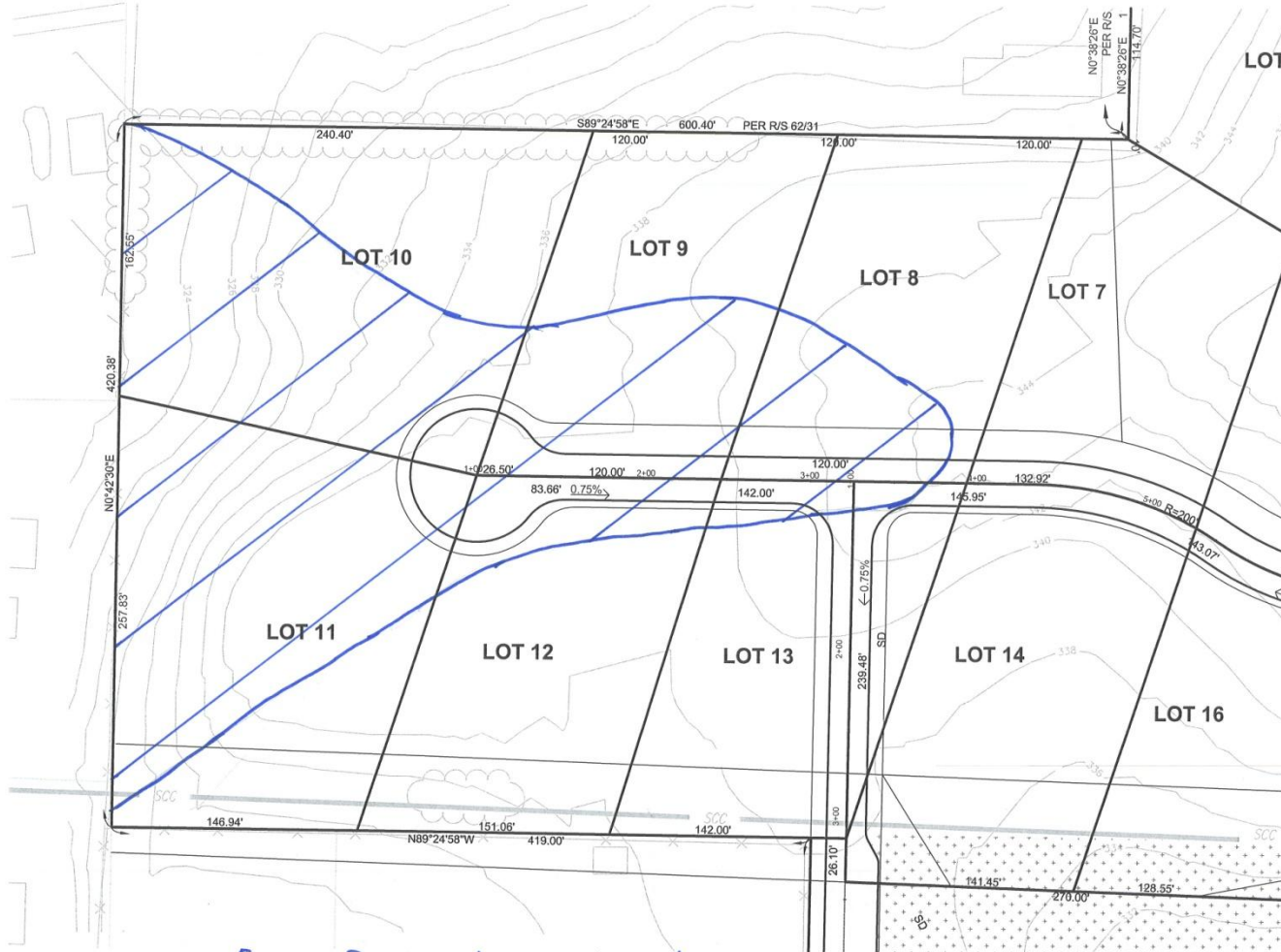
PROPOSED DRAINAGE AREA TO WEST PL

1"=60'  
W.O. 1020

# Area draining to the west BEFORE



Z:\ACADDWG\1020\DWG\JJS\_Revisions\_20110802\1020\_TENTATIVE MAP.dwg, 8/2/2011 1:32:43 PM, jschwan



EXISTING DRAINAGE AREA TO WEST

1" = 60'  
W.O. 1020



# One Acre Lots



# Approximately $\frac{3}{4}$ acre Lots

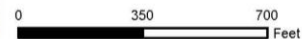


0 350 700 Feet

One Inch = 350'

Date of Aerial : August 2008

# Approximately 2/3 acre lots



One Inch = 350'

Date of Aerial : August 2008

# Approximately 1/2 acre lots



# UCSB from the Property



## Area wide issues should be handled separately



- If that road connection issue deserves a forum it can happen any time- but not at the expense of one project. It is an area-wide issue.
- New CEQA case says you review impact of a project on the environment not of the environment (County's chosen road grid) on the project
- An EIR would not change anything.
- No EIR would occur if ordered, other legal options would displace that.

# Lot 10 Revisions



- Per GSD and EHS - avoid pumping sewer
- Special study on this pad- what can meet minimum sewer gravity flow.
- 1% grade flow to sewer main in street with a wider pipe is possible.
- This get the pad down to 338 not the 340 from 2007 plan and 2010 plan.
- Height limits on structure some 60 yards from Sheldon's house too.