

NELSON LAW FIRM
735 STATE STREET
SUITE 203
SANTA BARBARA, CALIFORNIA 93101

JEFFREY C. NELSON
Phone (805) 845-7710
FAX (805) 845-7712
Jeff@JeffNelsonLaw.com

July 5, 2013

Chair Carbajal and Supervisors
Santa Barbara County
Board of Supervisors
123 E. Anapamu St.
Santa Barbara, CA 93101

Via E mail

Re: Park Hill Estates Subdivision v.2b Project
(Vesting Tentative Map for Infill Housing Project)
Hearing Date July 9, 2013
Agenda Item #1

Dear Chair Carbajal and Supervisors:

This is additional background on the project before you for approval. As Steve Zeluck once reported to you, his father and a friend, Mr. Cohen, bought this property in the early 1970's intending to develop it with about 1 house per lot for the 14.9 acres of property. The Goleta Water Moratorium delayed them for 25 years until they resumed in 1997. Various County requirements delayed their efforts until after Mr. Zeluck passed away. Subsequently, a consultant represented the owners in getting a 12-lot approval in 2007.

The specifics of that approval and the impaired housing market led the owners to an agreement with the Oak Creek Company to obtain approvals that were more market appropriate. This application made in April of 2010 was ultimately approved in October of 2012.¹ Neighbor interests and others filed a CEQA suit challenging the environmental review of that approval. After months of negotiations, a settlement was reached.

This revised project fine tunes some of the elements of the project, including mitigation methodologies. The Settlement provides very significant funds to the Petitioners and their attorney, in settlement of the suit.

Some essential elements of the Settlement and this fine-tuned project are as follows:

Emergency Egress Road Improvements

During the process, the County Public Works department came up with a Work Program under which, for \$120,000, one could do enhancements to the existing road, from lower

¹ We incorporate by reference in to the Administrative Record all of the applicant's and their consultants' input and submittals made in the Park Hill Estates v.2 project.

San Antonio Creek Road to and through Tuckers' Grove, which can and has been used in times of emergency. The Fire Department stated clearly that that road and its potential utility had nothing to do with the Park Hill housing project as there was no nexus between the two. The project agreed to voluntarily fund that \$120,000 project, if the project was not further delayed by actions such as a lawsuit. The Settlement provides from the project after Map Recordation, and amount of \$450,000 for a combination of road improvements and attorneys' fees to the CEQA Petitioners.

Grasslands Mitigation

The County increased its demand for grasslands mitigation beyond the amount and standards that applied to the project in the 2007 approval. The applicants objected to this. The cost and feasibility of implementing off-site mitigation was and is dependent upon cooperation with another party that is interested in receiving free native landscaping on their property. UCSB expressed an early interest for the West Campus Bluffs or other property. The Petitioners object to this coastal location. To feasibly implement this condition of approval, the project still must find a site on which the mitigation must be implemented.

We have, through the input of Growing Solutions, identified one possible County site adjacent to the County Solar project mitigation occurring now. The Public Park land at the Preserve at San Marcos is another potential site, but that is being planned now and is not "available" at this moment. Purple Needle Grass is not a protected or endangered plant and is available for purchase as a landscaping plant. Done correctly, it can be transplanted to allow a mitigation site to get a good start.

Because of the uncertainty of the feasibility of offsite mitigation, it is likely that a portion of the grasslands mitigation will occur onsite. This required a change in the project description.

Affordable housing

While the neighbor contestants preferred that there be no affordable home built in the project, the various regulatory implications of removing that were impractical. The Settlement includes extra measures protecting neighbors from any lack of adequate controls on the affordable casita rental. These tight controls were always a part of the contemplated handling by the developer of that regulatory requirement.

Public Sewer Assistance for a Neighbor

The Browns, who live across Pennell from Lot 1 of the project, will be facilitated in getting gravity flow sewer in conjunction with the project, which was not otherwise available to that property.

Cultural Resources

The Settlement includes additional compensation to this Petitioner and additional project Conditions of Approval as to this issue.

Conclusion

Your approval will help to allow this infill housing project to proceed. The path has been entirely unreasonable, as the County declined to timely process the 2010 project, which was consistent with your zoning and housing laws, and which should have been treated differently by the County under the State Housing Accountability Act. We have been a part of a group of local consultants who have ushered infill housing to life in Eastern Goleta for the last 25 years. It is entirely subjective as to how neighbors react to proposed projects and to having the current zoning and housing laws implemented in their neighborhood. This was the neighborhood with the strongest objection to implementing the current County requirements in their neighborhood, and unfortunately for the applicant, the County honored the neighbors' efforts to delay the project. This Settlement will now help facilitate the project going forward.

We look forward to your approval.

Thank you.

Very Truly Yours,

A handwritten signature in blue ink that reads "Jeff Nelson".

Jeffrey C. Nelson

Cc: Alex Tuttle, P & D
County CEO's office
Office of County Counsel-Lisa Rothstein