

Park Hill Estates v.2 Supervisors May 1, 2012



Our presentation



- There is no basis for an EIR.
- Fire Dept says they are fine with our project it meets all their standards. There is no measuring stick- no threshold of significance we trigger- much less evidence that our project is deficient from a CEQA analysis perspective on this issue.
- The County in-house expert Melissa Mooney says there is not substantial evidence of any missing bio information

Our request



- We made all changes that the neighbor rep. asked for after the PC. We already complied with all of P&D's requirements for approval.
- In a de novo hearing you can do what the PC could do- they could have and should have approved the project.
- It is a fine project that deserves approval.
- We respectfully request that approval.



(E) Vegetation
Lawn, (Typ.)
Patio, (Typ.)

Sidewalk
Bioswale

Lawn, (Typ.)
Patio, (Typ.)
Pool, (Typ.)
Gazebo, (Typ.)
Street Trees, (Typ.)
Permeable Pavers, (Typ.)

Low Sandstone Wall, (Typ.)

VIA LOS SANTOS

LOT 18 PENNELL RD. (PRIVATE)

NOT A PART
APN 059-290-040

Low Sandstone Wall, (Typ.)

SAN ANTONIO CREEK RD.

Site Entrance

LOT DATA

Lot	Acres	Elevation
1	0.95	5,100
2	0.64	5,100
3	0.33	5,100
4	0.62	5,100
5	0.77	5,100
6	0.75	5,100
7	0.61	5,100
8	0.58	5,100
9	0.59	5,100
10	1.07	5,100
11	0.97	5,100
12	0.60	5,100
13	0.64	5,100
14	0.70	5,100
15	1.09	5,100
16	0.75	5,100



DAVID R. BLACK & ASSOCIATES

Entry Concept

Subdivision Map



EASEMENT LEGEND

- EXISTING EASEMENTS:**
 (NUMBERED ITEM BELOW CORRESPONDS TO NUMBER WITHIN HEXAGON ON DRS)
- 1 AN EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY FOR PUE PURPOSES RECORDED JANUARY 10, 1947 AS INSTRUMENT NO. 480, IN BOOK 688, PAGE 498 C RECORDS, 3' WIDE.
 - 2 AN EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA FOR WATER PIPE PURPOSES RECORDED JUNE 10, 1960, AS INSTRUMENT NO. 8021, IN BOOK 922, P RECORDS, 10' WIDE.
 - 3 AN EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA FOR WATER PIPE PURPOSES RECORDED FEBRUARY 9, 1964, AS INSTRUMENT NO. 2367, IN BOOK 1; OFFICIAL RECORDS, WIDTH VARIES.
 - 4 AN EASEMENT IN FAVOR OF FIORY A. OLIVELLO, ET UX, FOR ROAD AND PUBLIC UT RECORDED FEBRUARY 28, 1966, AS INSTRUMENT NO. 3765, IN BOOK 1364, PAGE RECORDS.
 - 5 AN EASEMENT IN FAVOR OF ROGER W. JETTE, ET UX, FOR ROAD AND PUBLIC UT RECORDED JANUARY 12, 1969, AS INSTRUMENT NO. 176, IN BOOK 1365, PAGE 116 RECORDS.
 - 6 A 12' EASEMENT IN FAVOR OF GOLETA WATER DISTRICT FOR PIPELINES AND INC



Pure Infill

4700 Via Los Santos Area Properties



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



UCSB from the Property

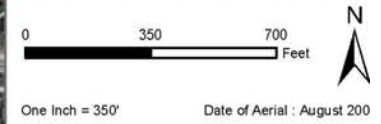


Views toward Ocean, UCSB





One Acre Lots



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



Approximately 2/3 acre lots



Approximately 1/2 acre lots



0 350 700 Feet
One Inch = 350'
Date of Aerial : August 2006

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.

2007- 2011 compared



- All homes except 4 **reduced** in size:
 - **Max sq. footage is now about the same as 2007 approval**
- 2.2 acres of on site grassland reclaimed for the home owners' use making the useable property 20% bigger than in 2007.
- Tremendous public benefit by off site restoration project.

Contributing to the greater good

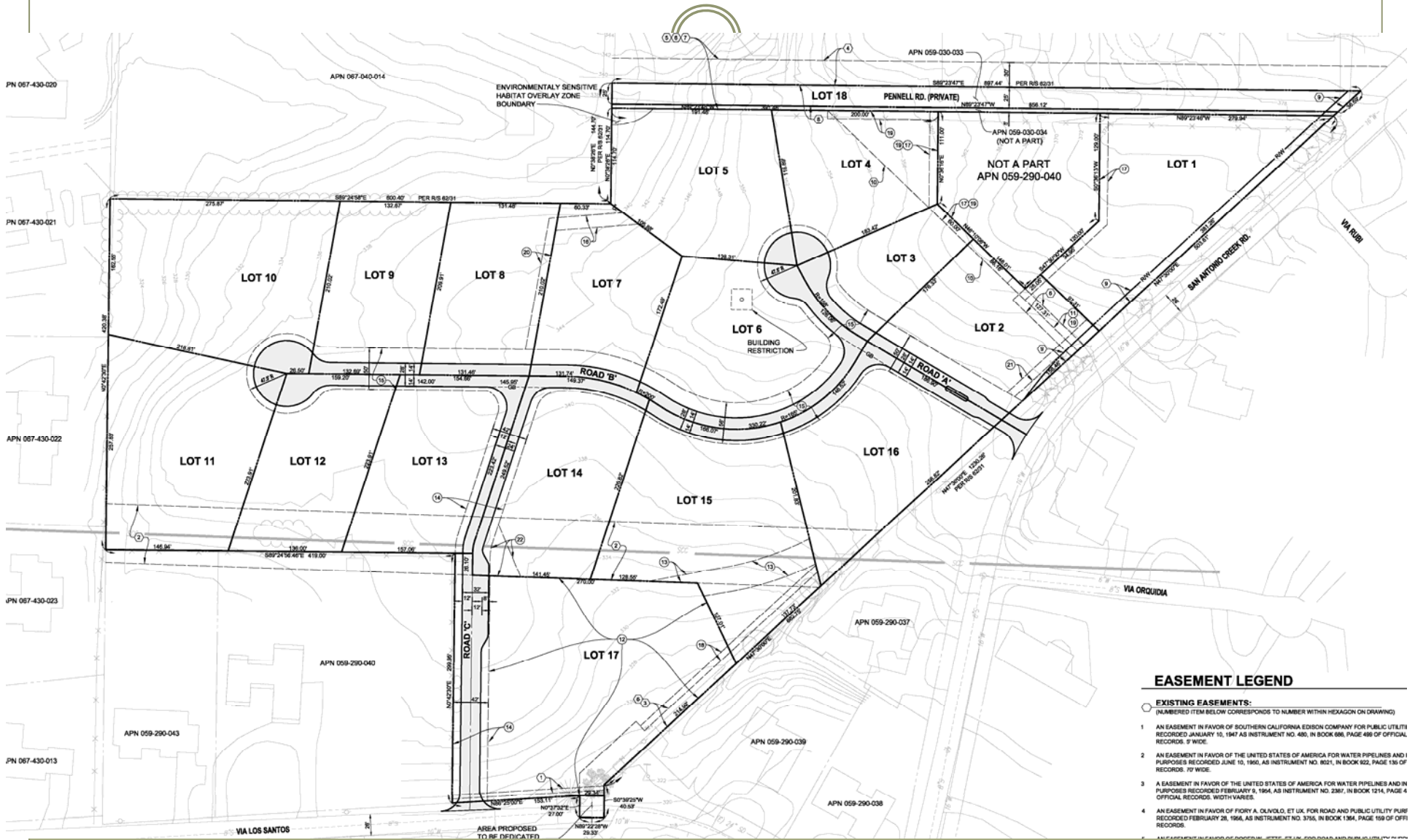


- **Safe walking route to school (bus stop)**, when we developed
- \$650,000 to the County and School Districts in fees.
- \$350,00 annual property taxes to County
- Can contribute \$203,000 to closest road issue to be addressed.

Opening the ocean view along San Antonio Creek



Tentative Tract 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 UTILITIES PURPOSES RECORDED JANUARY 10, 1947 AS INSTRUMENT NO. 480, IN BOOK 686, PAGE 486 OF OFFICIAL RECORDS, 9' WIDE.
 - 2 AN EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA FOR WATER PIPELINES AND PURPOSES RECORDED JUNE 10, 1960, AS INSTRUMENT NO. 8021, IN BOOK 922, PAGE 136 OF RECORDS, 7' WIDE.
 - 3 A EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA FOR WATER PIPELINES AND PURPOSES RECORDED FEBRUARY 9, 1964, AS INSTRUMENT NO. 2387, IN BOOK 1214, PAGE 4 OF 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. 3756, IN BOOK 1364, PAGE 159 OF OFFICIAL RECORDS.
 - 5 AN EASEMENT IN FAVOR OF JOSEPH W. STEE, ET AL, FOR ROAD AND PUBLIC UTILITY PURPOSES RECORDED FEBRUARY 28, 1966, AS INSTRUMENT NO. 3756, IN BOOK 1364, PAGE 159 OF OFFICIAL RECORDS.

Our project changes Over 2 years



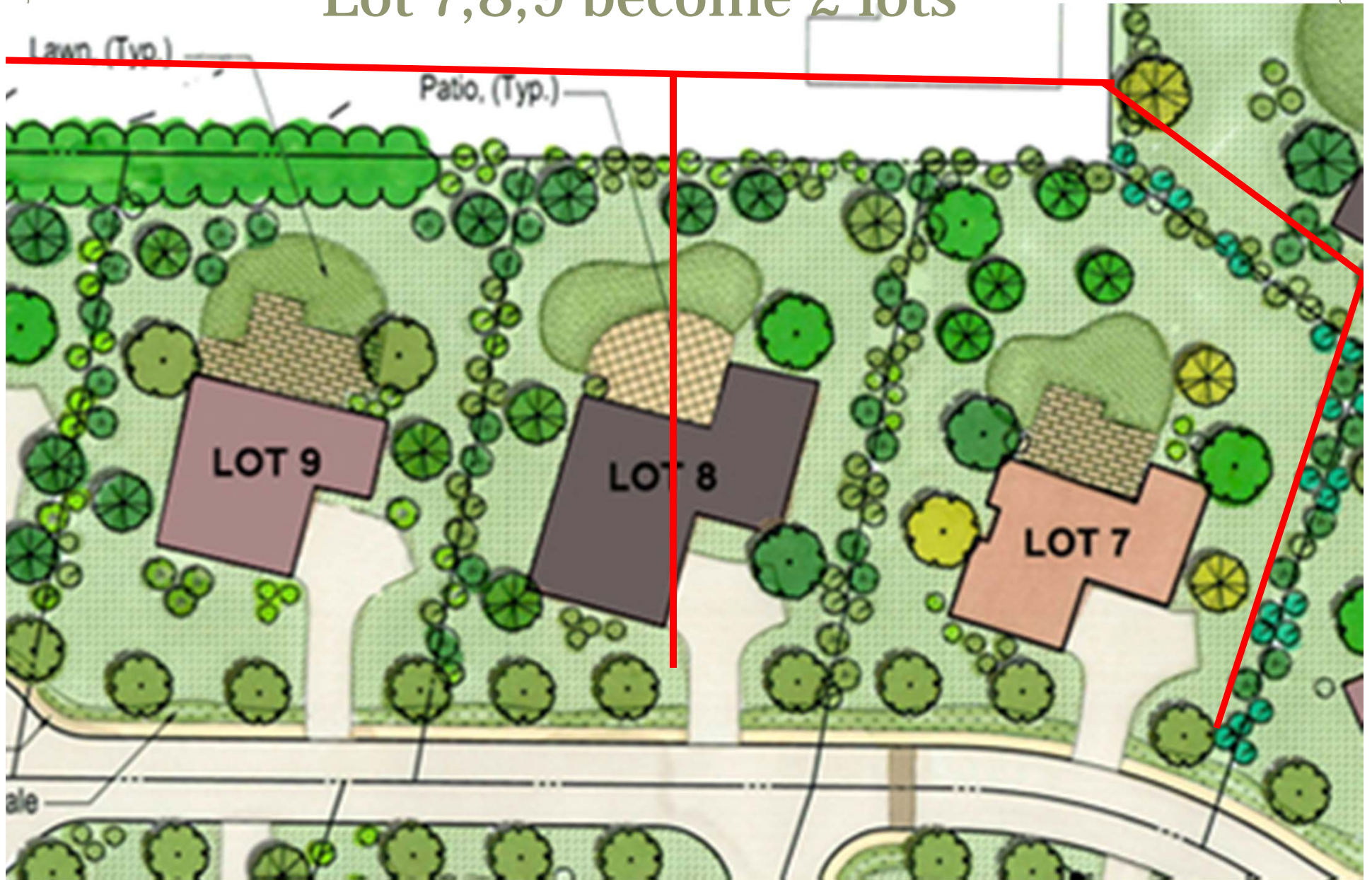
- **Round One:** Post MND hearing in July 2012: We dropped 2 lots from 17 +1 to 15+1, changed every single lot. Put the affordable inside the project.
- **Round two,** post Planning Commission Jan 2012
- Requested County do Mediation. The County: **denied**

Changes



- We request neighbors meeting Danny Vickers meets with us- we give him a list of all issue-what changes do you want? He says:
- Eliminated 1 more market unit so that it is 14 market units on 14.8 acres. **Done.**
- Modify the lot and building height on lot 10 to meet the concern of a neighbor to the west (Sheldon). **Done.**
- (We advise Staff of these two weeks ago and Alex said they are all easily understandable).

Lot 7,8,9 become 2 lots



More Changes



- **Vickers: Contribute to solution -of San Antonio Creek Road and Tuckers Grove, We offer the project road fees of \$203,000 to improving this if deemed appropriate by the County.**
- **Vickers: Sets up a method for eliminating the affordable unit in time via an in-lieu fee, if the County makes reasonable changes before the affordable is built. The County has that in process.**

Changes and reactions



- **Mr. Vickers e mail to neighbors yesterday says to neighbors to oppose the appeal because this agreed in lieu number has not been set yet.**
- **It has always been about the affordable for the neighbors**

Bonus Density & NIMBY



- 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

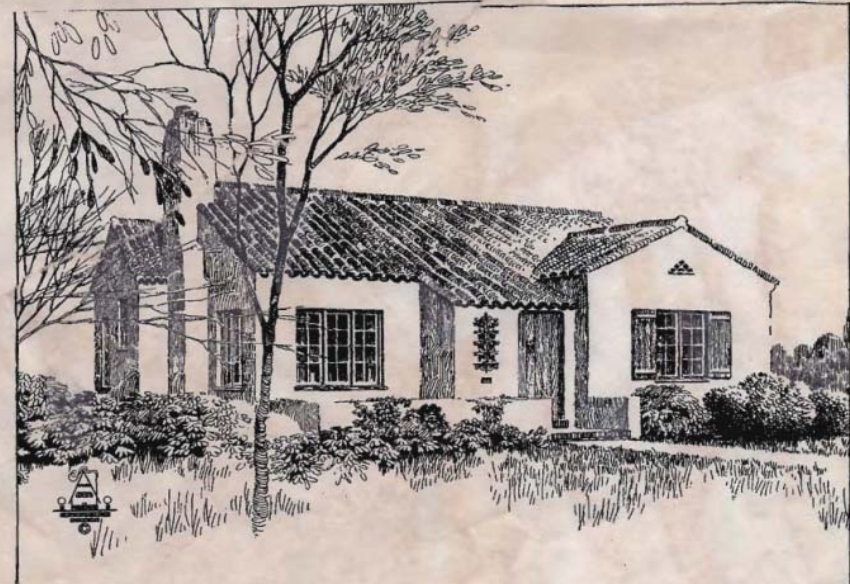
Affordable Rental

Small detached home with Classic Spanish architecture,

No garage showing from the street,

Timeless architectural element tucked in the project

Affordable rental



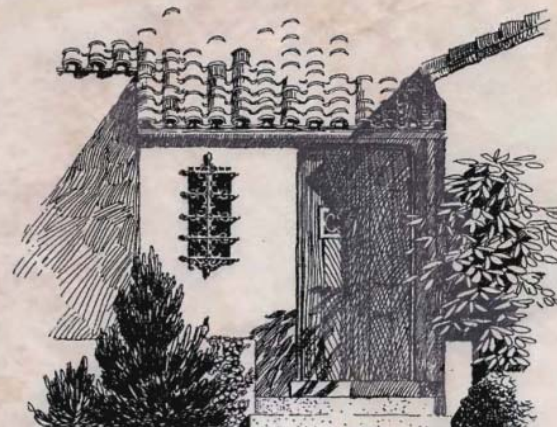
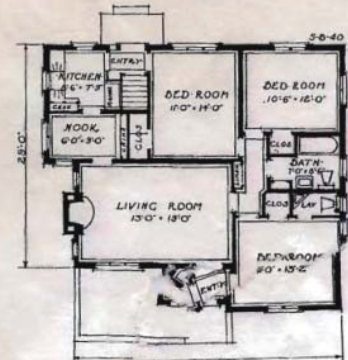
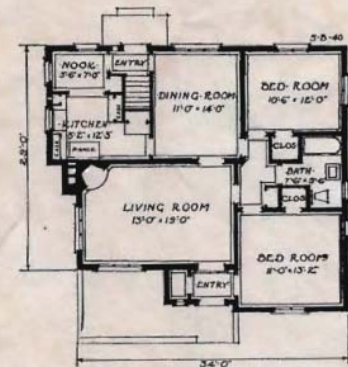
DESIGN 5-B-40

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 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- that was our choice-
 - One very low income rental unit
- Neighbors view it as threat to their property values, it is like a 2nd unit with arch. and rental controls.

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



- 1997- \$95,000 for 14 lots
- 2007- \$784,000 for 12 lots (market then crashes)
- 2009 court Case- in lieu unlawful- in that case-no nexus
- 2011- \$1,100,000 for 12 lots, \$1,300,000 for 14 lots
- 2012- County to reassess

Affordable for this project



- If decision makers want it built they should approve the project with the affordable in it and say they want it.
- We have been in processing limbo- who do we please- the County or Neighbors?

Affordable is not different than if a lot had a lawful second unit

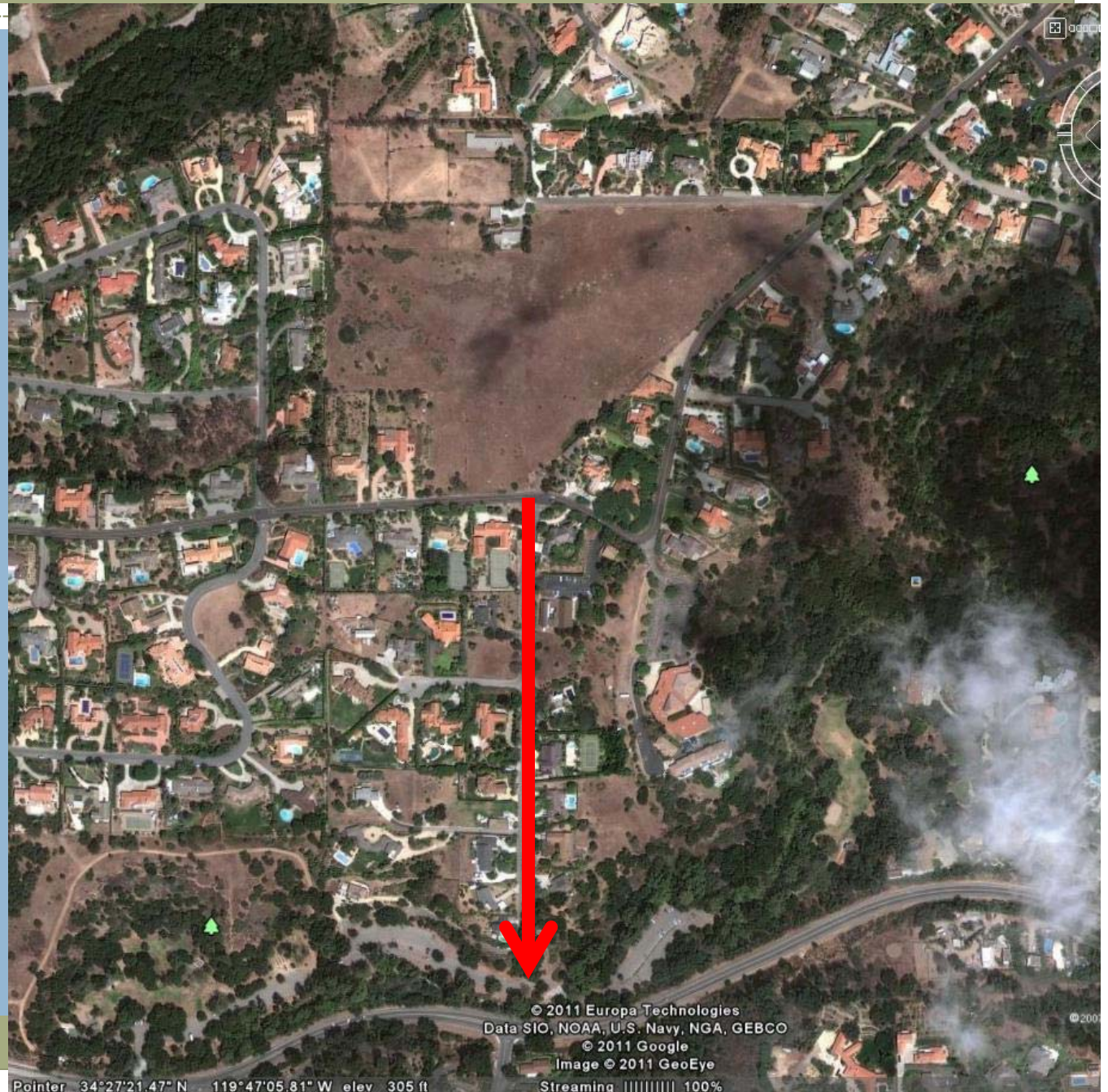


Tucker Grove emergency access

1/3 mile away

- No threshold of significance we exceed- that justifies and EIR
- The Road-San Antonio Creek Rd.- through Tuckers Grove was full use road until 1974
- Not needed for this project.

San Antonio Creek @ Tuckers Grove



Pointer 34°27'21.47" N 119°47'05.81" W elev 305 ft

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Data SIO, NOAA, U.S. Navy, NGA, GEBCO
© 2011 Google
Image © 2011 GeoEye
Streaming ||||| 100%

Fire & Road access



- The San Antonio Creek Road-Tuckers Grove connection is an area wide issue not created by or related to our project.
- Park Hill Estates v.2 meets all Fire Department requirements and
- The project as built will be more fire safe than the dry summer grasses that are there now.
- The Housing Element environmental review anticipated this number of homes here.



Sign at Tuckers Grove



Fire – Dwight Pepin at PC

It meets all our rules



“This project has less than 30 homes which for our standards only requires one access point. They have come forward with **two and that is outstanding** and we support them for that. Go to the neighborhood, **it also has two acceptable access points, San Antonio to the north and Via los Santos to the south.** “

When asked about the adequacy of the Tuckers Grove access, Captain Pepin said “**It really isn’t related to this, we don’t have the authority to direct that to this project.**”

We can contribute to a solution if the County wants



- Our approved and developed project can provide the extra \$203,000 in road fees that could be used for further improvements.
- There is no remote nexus between these last 3 homes on this site, nor the first 12 homes, on the road connection issue.
- 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.

No Nexus, it comes up for every project



- The Tuckers Grove access comes up in every area project proposed for the neighborhood. 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”**,

This is just 3 more homes...



- Some 450 lots in the area,
- La Romana, approved for 24 homes,
- 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 **3** extra homes now over that **12**).

Area wide issues should be handled separately



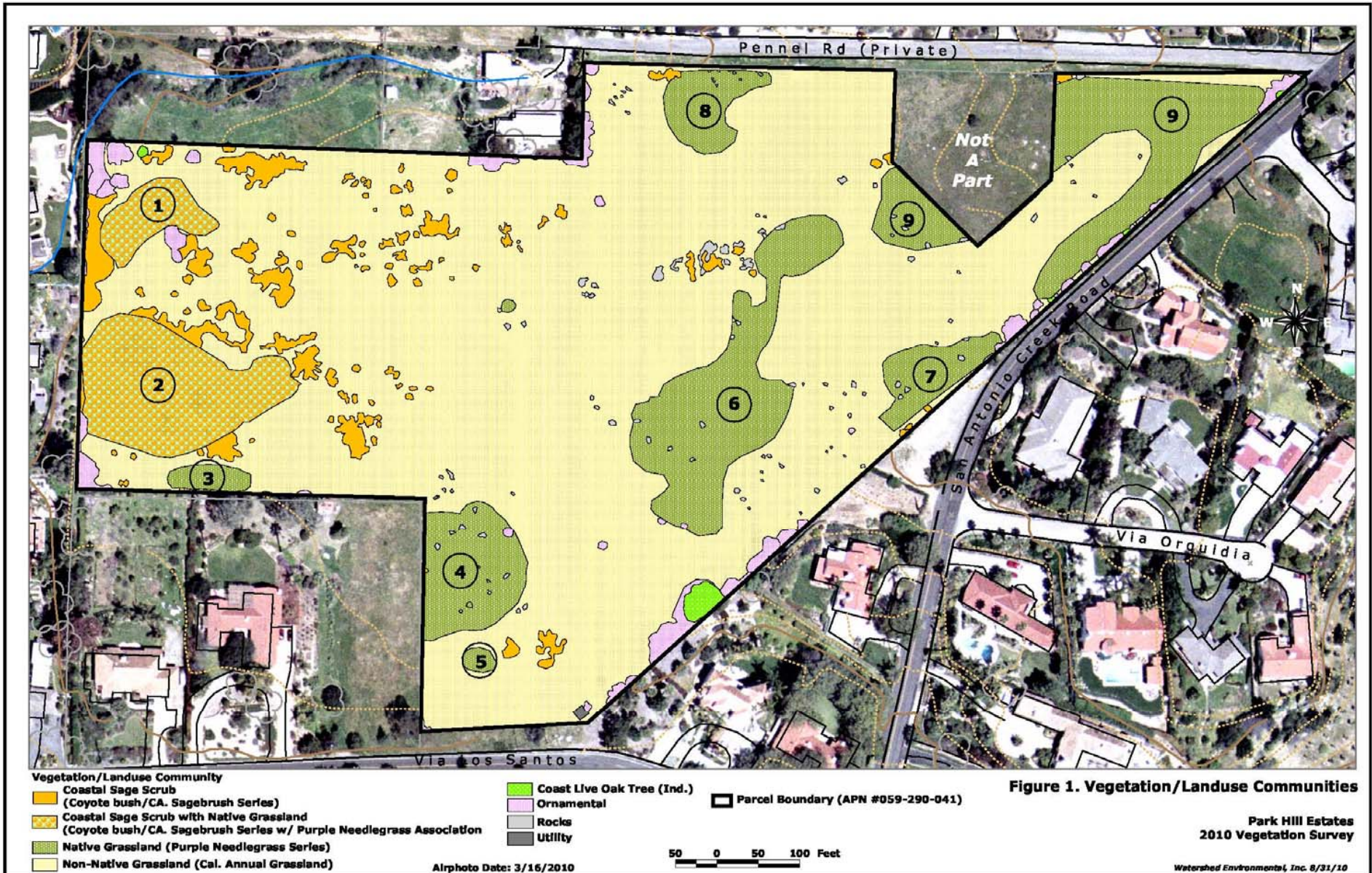
- If that road connection issue deserves a forum it can happen any time- but not at the expense of one project. It is an area-wide issue.
- New CEQA case says you review impact of a project on the environment not of the environment (County's chosen road grid) on the project
- An EIR does not change anything.

Bio-Grasslands



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

Scattered native grasses 2011

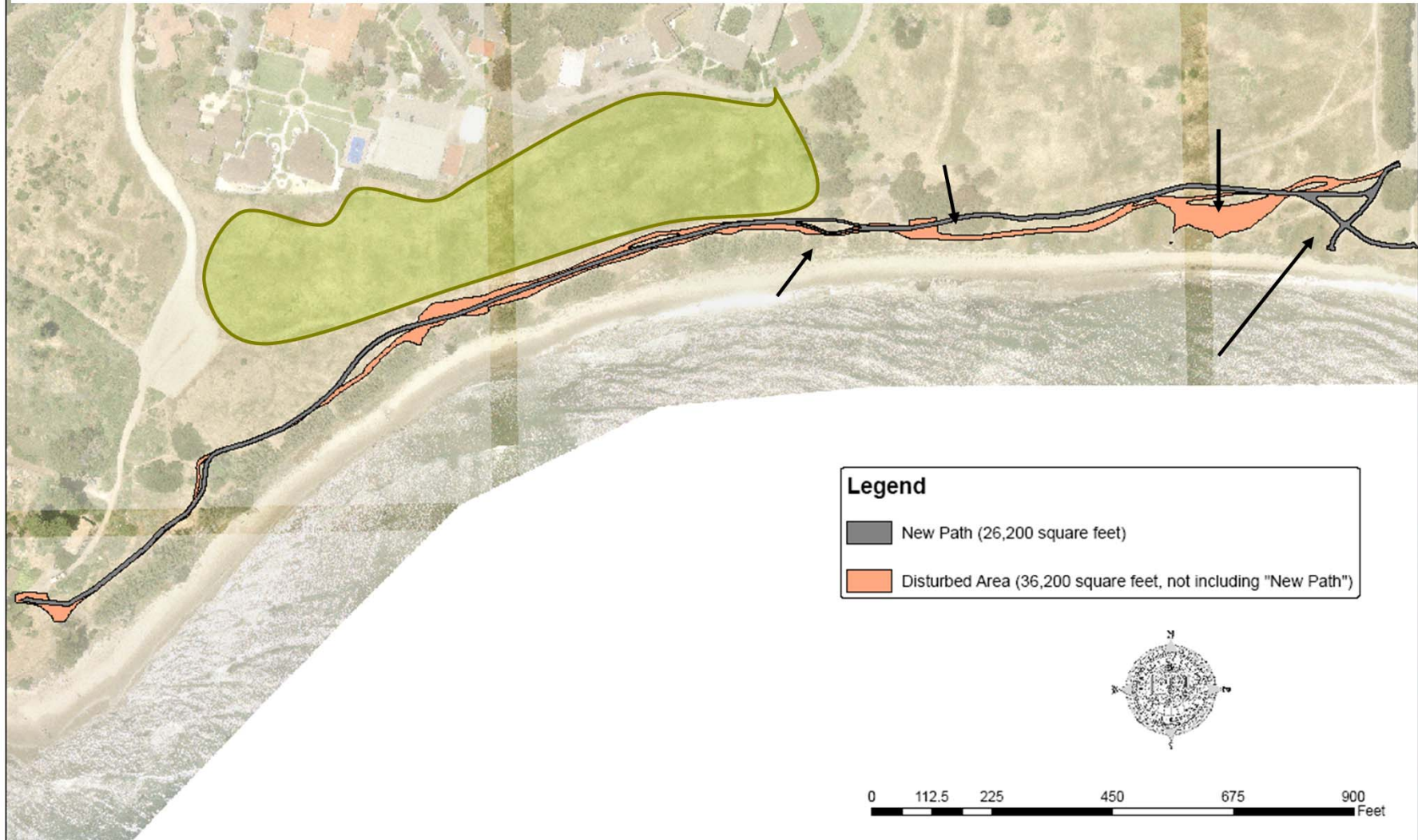


Grasslands, Bio



- 2007: *2.7 ac.*, 2011- *6.1 acres*
- Our 1-1 replacement request denied
- UCSB Cheadle Center has Ok'd in concept off-site restoration at West Campus Bluffs.
- It has transplanted Park hill grasses there already and the test is successful.
 - Lisa Stratton at Planning Commission

Proposed UCSB, West Campus Bluffs Up to 6 acre native Purple Needle Grass restoration area. Green area along restored trail.



Bio



- **Melissa Mooney**, County Biologist at PC said
- “In addition to those two (Watershed Environmental – Mark De La Garza) reports, **I have been on the project 5** ...I have also been to the mitigation site.
- **It is my professional opinion** that through **the surveys Mark De la Garza has prepared in conjunction with the surveys that I have done**, that the surveys referred to in the initial study are **adequate from a CEQA prospective.**”

Your Staff expert at the Planning Commission Hearing:



- **“There is also an additional letter from Mark de la Garza, I hope you have all had a chance to read it, because that letter is important that you review, because it addresses Mr. Magney’s letter,I believe that our sampling methods are adequate under CEQA guidelines.**
- **I also believe that the vegetation mapping is adequate.**

400 hours and staff says...



- What? A focused EIR after staff says we have met all rules and environmental standards?
- What is the point of spending two years & 400 staff hours to get to the conclusion that this project is fine as to all those details...
- Then have their recommendation unravel when some neighbors (errantly!) complain, &
- whose motivation is to stop a project with an affordable home- that is a product of County policies

.

Summation



- The owners have waited 42 years so far, it is time.
- There is no factual basis for a focused EIR. It will not happen.
- Fire Dept. said we meet all fire standards and the County Bio expert found no issue justifying an EIR

Summation



- This is about **three** additional homes above the 2007 plan.
- The most logical way to address the County's affordable housing requirement
- And fashioning an outstanding solution for the grasslands that provides a real public benefit.
- The environmental community has had not problem with this which says a lot

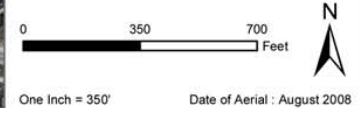
Summation



- A stalled process has led to this step- The County has denied this effectively for 18 months.
- An EIR is yet another a stalling move to add two more years -an effective denial.
- A yo- yo loop of back and forth between the Supervisors and PC will not change anything.
- 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



Extra Slides





LOT DATA

Lot	Acres	Footage
1	0.95	
2	0.64	
3	0.33	
4	0.62	
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